

Council Agenda

Date: Wednesday 14th December 2022
Time: 11.00 am
Venue: Council Chamber, SKA Observatory, Jodrell Bank,
Lower Withington, SK11 9FT

Access to the venue is via the 'SKA Staff Access' entrance.

As the venue is a radio quiet site, please ensure that mobile phones are turned off or switched to flight mode before entering the site.

The agenda is divided into two 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 foot of each report.

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

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

1. **Apologies for Absence**
2. **Declarations of Interest**

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

3. **Minutes of Previous Meeting** (Pages 5 - 28)

To approve as a correct record the minutes of the meeting of Council held on 19 October 2022.

Please contact Katie Small on 01270 686465
E-Mail: katie.small@cheshireeast.gov.uk with any apologies or requests for further information or to give notice of a question to be asked by a member of the public

4. **Mayor's Announcements**

To receive such announcements as may be made by the Mayor.

5. **Public Speaking Time/Open Session**

In accordance the Council Procedural Rules, a total period of 30 minutes is allocated for members of the public to speak at Council meetings. Individual members of the public may speak for up to 2 minutes, but the Chair will have discretion to vary this requirement 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 and should include the question with that notice. Questions should be submitted to: katie.small@cheshireeast.gov.uk or brian.reed@cheshireeast.gov.uk.

6. **Leader's and Deputy Leader's Announcements**

To receive such announcements as may be made by the Leader and Deputy Leader.

7. **Adoption of the Site Allocations and Development Policies Document**
(Pages 29 - 450)

To agree the adoption of the Site Allocations and Development Policies Document incorporating the Main Modifications appended to the Inspector's Report.

8. **Recommendation from Corporate Policy Committee: Domestic Taxbase 2023-24** (Pages 451 - 460)

To consider the recommendation from the Corporate Policy Committee.

9. **Recommendation from Corporate Policy Committee: High Speed Rail 2 Phase 2b - Qualifying Authority and Schedule 17 Decision-Making**
(Pages 461 - 478)

To consider the recommendation from Corporate Policy Committee.

10. **Financial Review 2022/23 - Supplementary Estimates** (Pages 479 - 496)

To approve fully funded supplementary revenue estimates for specific grants coded directly to services over £1,000,000 and supplementary capital estimates over £1,000,000.

11. **Recommendation from Environment and Communities Committee: Revised Statement of Gambling Principles** (Pages 497 - 554)

To consider the recommendations of the Environment and Communities Committee.

12. **Political Representation on the Council's Committees** (Pages 555 - 558)

To determine the political representation on the Council's committees.

Appendix to follow.

13. **Notices of Motion** (Pages 559 - 562)

To consider any Notices of Motion that have been received in accordance with the Council Procedure Rules.

14. **Questions**

In accordance the Council Procedure Rules, opportunity is provided for Members of the Council to ask the Mayor or the Chair of a Committee any question about a matter which the Council, or the Committee has powers, duties or responsibilities.

At Council meeting, there will be a maximum question time period of 30 minutes. A period of two minutes will be allowed for each Councillor wishing to ask a question. The Mayor will have the discretion to vary this requirement where they consider it appropriate.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Council**
held on Wednesday, 19th October, 2022 in the Tenants' Hall,
Tatton Park, Knutsford WA16 6QN

PRESENT

Councillor R Fletcher (Deputy Mayor/Vice Chair in the chair)

Councillors Q Abel, S Akers Smith, L Anderson, M Asquith, R Bailey, J Barber, M Beanland, M Benson, L Braithwaite, S Brookfield, D Brown, C Browne, J Buckley, C Bulman, P Butterill, J Clowes, S Corcoran, L Crane, S Davies, T Dean, D Edwardes, S Edgar, H Faddes, A Farrall, JP Findlow, K Flavell, A Gage, S Gardiner, L Gilbert, M Goldsmith, A Gregory, P Groves, S Handley, A Harewood, G Hayes, S Hogben, S Holland, M Houston, M Hunter, L Jeuda, A Kolker, C Leach, I Macfarlane, N Mannion, A Martin, A Moran, B Murphy, D Murphy, C Naismith, J Nicholas, K Parkinson, S Pochin, P Redstone, J Saunders, M Sewart, L Smetham, J Smith, L Smith, D Stockton, A Stott, R Vernon, L Wardlaw, M Warren, J Weatherill, P Williams, J Wray and N Wylie

33 APOLOGIES FOR ABSENCE

Apologies were received from Councillors M Addison, J Bratherton, S Carter, B Evans, D Jefferay, L Roberts, D Marren, R Moreton, J Parry, B Puddicombe, J Rhodes and M Simon.

34 DECLARATIONS OF INTEREST

There were no declarations of interest.

35 MINUTES OF PREVIOUS MEETING**RESOLVED:**

That the minutes of the meeting held on 20 July 2022 be approved as a correct record.

36 MAYOR'S ANNOUNCEMENTS

The Deputy Mayor, in summary:

- 1 reported the apologies of the Mayor, who was attending a funeral in the East Riding of Yorkshire.
- 2 thanked all those who had paid tribute to the Her Late Majesty Queen Elizabeth II using the Council's books of condolence and the

on-line book. The books of condolence would be transferred to the County Records Office.

- 3 thanked the Lord Lieutenant of Cheshire and the Dean of Chester for the service of commemoration for the Her Late Majesty Queen Elizabeth II held at Chester Cathedral on the day before her funeral and reported that Cheshire East Council has been well represented at the service.
- 4 reported that Helen Davies, Democratic Services Officer, was moving on to work for the Greater Manchester Combined Authority and wished her well in her new job.
- 5 highlighted engagements that the Mayor had undertaken since the last meeting of Council. These had included a visit to the local charity 'The End of Life Partnership', and attendance at the Everybody Awards where they had presented a '1st place award'.
- 6 invited Members to enjoy the wonderful grounds at Tatton Park after the meeting.
- 7 reported that those Members who had ordered wreaths for Remembrance Sunday would be able to collect them at the end of the meeting.

37 PUBLIC SPEAKING TIME/OPEN SESSION

Callum and Crystal, representing all Care experienced young people in Cheshire East, explained why the six pledges for Cared For and Young People were important, and also why all needed to act on the pledges for children and young people of Cheshire East. Councillor K Flavell, Chair of Children and Families Committee, thanked Callum and Crystal for taking the time to attend the meeting and for explaining the importance of the pledges.

Mr Stuart Redgard stated that in his opinion the highways department was not fit for purpose and gave four examples of failings in the Wilmslow area relating to the street lighting asses register, the winter gritting routes risk assessment, the two vehicle barriers on Grove Street, and the Gully Inspection programme.

In response the Chair of the Highways and Transport Committee, Cllr C Browne, stated that updating of the Street Lighting asset inventory was an ongoing process and was aware that there were still several areas where updates were required. He had been assured that the updates relating to the lighting on A538 were being dealt with as a priority and the asset data would be updated within the next 4 weeks.

With regards to the winter gritting routes risk assessment, he was not clear which roads where being referred to. As part of the winter service policy

the Council's Highways Service undertakes a comprehensive annual review which considers any changes to the network, reported incidents, new roads, revisions to bus routes, feedback from drivers and correspondence. The outcome of this process for the 2021/22 winter season was reported to Highways and Transport Committee in July. A conscious decision was made not to remove any roads which were previously part of qualifying bus routes, pending a full review of this aspect after the 2022/23 winter season.

Cllr Browne reported that a joint inspection of the condition and operation of the Grove Street barriers had been undertaken on the morning of 17 October by officers from Highways and Parking Services teams and both barriers had been found to be operable with no defects preventing opening or closing.

Cllr Browne went on to stated that during the undertaking of the gulley emptying programme there were a small number of gullies which on first visit were unable to be emptied due to access issues. This could be from stuck covers or parked vehicles. These gullies were tagged by the highways team, logged on the system and subsequently revisited for emptying at a later date with additional equipment to ensure that they could be emptied. This applied to around 3.5% of the overall gulley numbers across the highway network. During the current programme, an additional number of gullies had been identified, emptied and added to the asset inventory. This had resulted in the programme to empty over 99,000 gullies taking slightly longer and it would now be completed in November 2022. The programme dates on the progress tracker were regularly reviewed and updated.

Honorary Alderman David Neilson congratulated the Council on the pledges for Cared For and Young People. He explained that he had been a special guardian for 5 children in the last 13 years and asked the Council to think about special guardianship orders as there was no mention of them in the Strategy. Children under special guardianship were not classified as being in care, even though the local authority pays for them to be looked after by somebody. He was concerned that some of the wording on forms used did not take special guardianship into consideration and asked that this be reviewed. Councillor K Flavell, Chair of Children and Families Committee, asked if he could email her with the details so that it could be looked into.

Sarah Bradley, on behalf of a Facebook Group called The Hill Crossing Campaign, asked Councillors to support Cllr S Akers Smith Notice of Motion on crossings. She stated that the original campaign in 2018 for a crossing on the Hill was turned down as there was no private or public funding available, and the footfall criteria had not been met and in her view this criterion should be removed. The Hill in Sandbach desperately needed a crossing and the Council's support was needed to make sure that the S106 agreements monies received in 2019 were spent by 2024 or the monies would go back to the developers. Cllr C Browne,

Chair of Highways and Transport Committee, responded that the Council had a robust assessment and prioritisation process in place for requests for new pedestrian crossings. This was used in line with national guidance to allow Council resources to be directed to those sites with the highest level of need. He had been informed that there were currently no available s106 funds to support the crossing on The Hill and the s106 funds referenced were focused on improving traffic signal arrangements at the junction of The Hill and the A534. He confirmed that all new traffic signal equipment did utilise LED technology.

38 LEADER'S AND DEPUTY LEADER'S ANNOUNCEMENTS

The Leader, in summary

- 1 referred to the recently launched report by the Cheshire and Warrington Sustainable Inclusive Growth Commission, which set out projects which would help to achieve carbon neutrality by 2025 and encouraged all to read the report.
- 2 encouraged those present to search on the Cheshire and Merseyside All Together Active website for details of the campaign to encourage residents to regularly undertake 75 minutes of physical activity to reduce the risk of colon cancer, dementia, and type two diabetes.
- 3 reported that the Council was planning for increased demand for services to support residents who were experiencing financial stress, including the established support such as the household support fund, emergency assistance, housing benefit and council tax support. The Council would continue to provide essential food and fuel vouchers.
- 4 announced that the Council would be launching a Warm Places scheme to provide spaces where people could go, free of charge, to spend time to keep warm if they were struggling to heat or keep their homes warm.
- 5 reported that the Council was facing extreme financial pressures due to rising energy prices, high inflation rate and increased costs to deliver and commission essential services. The Council would be joining with other councils to call on the government to provide funding so that it could ensure that the most vulnerable were supported and aware of the help available to them.
- 6 reported that the Council had been working with town councils to produce Town Centre Vitality Plans and encouraged all to look at these plans.

- 7 encouraged those eligible to get their flu vaccine and covid booster vaccine.
- 8 reported that Crewe Pride was taking place on Saturday 22 October 2022 from 12 noon to 4 pm at Crewe Market Hall, with a parade through the town centre.

The Deputy Leader, in summary

- 1 reported that the Council was supporting residents through established support schemes such as the Household Support Fund, workplace schemes and was also providing winter wellbeing items to those residents most in need such as warm clothing and energy saving products as well as essential food.
- 2 reported that the Council was facing extreme financial pressures due to raising energy price, rising inflation and increased delivery costs.
- 3 reported that the Council had secured a grant of £151,000 to install electric vehicle charging infrastructure at 15 locations in Cheshire East, including Crewe, Knutsford, Macclesfield, Middlewich, Congleton, and Nantwich.
- 4 reported that the Council had submitted expression of interests forms for several Investment Zones in Cheshire East
- 5 reported that the Inspector had issued his final report on the examination of the draft SADPD. The Council would now prepare a version for adoption at the Council meeting on 14 December 2022.
- 6 provided an update on the HS2 petitioning process and reported that the Council had submitted petitions against the Phase 2 Hybrid Bill, setting out objections to the Bill and how would like them to be resolved.

39 **CARED FOR CHILDREN AND CARE LEAVERS STRATEGY PLEDGES**

Consideration was given to the Cared for Children and Care Leavers Strategy 2022-2026 and the six Pledges contained within the Strategy.

RESOLVED:

That the Pledges be accepted and endorsed by the Council in order to make a commitment to the Cared for Children and Care Leavers as Members and Officers and to ensure that there was a clear and joined vision to supporting Cared for Children and Care Leavers and this being everyone's responsibility.

40 FIRST FINANCIAL REVIEW 2022/23

Consideration was given to the report seeking approval for supplementary revenue estimates and capital virements as part of the First Financial Review 2022/23.

The Corporate Policy Committee, at its meeting on 6 October 2022, had considered the report and noted the recommendations to Council.

RESOLVED: That Council approve:

- 1 three fully funded supplementary revenue estimates for specific grants coded directly to services over £1,000,000, in accordance with the Financial Procedural Rules, as detailed in Appendix 1 to the report.
- 2 capital virements over £5,000,000 in accordance with the Financial Procedural Rules, as detailed in Appendix 2 to the report.

41 AUDIT AND GOVERNANCE ANNUAL REPORT 2021/22

Cllr James Nicholas, Vice Chair of the Audit and Governance Committee, presented the Audit and Governance Committee Annual Report 2021/22 to Council.

The report provided details of the work undertaken by the Committee and the assurances received during that year.

The Annual Report was received and noted.

42 POLITICAL REPRESENTATION ON THE COUNCIL'S COMMITTEES

Consideration was given to a report relating to the political representation the Council's Committees, which addressed a recent change in political group membership as the result of a group member becoming a 'non-grouped independent' councillor.

RESOLVED:

That the political group and other representation, as set out in the Appendix to this report, and the methods, calculations and conventions used in determining this, as outlined in the report, be adopted, and the allocation of places to Committees be approved.

43 APPOINTMENT OF VICE CHAIRS

Consideration was given to the appointment of the Vice Chairs of the Environment and Communities Committee and the Southern Planning Committee.

RESOLVED:

That Councillor S Akers Smith be appointed as the Vice Chair of the Environment and Communities Committee, and Councillor P Butterill be appointed as the Vice Chair of the Southern Planning Committee.

The meeting adjourned for a short break

44 **RECOMMENDATION FROM AUDIT AND GOVERNANCE COMMITTEE:
MEMBER CODE OF CONDUCT**

Consideration was given to the recommendations of the Audit and Governance Committee in relation to the Code of Conduct.

The Audit and Governance Committee recommendations were moved and seconded. During the debate an amendment was proposed to refer the matter back to the Audit and Governance Committee's Working Group to reconsider and bring forward a Code of Conduct which was supported by all on the Audit and Governance Committee.

The amendment was proposed, seconded, and put to the vote and declared lost.

Following debate on the substantive recommendations, these were put to the vote.

RESOLVED: That Council:

- 1 adopt the draft Member Code of Conduct, incorporating all amendments proposed by the Group Leaders, and
- 2 adopt the draft Member Code of Conduct Complaints Procedure to take effect following adoption of the Members Code of Conduct.

The meeting adjourned for short break.

45 **NOTICES OF MOTION**

Consideration was given to the Notices of Motion which had been submitted in accordance with the Council's Procedural Rules.

1 Fair Tax Declaration

Proposed by Councillor P Williams and Seconded by Councillor N Mannion

Recognising that Cheshire East Council already meets some of the requirements of the Fair Tax Declaration, Council resolves to sign-up to the Declaration in its entirety

RESOLVED:

That the Motion be referred to the Corporate Policy Committee or such other appropriate committee, based upon the constitutional terms of reference

Post meeting note – the Notice of Motion was referred to the Finance Sub Committee.

2 Safe Night-time Travel for Workers

Proposed by Councillor L Smith and Seconded by Councillor S Handley

This Council notes that;

- *Shift work is widespread in many industries, particularly hospitality, as well as health and care workers, retail , cleaning, security and porter staff and can often entail late-night working;*
- *Many workers, especially women, are increasingly worried about their safety travelling to and from work at night*

This Council believes that;

- *While employers may feel their duty of care to staff ends when an employee finishes a shift, they also need to take into consideration journeys home, especially during unsocial hours;*
- *The weakness of enforcement of the law against sexual assault, including up-skirting, on public transport is appalling and only 2% of victims go on to report sexual harassment on public transport;*
- *The Get Me Home Safely campaign - [Get ME Home Safely | Make Our Communities & Workplaces Safer](#) , which calls on employers to take all reasonable steps to ensure workers are able to get home safely from work at night, is greatly needed and should be supported;*
- *Greater numbers of trained staff and stronger enforcement of the law against sexual assault and harassment on public transport are urgently needed;*

This Council will;

- *Use its powers - as others such as East Dunbartonshire Council - and adopt a policy that our licensing board will ensure the process for approving late night licences will be linked to the provision of free transport home.*
- *Calls on Cheshire East Council to use its powers - as others have done – to allow our licensing board include additional criteria when considering late opening applications from licensed premises dependent on venues providing free transport home for night shift employees. This will significantly benefit the safety and wellbeing of hospitality workers,*

particularly women, who often cannot afford, or access, safe transport options late at night and benefit our community.

- Publicly call for improvement to late night and off-peak transport service provision and use the Government's Safety of Women at Night Fund to provide extra night services, as well as work with employers to use the fund for supplementary taxi travel.*
- Publicly call for the lowering of fares and opposition to any cuts to public transport funding and for our local council to use their powers and political platforms to achieve this.*
- Publicly call for the municipal ownership of buses in order to lower prices and improve service provision, especially for night-time and off-peak services and endeavour to work with Greater Manchester Combined Authority as they move forward with bus franchising using powers under the Bus services Act 2017*
- Make representation to appropriate regional and national levels of governance to bring forward national minimum standards for taxis and private hire as per the recommendations of the Task and Finishing group and in support of this motion and its demands on behalf of our local community.*

RESOLVED:

That the Motion be referred to the Environment and Communities Committee and the Highways and Transport Committee or such other appropriate committee, based upon the constitutional terms of reference.

3 Public Art Consultations

Proposed by Councillor A Gage and Seconded by Councillor S Edgar

This Council resolves that all works of public art undertaken by the council or works of public art to be undertaken by third parties on council owned land or assets should be subject to a public consultation of residents within the affected settlement area. Where singular or multiple artwork option(s) are proposed the consultation should provide the consultees with the option to oppose the proposed artwork.

The consultation should last no less than 21 days and all results should be made readily available to the Cheshire East public before a final decision is made. The consultation will act in an informative and advisory capacity with all final decisions on the commissioning of public art to be decided by the relevant body of democratically elected members as defined by the council's constitution.

RESOLVED:

That the Motion be referred to the Economy and Growth Committee or such other appropriate committee, based upon the constitutional terms of reference.

4 Tree Planting

Proposed by Councillor T Dean and Seconded by Councillor Q Abel

That this Council:

- a) recognises the significant benefits of street trees and is committed to increasing the number of street trees across the borough*
- b) will work with Town and Parish Councils to identify suitable locations for tree planting and hedgerow creation*
- c) will ensure its policies require rather than prevent the replacement of felled street trees where appropriate to do so.*

RESOLVED:

That the Motion be referred to the Highways and Transport Committee or such other appropriate committee, based upon the constitutional terms of reference.

5 Cost of Living

Proposed by Councillor J Clowes and Seconded by Councillor T Dean

We propose that:

Cheshire East Council is determined to ensure the protection of the residents of Cheshire East from the cost-of-living challenge driven by Covid and Vladimir Putin's war in Ukraine.

These combined effects have led to rising energy prices and our residents facing significant cost of living pressures.

This council is cognisant of the significant work that the Government has done to support the residents of Cheshire East. It notes the benefit that the two-year energy price guarantee and the certainty it will give to residents across Cheshire East as well as the enormous help that the £400 energy bill discount will provide to every household.

It further notes the additional support of the £650 cost of living payment for those in receipt of means-tested benefits, £300 for pensioner households and £150 for recipients of disability benefits in Cheshire East.

Cheshire East Council thanks the Government for providing equivalent support for those not on the mains energy grid and the protection of jobs in Cheshire East that the six-month protection for businesses will provide.

Cheshire East Council further welcomes the Government's longer-term plans that will maximise domestic energy produced through North Sea oil and gas, as well as nuclear energy and renewables that will contribute

towards securing energy independence in the long term and ensure that Cheshire East will never be subject to energy price hikes caused by illegal wars again.

Cheshire East Council therefore resolves to:

- 1 *Work with the Government to ensure that it delivers the much-appreciated support to the residents of Cheshire East as quickly as possible.*
- 2 *Proactively identify those most in need of support in Cheshire East and ensure that they access all the Government support for which they are eligible.*
- 3 *Identify further local opportunities in Cheshire East for energy generation to help increase the supply of energy to further aid the long-term lowering of prices, support the Government's aim of domestic energy security and create local jobs.*

RESOLVED:

That the Motion be referred to the Corporate Policy Committee or such other appropriate committee, based upon the constitutional terms of reference.

Post meeting note – the Notice of Motion was referred to the Adults and Health Committee.

6 Criteria for the installation of zebra crossings and light controlled crossings

Proposed by Councillor S Akers Smith and Seconded by Councillor L Anderson

That a report be prepared for the relevant Committee which will enable the Council to review the criteria for traffic light timings and to review the criteria for the installation of zebra crossings and light controlled crossings with the ambition to installing more each year.

RESOLVED:

That the Motion be referred to the Highways and Transport Committee or such other appropriate committee, based upon the constitutional terms of reference.

7 Hydraulic Fracturing ('Fracking')

Proposed by Councillor N Mannion and Seconded by L Anderson

Last month the Government announced the lifting of the moratorium on fracking that had been in place since 2019 following earth tremors and environmental concerns.

It is understood that certain areas of Cheshire East may have geological conditions, shale rock, suitable for the hydraulic fracturing process to extract shale gas.

As admitted by the British Geological Survey, the risk of large tremors from fracking 'remains a scientific challenge for the geoscience community'.

In addition to the risk of earth tremors there remain significant unresolved environmental concerns around the contamination of ground water and associated public health and safety issues.

Therefore, it is proposed that:

- 1. Cheshire East Council not support any activity associated with the exploration, extraction or storage and transportation of shale gas on land it owns, leases or manages.*
- 2. That where necessary, the council's environmental, mineral and planning policies be updated to deter all activities associated with fracking and shale gas exploration, extraction or storage and transportation within Cheshire East.*
- 3. Local Members of Parliament be lobbied to support this position.*

RESOLVED:

That the Motion be referred to the Environment and Communities Committee or such other appropriate committee based upon the constitutional terms of reference.

8 Debate Not Hate

Proposed by Councillor S Corcoran and Seconded by Councillor C Browne

This Council supports the Debate not Hate Campaign, signs the public statement and calls for the government convened working group to tackle this issue.

RESOLVED:

That the Motion be approved.

46 QUESTIONS

Councillor L Anderson asked what the Council was doing to encourage companies to generate renewable energies in Cheshire East to help the Cheshire East residents move away from fossil fuels and become net zero. Councillor N Mannion, Chair of Economy and Growth Committee,

responded that all were aware of support schemes for energy bills for households. The government had indicated, but not provided details of support for small and medium enterprises. Councillor Mannion undertook to provide a written response.

Councillor S Brookfield on behalf of Councillor L Smith stated that Children's Services, along with other essential services, had been operating in a context of significantly reduced funding from central government for over a decade whilst demand had continued to rise. She stated that the government were failing to support children as early as needed which could lead to greater problems in the future. She asked if it was about time that every single member of the Council called upon the richest in society to pay their tax which they could well afford and stop expecting everyone else to foot the bill. In response Councillor K Flavell, Chair of Children and Families Committee stated the reduction year on year of funding for the council has caused tremendous pressures in children's services and adults etc. and yet many of these services were statutory so there was no choice but to provide these services, - 70% of council tax was spent on services for adults and children. The government had continually cut funding, and many Councils were facing financial difficulties because of the lack of funding in areas of high needs. so yes, I would agree we need to call for better funding for children's services from the government.

Councillor S Gardiner stated he wanted the committee system to work and that if it was going to be effective, councillors' needed to be properly prepared in advance of those meetings by reading the papers and attending the briefing meeting. However, agenda papers were not always received in time to do this. Cllr Gardiner asked if consideration could be given to this matter. Councillor S Corcoran, Chair of Corporate Policy Committee, responded that, ideally, agenda papers should arrive in time to allow member to read them before the briefings but due to issues with the postal service this was not always happening. He reminded Members that agenda papers were always available online and, for climate change reasons, he encouraged members to access their agenda papers this way to save on paper and printing costs.

Councillor A Gage stated he have visited Delamere House - a multi-use Cheshire East office block in Crewe. When he had reached the floor of his destination, he found that 50 desks were occupied by roughly 4 individuals and on visiting the floor above had found this to be a similar experience. He asked what percentage of usual desk staff were currently not at their desks and what methods were being used to monitor and measure the performance and productivity of those working at home. Councillor S Corcoran, Chair of Corporate Policy Committee, stated that some of the matters raised were staffing matters and should be dealt with by officers rather than members and that a written response would be provided. Councillor Corcoran indicated that there were benefits of people working at home for climate change reasons in terms of travel time, and that home

working could also be more productive. He accepted that, as the Council moved to more of a hybrid model, there would be spare office space which was being looked into by officers.

Councillor M Houston asked about progress with the Crewe NW package works. She and Councillor Naismith during recent ward walks and during traffic monitoring exercises undertaken with local PCSOs had been able to see for themselves one of the problems that has arisen from the closure of Middlewich Road and this was that motorists were choosing to use residential side streets as 'rat runs' and local residents were worried that they were unable to cross the road safely outside their own homes.

Cllr C Brown, Chair of Highways and Transport Committee responded that the Project was being delivered in 3 phases: -

Phase 1 – included the Leighton Hall roundabout and the Smithy Lane roundabout, which should be completed by Jan 23

Phase 2 – included the Flowers Lane roundabout and Minshull new road roundabout and the East West link – and this should be completed by March 2023

Phase 3 – included the Fairfield roundabout, north south spine road and Smith New Lane and these should be completed by March 2024.

He reported that the current target was to have the road completed and fully opened to traffic by April 2024 but advised that there had already been delays caused by various utilities companies not turning up on site when booked to carry out essential works. The A530 was scheduled to be reopened in January 2023 but having said that the principal contractors were working extremely hard including working at weekends to get that section re-open earlier if possible.

Councillor L Jeuda asked what were the implications for the Council of the expected massive cuts on public spending the government was about to announce at the end of the month and, what if anything, could the Council do to try and mitigate the suffering caused for our most vulnerable residents? Councillor A Stott, Chair of the Finance Sub Committee, responded that all service committees would consider a report on how each section of the Council would deal with overspends that were being reported due to inflation, pay awards utility bills.

Councillor S Corcoran, Chair of Corporate Policy Committee, referred to the report that went to the Corporate Policy Committee setting out the £11.6 million inflationary pressures on the Council this year. He stated to put this into context, the general reserve was £14 million. This illustrated the level of pressure the Council was under.

Councillor A Kolker stated that the Leader, in their 2019 election manifesto, promised the people of Cheshire East that the rubble charges

would be abolished. He stated that this promise had been kept in Congleton by abolishing the entire tip, and asked when would the promise be honoured in the rest of the Borough? Councillor M Warren, Chair of Environment and Communities Committee, responded by stating that the Environment and Communities Committee had formed a cross party working group to look at the provisions for household waste and recycling centres across the borough in the medium to long term future. With regard to rubble charges, there was a question as to whether it should be mandatory for Councils not to be able to charge for disposal of rubble at household waste sites. Councillor Warren undertook to speak to officers and provide a written response.

Councillor S Akers Smith thanked Councillor Corcoran for his statement on providing warm banks such as libraries and community centres across the borough and asked if they would be available on Sundays, bank holidays, Christmas, Boxing Day, and New Year's Day? In response Councillor Corcoran stated he commended the work of Connected Communities Team in trying to look at what was available in the third sector. He stated that he did not believe there were any plans to open libraries on Sundays but there were other facilities available. He suggested that this was something that could be worked out best at a local level and should build on the success of the people helping people service.

Councillor C Bulman asked, given that the Council had agreed the virement of money for the Middlewich Eastern bypass, could it be confirmed if the work was on schedule to get it finished? Councillor C Brown, Chair of Highways and Transport Committee, responded that early works onsite had been completed including the ground investigations but there was a Compulsory Purchase Order process to go through. 7 objections had initially been received, 2 had been subsequently withdrawn but a public inquiry may need to be held, assuming the remaining 5 objections were not also withdrawn. That was estimated to be in November and would be followed by the submission of the final business case in Spring 2023 to the Department of Transport. Hopefully an award of funding would be made by September 2023 to allow the construction contract to be awarded by November 2023 and physical construction to begin on site by January 2024, with the final opening date targeted for Sept 2026.

Councillor P Redstone asked about Best4Business and stated that he had attended a governors meeting earlier in the week when the headteacher again reported that Best4Business had failed to deliver. The business system was 100% over budget and was still failing to deliver. In response Councillor S Corcoran, Chair of Corporate Policy Committee, stated that the matter had been debated at the Corporate Policy Committee. He was aware of some of the problems experienced by schools and that there was a special care package put in place to assist schools. He referred

Councillor Redstone to the report considered by the Corporate Policy Committee.

Councillor M Beanland stated that he had been reminded that there was a draft bio-diversity net gain SPD that was published for consultation by Cheshire East in the period May 2021 – June 2021, and asked when the final version of the document would be published. Councillor M Warren, Chair of Environment and Communities Committee, undertook to provide a written response.

Councillor S Handley asked what was the status of Great British Railways bid? Councillor C Browne, Chair of Highways and Transport Committee, responded that during the meeting a statement had been received to the effect that the legislation would not be enacted in the current parliament. He expressed his disappointment on this news.

Councillor C Naismith stated that he welcomed the prospect of Cheshire Archives being co-hosted in Crewe in the History Centre; however, he had been approached by a number of residents who would have preferred to see the existing building repurposed rather than demolition and a complete rebuild. He asked whether a full options appraisal had been carried out at the outset of this project and on what basis had it been decided that repurposing was not the preferred option. He asked whether cost of the demolition had changed because of recent inflationary pressures. Councillor N Mannion, Chair of the Economy and Growth Committee, responded to the effect that the option of repurposing it was originally included in the appraisal but that it was found not have been fit for purpose in both economic and practical terms. The building had been assessed in a practical sense as not being capable of carrying the weight of the archives, that would be moving to Crewe. That was why the repurposing option was not accepted. The project was within budget estimate because of the National Lottery funding, as match funding, enabled the Council to deliver this with Cheshire West and Chester Council.

The meeting commenced at 11.00 am and concluded at 3.30 pm

Councillor R Fletcher
Deputy Mayor/Vice Chair

COUNCIL 19 October 2022

Item 5 – Public Speaking Time/Open Session

Mr Richard Slater

Question

With many officers working from home and others self-isolating from work, is the Council considering selling-off the Westfields office or Macclesfield Town Hall?

With changed working arrangements for staff, what guarantees can you offer that public money is being used well, and what measures do you have in place to ensure appropriate productivity? I do have concerns that working from home might lead to staff not being well supervised, with this potentially leading to them becoming unproductive

Written Response

The Council is currently reviewing its office accommodation needs. No decisions have been made on disposals.

The Covid pandemic required many businesses and organisations, including Cheshire East Council, to make immediate changes to how and where some staff work. However, many of our front-line staff continued to operate as they did before the pandemic. We are looking into more hybrid ways of working, which is necessary given the recruitment and retention challenges we are dealing with. Regular supervision between staff and their line managers is routine, irrespective of where and how staff work, and we have policies for dealing with performance.

Mr Dave Poole

Question

My questions relate to agenda item 12 – Member Code of Conduct

Can anyone confirm that members will still be able to talk to the press about decisions they don't agree with i.e. the winter gritting routes and can they be negative about the Council.

In a document by the Department for Communities and Local Government it clearly states what Cllr's must do about registering your personal interests. "Holders of the public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work". With this in mind, is it a good idea for potential Cllr's to have their nomination papers signed by a member of an organisation, when you know the organization has already lobbied the Council you are hoping to win a council seat, for support either financially or committed to promoting their event.

Is this reportable to the monitoring officer or higher authority?

Written Response

Elected members can express their genuinely held views regarding council services, positive or negative, provided that these views are expressed in an appropriate manner and in accordance with relevant protocols, including the Members Code of Conduct.

The process for the declaration of interests by elected members, and the content of those declarations, is prescribed in legislation and the Members Code of Conduct. The appropriate course of action in any particular situation is very much dependent on the exact circumstances, therefore a hypothetical answer cannot be provided. If it is believed that an elected member has not correctly declared their interests, recourse is by way of a complaint to the Monitoring Officer.

COUNCIL 19 October 2022

Item 14 – Questions

1 Cllr L Anderson

Question

What is Cheshire East Council doing to encourage companies to generate renewable energies in Cheshire East to help the Cheshire East residents move away from fossil fuels and become net zero?

Written Response:

As part of the Council's commitment to influence carbon reduction and its pledge for the Borough to be carbon neutral by 2045 the Council is undertaking a detailed assessment of carbon emissions across the borough. This will form part of an update report on the Council's Carbon Neutral Plan to committee in the new year detailing best practice in decarbonisation sector by sector.

The Council is also working regionally through the Sustainable and Inclusive Growth Commission enabling and encouraging collaboration between local councils, communities and businesses to deliver decarbonisation on a regional scale. The Council is also working with Reaseheath college and other key partners to plan a second Cheshire Net Zero Carbon Conference to make connections and share best practice.

4 Cllr A Gage

Question

Whilst on council business I paid a visit to Delamere house and members will know that it is multi use Cheshire East office block in Crewe. When I reached the floor of my destination rather than the busy hub of a whirring council nucleus, I expected to find I walked into an open expanse where 50 desks were occupied by roughly 4 individuals. Just to make sure this wasn't an anomaly I visited the floor above and found this to be a similar experience. I noted that the leader of the councils support for climate change issues through things such as not printing paper so why is the council trying to be green when its heating entire office blocks which are almost empty, and can you tell members what percentage of usual desk staff are currently not at their desks and what method is being used to monitor and measure the performance and productivity of those working at home.

Written Response

Cllr Corcoran response at meeting:

Some of the matters are clearly staffing matters and should be dealt with by officers rather than members. In terms of the issue over climate

change I do think there are benefits of people working at home for climate change in terms of travel time. I do think there are occasions where it can also be more productive and I think the aim as we come out of the pandemic should be to gain from the positive experiences and learn from those but also change the way of working to a sort of hybrid model so I do accept that as we move to a more hybrid model there will be spare office space and that is something that I know the officers are looking in to.

Further to Cllr Corcoran's response at full council to your question when he said that some of the matters are clearly staffing matters and should be dealt with by officers rather than members, I would like to comment as follows:

The Covid pandemic required many businesses and organisations, including Cheshire East Council, to make immediate changes to how and where some staff work. However, many of our frontline staff continued to operate as they did before the pandemic.

Pre-pandemic the ratio of full time equivalent (FTE) staff: desk ratio was 7:10. Current ratios are being reviewed service by service. It is also worth understanding that staff are at a workstation as much as they ever were, just these are not in offices as much as they were. Very few staff have a fixed desk as such. Those who might be mainly in an office can also be in meetings or other activities away from a desk.

We are looking into more hybrid ways of working, which is necessary for several reasons, including the need to be an attractive employer given the recruitment and retention challenges we are dealing with. Regular supervision between staff and their line managers is routine, irrespective of where and how staff work, and we have policies for dealing with performance.

6 Cllr P Redstone

Question

When will B4B live up to its name? I attended a governors meeting earlier this week and the headteacher yet again had to report B4B had yet again failed to deliver. This business system is 100% over budget and still failing to deliver a best for business.

Response

It was debated in Corporate Policy Committee, cross party discussion and a mop up one day lessons learned session was held. I am aware of some of the problems experienced by schools, and I know that there is a special care package put in place to assist schools with that so rather than a written reply I might refer you to the papers from corporate policy committee.

Officers have been working directly with the headteacher to address specific issues and will continue to be available to help through the senior named contacts already provided.

The Corporate Policy Committee on 6 October 2022 considered a detailed report on the Lesson Learned from the Best4Business Programme. It concluded that programme largely achieved the outcomes agreed by Members of Cheshire East and Cheshire West and Chester Councils when the programme was commissioned in 2016. It also concluded that there are important lessons to learn for any future complex, multi-year change programmes involving numerous organisations, including around the procurement of such projects. For ease the report can be found here:

<http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=959&MId=9260&Ver=4>

The B4B Programme has now been formally closed. The day-to-day transactional services, including payroll, are run by the Transactional Services Centre, as a shared service run by Cheshire West and Chester Council on behalf of both councils.

7 Cllr A Kolker

Question

To the leader - In 2019 in your election manifesto you promised the people of Cheshire East that you would abolish rubble charges although I can see that you have kept this promise in Congleton by abolishing the entire tip I ask when you are going to honour this promise to the rest of the Borough?

Written Response:

Earlier this year the Government undertook a consultation seeking views on preventing households being charged for the disposal of DIY waste and seeking evidence on the impact of booking systems at household waste recycling centres. The Council is awaiting publication of the outcome of the consultation. Future household waste and recycling centre provision is to be reviewed by a working group established by the Environment and Communities.

11 Cllr M Beanland

Question

In light of the massacre of trees around Poynton pool I was reminded that there is/was a draft bio -diversity net gain SPD that was published for consultation by Cheshire East in the period May 2021 – June 2021 the final version of the document is yet to be published - when will document be published?

Written Response

The first Draft Biodiversity Net gain SPD was published in May 2021 and provides guidance on how Cheshire East would apply policies within its

development plan. The guidance is specifically related to policy SE3 'Biodiversity and Geodiversity' of the Local Plan Strategy and policies ENV1 'Ecological Network' and ENV2 'Ecological Implementation' of the then draft Site Allocations and Development Policies Document (SADPD).

Supplementary Planning Documents provide guidance on how policies in the development plan should be applied and in this case, two of the key policies the SPD provides advice on are held in part two of the Council's local plan, the SADPD.

The examination of the SADPD took place in November 2021 and the Council has recently received the Inspectors report which concludes that, subject to minor modifications, the SADPD is a sound plan and may be adopted.

Through the examination process it was possible the Inspector would modify policies that the BNG SPD sought to provide further guidance on, and indeed, both policies ENV1 and ENV2 have been the subject of modification. Therefore it has been necessary to await the inspectors findings in order to proceed to the final draft of the document. Further, because of its reliance on policies in the SADPD, the final draft version of the BNG SPD cannot be adopted until after the SADPD has been adopted itself. Therefore, proceeding ahead of the SADPD timetable has not been possible.

Receipt of the Inspectors report means the adoption of the SADPD will now be considered by Council in December. Subject to adoption of the SADPD, the final version of the BNG SPD may be published for consultation.

13 Councillor Naismith

Question

I strongly welcome the prospect of Cheshire archives being co-hosted in Crewe in the History Centre; however, I have been approached by a number of residents who would have preferred to see the existing building repurposed rather than demolition and a complete rebuild. Can the chair of Economy & Growth committee advise on whether a full options appraisal was carried out at the outset of this project and on what basis was it decided that repurposing was not the preferred option? Has the cost of the demolition changed because of recent inflationary pressures?

Written Response

The reuse of the existing library building - unfortunately the building is one of its age and constructed using methods of its time. the option of repurposing it was originally included in the appraisal however it was found not to be fit for purpose in both economic and practical terms.

The other building being used will be in Chester Building. It will be used to store items and documents that are over a thousand years old, in a very

sensitive environmentally controlled building. The building was assessed in a practical sense as not being capable of carrying the weight of the archives, that would be moving to Crewe. That is why the repurposing option was not accepted.

Costs – figures of retail price inflation are 10.1% at the moment. We know that in the construction industry that is probably higher still. The project is within budget estimate because we will be relying upon national lottery funding as match funding to deliver this with ourselves and Cheshire West and Chester Council. Cost plans have been completed to RIBA3 stage and these are within budget. That includes significant allowances for inflation (taking account of the higher than normal BICS inflation rate that tracks the construction indices) and with significant 'client risk' allowances on top. Clearly, we cannot accurately address cost until the project is tendered, but we do feel that sufficient allowances have been made at this stage to give a good measure of confidence. The cost plan for part of the scheme (related to the public realm) has also been externally verified as part of the Towns Fund bid to Government.

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Working for a brighter future together

Council

Date of Meeting:	14 December 2022
Report Title:	Adoption of the Site Allocations and Development Policies Document
Report of:	Jayne Traverse, Executive Director of Place
Ward(s) Affected:	All Wards

1. Purpose of Report

- 1.1. This report outlines the findings and recommendations of the Inspector in respect of the examination of the Site Allocations and Development Policies Document ("SADPD") and invites the Council to adopt the Plan.

2. Executive Summary

- 2.1 The Council submitted the SADPD to the Secretary of State for public examination in April 2021. The examination has now concluded with the receipt of the Inspector's Report. This enables the Council to proceed and adopt the Plan. To do this, all the Inspector's recommended Main Modifications must be incorporated into the Plan. No other material amendments can be made by the Council at this stage.
- 2.2 The adoption of the SADPD would put in place up to date, non-strategic planning policies as part of the statutory development plan. These would replace the remaining saved policies in the local plans prepared by the predecessor borough councils and more closely align with the priorities of the Council's Corporate Plan.

3. Recommendations

- 3.1. That Council:
- 3.1.1. adopts the SADPD (Appendix 1) and Policies Map (<https://maps.cheshireeast.gov.uk/ce/localplan/adoptedpoliciesmap2022>), which incorporate the Inspector's Main Modifications (Appendix 2) and the Council's Additional Modifications (Appendix 3);

- 3.1.2. notes that the SADPD, upon adoption, would replace all the remaining saved policies in the Congleton Borough Local Plan First Review (adopted 2005), the Borough of Crewe and Nantwich Replacement Local Plan (adopted 2005) and the Macclesfield Borough Local Plan (adopted 2004); and
- 3.1.3. authorises the Head of Planning to make any final, editorial amendments to the SADPD prior to final publication, such amendments being restricted to correcting minor typographical errors and formatting.

Reasons for Recommendations

- 3.2. The Council has committed to preparing the SADPD and put in place an up to date suite of non-strategic planning policies that will apply borough wide, alongside the strategic policies of the adopted Local Plan Strategy.

4. Other Options Considered

- 4.1. There are no other realistic options.

5. Background

- 5.1. The Cheshire East Local Plan is both a key corporate document and legally required policy document, setting out the framework for sustainable development over the period 2010 to 2030.
- 5.2. The first part of the Council's Local Plan, the Local Plan Strategy (LPS), was adopted in July 2017. It sets out the vision and overall spatial strategy for the borough. It includes strategic policies and allocates strategic sites for development.
- 5.3. The SADPD is the second part of the Local Plan. Its purpose and scope are limited to making provision for additional sites, where necessary, to accommodate the level of growth anticipated for specific uses and locations left over from the adopted Local Plan Strategy. It allocates a limited number of additional, generally smaller-scale sites for development and, in the north of the borough, designates parcels of safeguarded land around Local Service Centres. It defines detailed boundaries for settlements and for village infilling to support LPS policies to protect the countryside, as well as providing a range of more detailed development management policies.
- 5.4. The preparation of the SADPD commenced in 2016 and, as well as being informed by relevant evidence, has been shaped by the feedback received through public consultation. The Plan, with its accompanying Sustainability Appraisal and Habitats Regulations Assessment, underwent four formal periods of public consultation prior to its submission for public examination:
- Issues Paper - February 2017
 - First Draft SADPD - September 2018
 - Publication Draft SADPD - August 2019

- Revised Publication Draft SADPD - October 2020

A total of 8,966 representations were received during these four consultation stages.

- 5.5.** Following a decision by Full Council, the SADPD was submitted to the Secretary of State on the 29 April 2021. Planning Inspector Mike Hayden was appointed to examine the Plan. Hearing sessions took place over ten days between 12 October and 4 November 2021. The Inspector's post-hearing comments were published in the examination library on 26 January. In these, the Inspector indicated that the Plan was likely to be found legally compliant and sound subject to a number of changes, known as Main Modifications.
- 5.6.** The Inspector's proposed Main Modifications along with proposed modifications to the Plan's Policies Map, were published by the Council for six weeks consultation between 19 April and 31 May 2022¹. These were accompanied by supporting addendums to the Plan's Sustainability Appraisal and Habitats Regulations Assessment.
- 5.7.** All 262 representations received were then passed to the Inspector for consideration. To assist the Inspector, a Report of Consultation² was also prepared by the Council summarising the issues raised along with responses to them.
- 5.8.** The Council has now received the Inspector's Report with a final set of Main Modifications (Appendix 2). The report concludes that:
- “...the Cheshire East Local Plan Site Allocations and Development Policies Document provides an appropriate basis for the planning of the Borough, provided that a number of Main Modifications are made to it.”
- 5.9.** The receipt of the Report marks the completion of the examination process and allows the Council to proceed and adopt the Plan, incorporating the final Main Modifications³.
- 5.10.** The Main Modifications are summarised on pages 5 and 6 of the Inspector's Report and set out in full in the appendix to it. They have been made to align SADPD policies more closely with national planning policy and strengthen SADPD policies so they can be applied more effectively when determining planning applications.

¹ The consultation and supporting documents are available on the Council's planning policy consultation portal <https://cheshireeast-consult.objective.co.uk/kse/event/36824>

² Available in the SADPD Examination Library, document reference CEC/39 https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire_east_local_plan/site-allocations-and-policies/sadpd-examination/examination-library.aspx

³ Section 23 of the Planning and Compulsory Purchase Act 2004 only allows the Council to adopt the SADPD if the Inspector's Main Modifications are made to it. <https://www.legislation.gov.uk/ukpga/2004/5/section/23>

5.11. Very positively the Inspector has supported the Council on key aspects of the Plan, including:

- the approach towards meeting residual housing needs at Local Service Centres through windfall development rather than through further site allocations;
- the allocation of 6 hectares of land adjacent to Recipharm at Holmes Chapel to meet remaining employment needs at Local Service Centres;
- the allocation of additional, smaller scale housing and employment sites at Crewe, Congleton, Middlewich and Poynton to meet the development needs of those towns and support further investment by major local employers;
- the definition of up to date boundaries around towns and villages to manage where development can take place and protect the countryside;
- the definition of a detailed boundary for the Strategic Green Gap around Crewe; and
- the designation of additional safeguarded land⁴ around Local Service Centres in the north of the Borough.

5.12. The Council must maintain a Policies Map that illustrates geographically the application of the policies in the adopted development plan. The Policies Map is not defined in legislation as a development plan document. This means that the Inspector has no powers to recommend Main Modifications directly to it. However, given the role of the Policies Map as set out above, if the geographical illustration of a policy is flawed, the relevant policy would be unsound. In the light of this, a number of changes are proposed by the Inspector to the submitted Policies Map. To ensure fairness, these proposed changes were consulted on alongside the Main Modifications. In adopting the SADPD, the Council would need to update the adopted Policies Map to include these changes. The SADPD Policies Map, as proposed to be adopted, can be viewed on-line via the following link:

<https://maps.cheshireeast.gov.uk/ce/localplan/adoptedpoliciesmap2022>

5.13. A number of 'Additional Modifications' (Appendix 3) have also been included in the SADPD. These are minor changes that the Council can make which do not materially affect the Plan's policies, for example, to reflect changes to background documents, correcting typographical errors and formatting changes. Most of these were published alongside the Inspector's Draft Main Modifications, however a number of further Additional Modifications are now proposed which similarly do not materially affect the Plan's policies.

⁴ Safeguarded land is designated between the urban area and the Green Belt, to meet longer-term development needs stretching well beyond the plan period. It is not allocated for development and planning permission for the permanent development of it should only be granted following a plan update which proposes the development. <https://www.gov.uk/guidance/national-planning-policy-framework/13-protecting-green-belt-land>

- 5.14.** The adoption of the SADPD would bring about the withdrawal of the three local plans covering the former districts of Congleton, Crewe and Nantwich and Macclesfield. The remaining saved policies in these plans would be superseded and therefore no longer used for planning application decision making. In their place would be an up-to-date suite of planning policies for Cheshire East as a whole⁵.
- 5.15.** The SADPD policy references and paragraphs referred to in the Inspector's Report reflect how they were set out in the version of the Plan submitted for examination. However, as the Plan has been amended through Main Modifications, the numbering of these may have changed. For example, text may have removed from, or added into, a policy or its supporting paragraphs. To assist Members and other readers, Appendix 4 provides a table through which these changes can be tracked.

6. Consultation and Engagement

- 6.1.** The key consultation stages in the Plan's development are described in the report.

7. Implications

7.1. Legal

- 7.1.1.** The preparation and content of a local plan is governed by a range of statutory requirements. Carefully consideration has been given to these requirements throughout the process of preparing the SADPD.
- 7.1.2.** The Planning and Compulsory Purchase Act 2004 requires local plans to be independently examined. The examination considers whether relevant legal duties have been met and whether the plan is sound⁶. The overall conclusion in the Inspector's Report is that, subject to the recommended Main Modifications, the SADPD satisfies legal requirements and is sound.
- 7.1.3.** Councils are required, under regulations, to carry out certain tasks as soon as reasonably practicable after a local plan has been adopted. These include making the plan, its adoption statement and sustainability appraisal available, along with sending a copy of the adoption statement to the Secretary of State and those who have asked to be notified about it.
- 7.1.4.** There is a six-week period in which a permission to bring a legal challenge can be sought in the High Court following the adoption of a local plan. The grounds for challenge are that a local plan is not within the appropriate power or the interests of the person making the claim have been

⁵ The remaining saved policies in the Cheshire Minerals and Waste Local Plans will be replaced by the Cheshire East Minerals and Waste Plan (MWP) when it is adopted.

⁶ Paragraph 35 of the National Planning Policy Framework states that plans are sound if they are positively prepared, justified, effective and consistent with national policy.

<https://www.gov.uk/guidance/national-planning-policy-framework/3-plan-making>

substantially prejudiced by a failure to comply with a procedural requirement.

7.2. Finance

- 7.2.1. The costs associated with the adoption the SADPD would be around £2,000, to cover printing. This would be met through the Strategic Planning budget.
- 7.2.2. The Plan would bring about some additional housing completions and commercial development resulting in additional New Homes Bonus, Community Infrastructure Levy, council tax and business rates.

7.3. Policy

- 7.3.1. The SADPD is a key policy document, central to the achievement of sustainable development in Cheshire East. Upon adoption it would form part of the statutory development plan. Planning application decisions are required to be in accordance with the development plan unless material considerations indicate otherwise. As noted above, upon adoption of the SADPD the saved policies within the local plans prepared by the three predecessor borough councils would no longer be considered in determining planning applications.
- 7.3.2. The SADPD supports a range of priorities identified in the Council's Corporate Plan 2020-24. This includes supporting good health and well-being and creating a thriving and sustainable place, notably the Council's ambitions for the environment and to tackle climate change through its Environment Strategy and Carbon Action Plan.

7.4. Equality

- 7.4.1. 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.
- 7.4.2. An Equality Impact Assessment is incorporated into the integrated Sustainability Appraisal of the SADPD. This has considered how development proposals and planning policies will impact on different groups within the community.

7.5. Human Resources

- 7.5.1. There are no human resources implications arising from this report.

7.6. Risk Management

- 7.6.1. Currently, the Council still relies for many planning decisions on detailed planning policies adopted by the former borough councils. These all

considerably pre-date the National Planning Policy Framework, and whilst the age of a policy does not automatically render it out of date, as national policy evolves there is a growing risk that older policies fall out of step with it. There is hence a significant advantage in adopting the SADPD.

- 7.6.2.** In a similar vein, the SADPD addresses a number of wider policy priorities such as climate change – and such policies can only be applied with full weight once the Plan is adopted.

7.7. Rural Communities

- 7.7.1.** The Local Plan has implications for rural communities across a range of policies. The draft Plan has been informed by rural proofing as part of an integrated Sustainability Appraisal.

7.8. Children and Young People/Cared for Children

- 7.8.1.** There are a wide range of policies in the SADPD that aim to protect and enhance the health and well-being of children and young people.

7.9. Public Health

- 7.9.1.** There are a wide range of policies in the SADPD that aim to support well-being and healthy lifestyles. These include promoting prosperity, meeting housing needs, protecting and providing open space and recreation facilities and encouraging walking and cycling. A Health Impact Assessment is incorporated into the integrated Sustainability Appraisal of the SADPD.

7.10. Climate Change

- 7.10.1.** The SADPD includes detailed policies that address climate change mitigation and adaptation including renewable energy, flood risk management and biodiversity.

Access to Information	
Contact Officer:	Jeremy Owens, Development Planning Manager E mail: jeremy.owens@cheshireeast.gov.uk
Appendices:	Appendix 1 SADPD (incorporating Main Modifications and Additional Modifications) Appendix 2 Inspector's Report and Main Modifications Appendix 3 Schedule of Additional Modifications Appendix 4 Policy and paragraph cross references between the examined and final adoption versions of the SADPD
Background Papers:	These are referenced in the report and links are provided in footnotes. Further information about the SADPD examination and the documents considered and published throughout the examination process can be viewed on the examination web pages: https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire_east_local_plan/site-allocations-and-policies/sadpd-examination/sadpd-examination.aspx

Cheshire East Local Plan

Site Allocations and Development Policies Document

Final version for Full Council
consideration 14/12/2022







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1

Introduction



1 Introduction

1.1 This Site Allocations and Development Policies Document (SADPD) was adopted on 14 December 2022. It is the second part of the council's local plan, providing further detailed planning policies and site allocations to support the strategic policies and sites contained in the Local Plan Strategy (LPS), which was adopted in July 2017.

Cheshire East Local Plan

1.2 The local plan sets planning policies and allocates sites for development. It is part of the statutory development plan, which is the basis for deciding planning applications. The local plan in Cheshire East⁽¹⁾ will be made up of three key documents:

1. The LPS sets out the vision and overall planning strategy for the borough over the period to 2030. It includes strategic planning policies and allocates strategic sites for development.
2. The SADPD sets non-strategic and detailed planning policies to guide planning decisions and allocate additional sites for development, where necessary, to assist in meeting the overall development requirements set out in the LPS. It supports the policies and proposals of the LPS by providing additional policy detail.
3. The Minerals and Waste Plan (MWP), which will set out planning policies for minerals and waste, including the identification of specific sites for these uses. The MWP is currently being prepared.

1.3 On adoption, the SADPD replaced all of the saved policies from the Congleton Borough Local Plan First Review (adopted January 2005), the Borough of Crewe and Nantwich Local Plan (adopted February 2005) and the Macclesfield Borough Local Plan (adopted January 2004). The policies in these legacy plans will no longer be used when deciding planning applications.

1.4 The remaining saved policies in the Cheshire Minerals Local Plan (adopted June 1999) and the Cheshire Waste Local Plan (adopted July 2007) will continue to be saved as set out in LPS Appendix B 'Saved policies' until replaced by policies in the MWP.

Neighbourhood planning

1.5 The Localism Act 2011 gives local communities the power to shape and influence local development through the preparation of neighbourhood plans for their areas. The Act places a duty on the local authority to support this work.

1.6 The council will continue to support town and parish councils to establish their own non-strategic, local planning policies, site allocations and design codes that deliver sustainable development in their communities. These local policies must be in general conformity with the strategic policies of the local plan and should support the delivery of the council's strategic aims. The local focus of neighbourhood plans means they are well placed to respond to specific community needs and identify local development opportunities, sites and long term projects that will improve the lives of residents.

1.7 Where local communities seek to support the strategic approach of the local plan, detailed local policy frameworks can be established to refine what this strategy means in a particular community. Neighbourhood plans may identify and promote the delivery of additional development that supports and enhances local services and infrastructure, contributing to a sustainable future for the borough.

1.8 When preparing a neighbourhood plan, communities are encouraged to take a holistic approach to future development needs, consider both constraints and opportunities, and think for the long-term by providing the necessary flexibility that will successfully shape their communities in a planned way. This means the council will support neighbourhood plans to allocate land for specific uses over and above those allocations already made in the local plan itself.

1 Excluding the part in the Peak District National Park where the park authority is responsible for planning matters.



1.9 Neighbourhood plans tested through independent examination and approved by the local community at a referendum are part of the statutory development plan and are used alongside the policies in the local plan to decide planning applications.

National planning policy

1.10 The policies and proposals in this SADPD have been prepared with regard to the National Planning Policy Framework (NPPF), supplemented by the Planning Practice Guidance (PPG) and other government policies and legislation.

1.11 The SADPD takes account of these government policies and legislation. It does not seek to repeat them but provides further guidance and local interpretation of their requirements.

Evidence base

1.12 In accordance with the requirements of the NPPF, the SADPD is supported by an up-to-date, relevant and proportionate evidence base, which has informed the planning policies and site allocations included in it.

1.13 The evidence base is available to view on the council's website and includes a number of key documents, which are listed in Appendix A 'Related documents and links'.

Adopted policies map

1.14 The adopted policies map shows the spatial extent of policies in the local plan. The current adopted policies map shows the policies contained in the adopted LPS and SADPD, plus the saved policies from the Cheshire Minerals Local Plan and Cheshire Waste Local Plan.

1.15 The policies shown are:

1. LPS and SADPD site allocations;
2. LPS and SADPD safeguarded land;
3. Peak District National Park fringe;
4. Green Belt;
5. Strategic green gaps;
6. Open countryside;
7. Settlement boundaries;
8. Village infill boundaries;
9. Protected open space;
10. Local landscape designations;
11. Ecological network;
12. Principal town centre and town centre boundaries;
13. Local centre and local urban centre boundaries;
14. Neighbourhood parades of shops;
15. Primary shopping areas;
16. Areas of high sensitivity to wind energy development;
17. Strategic employment areas;
18. Manchester Airport operational area;
19. Safeguarded land for proposed infrastructure;
20. Crewe town centre development areas;
21. Macclesfield town centre and environs character areas;
22. Hot food takeaways restrictions zones.

1.16 It also shows neighbourhood areas with plans that have been passed at referendum, but it does not show the spatial extent of policies contained in neighbourhood plans.



1.17 In addition, the map shows a number of other designations that are referred to, but not defined by the development plan. The spatial extent of these designations may alter over time and the online adopted policies map will be updated periodically to reflect the latest position:

- A. Environment Agency flood zones;
- B. Conservation areas;
- C. Local wildlife sites/sites of biological importance;
- D. Site of special scientific interest (SSSIs);
- E. National nature reserves;
- F. Local nature reserves;
- G. Ramsar sites;
- H. Special protection areas and special areas of conservation;
- I. HS2 safeguarding zones;
- J. Jodrell Bank Observatory World Heritage Site;
- K. Jodrell Bank Observatory consultation zone/World Heritage Site Buffer Zone;
- L. Scheduled monuments;
- M. Registered parks and gardens;
- N. Registered battlefields;
- O. Areas of archaeological potential and areas of special archaeological potential;
- P. Local geological sites;
- Q. Manchester Airport average summer day (16 hour, 07:00-23:00) and night (8 hour, 23:00-07:00) noise contours;
- R. Manchester Airport public safety zones;
- S. Aerodrome safeguarding zones;
- T. Groundwater source protection zones;
- U. Nature Improvement Areas.

1.18 The adopted policies map will be updated as required when further development plan documents are prepared and adopted.



2

Planning for growth



2 Planning for growth

2.1 The need for new development to meet social and economic objectives must be weighed against environmental and other constraints. Achieving the right balance of development in rural areas is a particular challenge; providing too much risks adversely affecting the character of the countryside, whilst too little will undermine the sustainability of rural settlements. The local plan attempts to moderate these competing considerations by enabling some development to progress, proportionate to the scale of the settlements concerned.

2.2 The policies in this section continue and supplement the planning for growth policies PG 1 to PG 7 in the LPS.

Spatial distribution and settlements

Policy PG 8

Development at local service centres

The local service centres are expected to accommodate in the order of 7ha of employment land and 3,500 new homes. It is expected that the housing element will be addressed by windfall going forward, in line with other policies in the local plan, and the employment element will include an allocation at Holmes Chapel (Site HCH 1 'Land east of London Road') as well as windfall in line with other policies in the local plan.

Supporting information

2.3 LPS Policy PG 2 'Settlement hierarchy' defines the settlement hierarchy, which includes principal towns, key service centres, local service centres, and other settlements and rural areas.

2.4 LPS Policy PG 7 'Spatial distribution of development' sets indicative levels of development by settlement for principal towns and key service centres. It also sets an overall indicative level of development for local service centres (in the order of 7 ha of employment land and 3,500 new homes) and other settlements and rural areas (in the order of 69 ha of employment land and 2,950 new homes).

2.5 Paragraph 8.77 of the LPS confirms that the overall indicative level for local service centres will be disaggregated to individual local service centres through the SADPD and/or neighbourhood plans. The 'Provision of housing and employment land and the approach to spatial distribution' report [ED 05] sets out the level of completed and committed development at each local service centre at 31 March 2020 and takes account of the allocation of land for employment development at Recipharm, Holmes Chapel. In addition to the level of development set out against each local service centre, it is expected that there will be further windfall development during the remainder of the plan period, where such schemes are consistent with policies in the local plan.

Related documents

- The Provision of Housing and Employment Land and the Approach to Spatial Distribution (2020, Cheshire East Council) [ED 05]



Policy PG 9

Settlement boundaries

1. Settlement boundaries for principal towns, key service centres and local service centres are defined on the adopted policies map. Where a neighbourhood plan defines a settlement boundary for a principal town, key service centre or local service centre, the council will apply the most recent settlement boundary, where relevant.
2. Settlement boundaries for settlements in the other settlements and rural areas may be defined in neighbourhood plans, where this is justified as appropriate⁽²⁾. Where the settlement is defined as an infill village in Policy PG 10 'Infill villages', the village infill boundary should be the starting point for determining a settlement boundary in a neighbourhood plan.
3. Within settlement boundaries, development proposals (including change of use) will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with any other relevant policy in the local plan.

Supporting information

2.6 The purpose of defining settlement boundaries is to assist in directing built development towards the most suitable and sustainable locations across the borough with respect to LPS Policy PG 2 'Settlement hierarchy' and to define the intended relationship between settlements and the countryside beyond.

2.7 The open countryside is defined as the area outside of any settlement with a defined settlement boundary, where LPS Policy PG 6 'Open countryside' will apply.

2.8 Infill boundaries are defined on the adopted policies map. Policy PG 10 'Infill villages' sets out the approach to the definition and application of infill boundaries in the borough.

Related documents

- Settlement reports (2020, Cheshire East Council) [ED 21] to [ED 44]
- Settlement and Infill Boundaries Review (2020, Cheshire East Council) [ED 06]
- Made neighbourhood plans

² At the time of adoption of the SADPD, Calveley and Weston have settlement boundaries defined in neighbourhood plans, which will apply under this policy. In consultation with Brereton Parish Council, the settlement boundaries for Brereton Green and Brereton Heath defined in the Brereton Neighbourhood Plan are not brought forward to be covered by this policy. Under the SADPD, Brereton Green and Brereton Heath do not have defined settlement boundaries, but Brereton Green is defined as an infill village in Policy PG 10 'Infill villages', with a village infill boundary defined on the adopted policies map.



Policy PG 10

Infill villages

1. In the other settlements and rural areas, the following settlements are defined as infill villages: Acton; Adlington; Arclid; Ashley; Astbury; Aston; Brereton Green; Church Minshull; Cranage; Eaton; Gawsworth; Hankelow; Hassall Green; Henbury; High Legh; Higher Hurdsfield; Higher Poynton; Hough; Langley; Lawtongate and Lawton Heath; Lyme Green; Mount Pleasant; Mow Cop; Over Peover; Pickmere; Plumley; Rainow; Rode Heath; Scholar Green; Styal; Sutton Lane Ends; The Bank; Winterley; Wybunbury; and Wychwood Village.
2. Infill villages have a defined village infill boundary, as shown on the adopted policies map, but are within the open countryside and do not have a settlement boundary. Some of the infill villages are also within the Green Belt, as shown on the adopted policies map.
3. Limited infilling will be supported within the village infill boundaries. Limited infilling is defined as the development of a relatively small gap between existing buildings. Limited infilling will only be permitted where it:
 - i. is in keeping with the scale, character and appearance of its surroundings and the local area;
 - ii. does not give rise to unacceptable impacts; and
 - iii. does not involve the loss of undeveloped land that makes a positive contribution to the character of the area.
4. Outside of the village infill boundaries shown on the adopted policies map, development proposals will not be considered to be 'limited infilling in villages' when applying LPS policies PG 3 and PG 6.

Supporting information

2.9 LPS Policy PG 6 'Open countryside' defines the open countryside as the area outside of any settlement with a defined settlement boundary and seeks to restrict development to that which is essential for uses appropriate to a rural area. The policy makes a number of exceptions to this general restriction, including "where there is the opportunity for limited infilling in villages".

2.10 Under LPS Policy PG 3 'Green Belt', limited infilling in villages is not inappropriate development in the Green Belt.

2.11 Footnote 34 to LPS Policy PG 6 also confirms that settlement boundaries will be reviewed and defined through the SADPD and neighbourhood plans. Settlements in the principal towns; key service centres; and local service centres tiers of the settlement hierarchy have a defined settlement boundary and development proposals will be supported in accordance with other policies in the development plan.

2.12 In the other settlements and rural areas tier of the settlement hierarchy, settlements do not have defined settlement boundaries, unless identified by a made neighbourhood plan. Settlements without defined settlement boundaries are included in the open countryside.

2.13 This policy clarifies which settlements are considered to be villages for the purposes of limited infilling allowed under LPS policies PG 3 and PG 6. Outside of the village infill boundaries shown on the adopted policies map, proposals will not constitute 'limited infilling in villages' for the purposes of these policies. Other forms of development in the Green Belt and open countryside outside of village infill boundaries will still be supported, in accordance with other policies in the development plan.

2.14 Where neighbourhood plans allocate sites for development, it would usually be expected that these would fall within an existing settlement or infill boundary, or a new/revised settlement or infill boundary as defined in the neighbourhood plan.



Related documents

- Settlement and Infill Boundaries Review (2020, Cheshire East Council) [ED 06]
- Made neighbourhood plans

Green Belt and safeguarded land

Policy PG 11

Green Belt and safeguarded land boundaries

1. Green Belt and safeguarded land boundaries are shown on the adopted policies map.
2. In addition to the land detailed in LPS Policy PG 4 'Safeguarded land', the following sites are designated as safeguarded land:
 - i. ALD 1 'Land at Ryleys Farm, west of Sutton Road', Alderley Edge (2.32 ha);
 - ii. BOL 1 'Land at Henshall Road', Bollington (1.48 ha);
 - iii. BOL 2 'Land at Greenfield Road', Bollington (0.26 ha);
 - iv. CFD 1 'Land off Knutsford Road' Chelford (0.58 ha);
 - v. CFD 2 'Land east of Chelford Railway Station', Chelford (4.63 ha);
 - vi. DIS 1 'Land off Jacksons Edge Road', Disley (2.43 ha);
 - vii. PRE 1 'Land south of Prestbury Lane', Prestbury (1.84 ha); and
 - viii. PRE 2 'Land off Heybridge Lane', Prestbury (0.94 ha).
3. LPS Policy PG 4 'Safeguarded land' will be applied to all areas of safeguarded land.
4. If allocated for development in the future, proposals for these sites should include compensatory improvements to the environmental quality and accessibility of remaining Green Belt land to offset the impact of their removal from the Green Belt.

Supporting information

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

2.16 Safeguarded land remains in the open countryside and is not allocated for development at the present time.

2.17 If allocated for development in the future, proposals for these sites will be required to provide compensatory improvements to the environmental quality and accessibility of remaining Green Belt land to offset the impact of their removal from the Green Belt. The degree of impact caused by their removal from the Green Belt will depend on the form of any development proposed in the future and should be assessed at that time. The compensatory improvements should be devised in consultation with local communities and may support proposals or schemes set out in local strategies including neighbourhood plans, the Cheshire East Rights of Way Improvement Strategy and Implementation Plans; the Green Infrastructure Plan or their relevant equivalents.

Related documents

- LSCs Safeguarded Land Distribution Report (2020, Cheshire East Council) [ED 53]
- Alderley Edge Settlement Report (2020, Cheshire East Council) [ED 21]
- Bollington Settlement Report (2020, Cheshire East Council) [ED 24]
- Chelford Settlement Report (2020, Cheshire East Council) [ED 26]
- Disley Settlement Report (2020, Cheshire East Council) [ED 29]



- Mobberley Settlement Report (2020, Cheshire East Council) [ED 37]
- Prestbury Settlement Report (2020, Cheshire East Council) [ED 40]

Green gaps

Policy PG 12

Strategic green gaps boundaries

1. The detailed boundaries of the areas defined as strategic green gaps in LPS Policy PG 5 are shown on the adopted policies map.
2. Proposals for development in the strategic green gaps will be determined in accordance with LPS Policy PG 5 'Strategic green gaps'.

Supporting information

2.18 LPS Policy PG 5 'Strategic green gaps' defines a number of areas as strategic green gaps. It confirms that the detailed boundaries of these areas will be defined through the SADPD.

Related documents

- Strategic Green Gaps Boundary Definition Review (2020, Cheshire East Council) [ED 08]

Policy PG 13

Local green gaps

1. To support the distinctiveness of settlements in the borough, the identification of localised separation policies will be supported in neighbourhood plans. In local green gaps/green wedges identified in neighbourhood plans, LPS Policy PG 6 'Open countryside' will apply. In addition, planning permission will not be granted for the construction of new buildings or the change of use of existing buildings or land that would:
 - i. result in the erosion of a physical gap between any of the settlements identified;
 - ii. adversely affect the visual character of the landscape; or
 - iii. significantly affect the undeveloped character of the local green gap, or lead to the coalescence between or within existing settlements.
2. Exceptions will be defined locally or considered where no suitable alternative location is available.

Supporting information

2.19 Strategic green gaps are defined by Policy PG 12 'Strategic green gaps boundaries' and prevent neighbouring settlements from merging into one another and coalescing, thereby preserving the open character of the area and the settlements in it. Local green gaps and green wedges, as defined in neighbourhood plans, can help provide access to the countryside from urban areas, and protect the character and urban form of settlements, preventing coalescence in a settlement pattern and between nearby settlements.

Related documents

- Made neighbourhood plans



3

General requirements



3 General requirements

3.1 There is a need for guidance relating to a number of issues that are universal to nearly all developments. These policies are principally concerned with the public's experience and enjoyment of the public realm. New development inevitably has an impact on its surroundings and therefore should take account of those implications. The council has assessed the extent to which new developments should provide for local infrastructure and other safeguards or benefits, but in doing so we have also considered the effect that this has on the development itself.

Policy GEN 1

Design principles

In line with LPS policies SD 2 'Sustainable Development Principles' and SE 1 'Design', development proposals should:

Sense of place

1. create high quality, beautiful and sustainable buildings and places, avoiding the imposition of standardised and/or generic design solutions where they do not establish and/or maintain a strong sense of quality and place;
2. create a sense of identity and legibility by using landmarks and incorporating key views into, within and out of new development;
3. reflect the local character and design preferences set out in the Cheshire East Borough Design Guide supplementary planning document unless otherwise justified by appropriate innovative design or change that fits in with the overall form and layout of their surroundings;

Managing design quality

4. ensure that design codes prepared for major development schemes are based on effective engagement, reflect local design aspirations and take into account the Cheshire East Borough Design Guide supplementary planning document for residential schemes, relevant design policies in neighbourhood plans and the Design Guide and National Model Design Code;
5. provide evidence for all major development schemes of how design assessment frameworks, including Building for a Healthy Life, have influenced the proposed design. This should include an appropriate level of engagement with the council and local communities;
6. ensure any changes made to development proposals between permission and completion do not materially diminish the quality of development;

Sustainable urban, architectural and landscape design

7. create buildings and spaces that function well, are fit for purpose and yet are innovative, adaptable and flexible to respond to changing social, environmental, technological and economic conditions over the lifetime of the development
8. wherever possible, retain and creatively re-use existing buildings as part of new development;

Safety, inclusivity and accessibility

9. be accessible and inclusive – ensuring that developments and spaces can be used safely, easily and with dignity by all, regardless of disability, age, gender, ethnicity or economic circumstances;
10. ensure that car parking and electric vehicle charging infrastructure are carefully sited and designed.



Supporting information

3.2 Good design is central to the creation of attractive, accessible, inclusive, successful and sustainable places. We expect high quality, well designed developments that contribute positively to the quality of place in the borough and make the best use of land. Development should be inclusive, creating places and spaces where everyone can access and benefit from a full range of opportunities available to members of society. It should aim to remove barriers that create undue effort, separation or special treatment and enable everyone regardless of disability, age or gender to participate equally, confidently and independently in society with choice and dignity.

3.3 Developers should engage with the council, the local community and relevant statutory consultees at the earliest opportunity, such as at concept/pre-design stage, in order to make sure that new development responds appropriately to the unique character and quality of place in the borough. This can also lead to an enriched design and improved levels of community ownership. Engagement can also help to consider the evidence required to support planning applications such as the requirement for design coding, testing layouts, illustrative masterplans, massing studies and modelling for larger proposals, as appropriate in line with LPS Policy SE 1 'Design'.

3.4 To provide clarity about design expectations at an early stage, proposals should take account of any formally adopted supplementary planning documents (including the Cheshire East Borough Design Guide), the National Design Guide and National Model Design Code (or any replacements), area specific design guidance, masterplans, character appraisals or area specific management plans. Neighbourhood plans can also be used to help identify the special and distinctive qualities of a local area.

3.5 The council will also use design assessment frameworks including Building for a Healthy Life 12 (or as updated) consistent with the approach set out in LPS Policy SE 1 'Design'.

3.6 The design of new development should take account of the effects of and adapt to the impacts of climate change through the implementation of appropriate design measures in line with LPS Policy SD 2 'Sustainable Development Principles and Policy ENV 7 'Climate change'. This includes taking opportunities to incorporate sustainable drainage and water efficiency measures within the development layout in line with Policy ENV 16 'Surface water management and flood risk'. Schemes should consider 'passive' opportunities presented by the site and the way it functions, for example through solar orientation, topography, and existing landscape features etc. Massing strategies should seek to work with opportunities presented by the site to help reduce energy demands and create high quality and comfortable living and working environments.

3.7 Cars should be accommodated in, but not overly dominate layouts and be positively integrated within the overall design, innovative solutions should be employed to reduce the dominance of parking within streets and spaces. Applicants should be aware that Part S in Schedule 1 to the Building Regulations sets out requirements for electric vehicle charging points within new residential and non-residential development schemes. These requirements should be considered early in the design process.

3.8 This policy, read alongside LPS Policy SE 1 'Design' will apply to all proposals for new development requiring planning permission, where relevant, regardless of its land use, both in urban and rural areas.

Related documents

- Cheshire East Borough Design Guide supplementary planning document (2017, Cheshire East Council and e*SCAPE Urbanists)
- Secured by Design: design guides
- Made neighbourhood plans
- National Design Guide (2019, MHCLG)
- National Model Design Code (2021, MHCLG)
- Building for a Healthy Life (2021, Birkbeck & Kruczkowski with Jones, McGlynn & Singleton)



Policy GEN 2

Security at crowded places

1. Development proposals for places where large numbers of people gather (for example a new retail park, sports stadium, university, or large scale regeneration of a town centre) should be designed in such a way as to:
 - i. minimise their vulnerability to a terrorist attack as far as practicable; and
 - ii. best protect people from any impact from such an attack.
2. Proposals should take into account the design principles described in 'Crowded Places: The Planning System and Counter-Terrorism' (January 2012) and 'Protecting Crowded Places: Design and Technical Issues' (April 2014) or any subsequent replacement guidance.

Supporting information

3.9 The UK faces a significant threat from international terrorism⁽³⁾. Experience shows that crowded places remain a target for terrorists who have demonstrated that they are likely to target places that are easily accessible, regularly available, and which offer the prospect for an impact beyond the loss of life alone. A crowded place is a location or environment to which members of the public have access that may be considered potentially liable to terrorist attack by virtue of its crowd density; this is a matter of judgment, but could include a new retail park, sports stadium, university, or large scale regeneration of a town centre.

3.10 The Cheshire Constabulary Counter Terrorism Security Advisor (CTSA) should be contacted in respect of any large scale planning applications that include places where large crowds of people can gather. The local CTSA will understand the capability of the threat and will provide relevant, appropriate, proportionate and balanced advice so that vulnerabilities are reduced and measures are incorporated as part of the development proposal. CTSA's can also provide free pre-planning and specialist security advice to applicants involved in the design and development of sites that hold toxic chemicals or other sensitive information and materials.

3.11 CTSA advice may include standards in respect of security procedures, security personnel, information security as well as effective security design measures such as hostile vehicle mitigation, blast resistance (structure and glazing), building management and the ability to adapt to the changing threat. Designers and developers may be expected to consult with a security and specialist engineer regarding the structural resilience of the building or asked to carry out a vehicle dynamics assessment.

Related documents

- Protecting Crowded Places: Design and Technical Issues (2014, HM Government)
- Crowded Places Guidance (2017, National Counter Terrorism Security Office).

³ Section 1 of the Terrorism Act 2000 defines terrorism as: 'The use or threat of a specified action where the use or threat is designed to influence the government or an international governmental organisation or to intimidate the public or a section of the public, and the use or threat is made for the purpose of advancing a political, religious, racial or ideological cause. The action is a specified action if it involves serious violence against a person; involves serious damage to property; endangers a person's life, other than the person committing the action; creates a serious risk to the health and safety of the public or a section of the public; or is designed seriously to interfere with or seriously to disrupt an electronic system.'



Policy GEN 3

Advertisements

Proposals for advertisement consent will be supported where they accord with the following criteria:

1. The proposal would not be detrimental to amenity or safety, by reason of general design, size, colour, position, materials, amount and type of text or degree of illumination and luminance.
2. The proposal is not out of keeping with the style or character of a building or its surroundings.
3. Fascia boards should be lower than any first floor windows, and reflect the predominant height of existing fascia boards on surrounding buildings.
4. The cumulative impact of the advertisements would not be detrimental to the character of the building on which they are to be displayed and/or the general characteristics of the locality.
5. The proposal does not detract from or conceal any significant architectural features such as cornices or scrolls.
6. Illuminated advertisements should be discreet and comply with the requirements of Policy ENV 14 'Light pollution'.

Supporting information

3.12 Advertisement proposals are guided by national policy and guidance, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, and subsequent amendments.

3.13 There are three categories of advertisement consent. Firstly, those permitted without requiring either deemed or express consent from the local planning authority; secondly, those that have deemed consent; and thirdly, those that require the express consent of the local planning authority. These are set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3.14 This policy aims to make sure that amenity and public safety are maintained, taking into account cumulative impacts, and that any advertisement respects the character of the building and area in which they are located. This policy may need to be considered alongside Policy RET 4 'Shop fronts and security'.

3.15 Advertisements in and around conservation areas and on or near listed buildings require particular detailed consideration to be given to the historic and architectural significance and sensitivity of these areas/buildings. Any applications affecting a heritage asset will also be considered against the policies contained in Chapter 5 (The historic environment).

3.16 The council will also seek to make sure that no harm to public safety or amenity is caused by illuminated adverts including the cumulative effect. The council will consider carefully the type and level of illumination proposed and have regard to appropriate guidance such as 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements' (2013). Conditions relating to matters such as hours of illumination will be applied where necessary.

Related documents

- Outdoor Advertisements and Signs: a Guide for Advertisers (2007, DCLG)
- Professional Lighting Guide 05: The Brightness of Illuminated Advertisements (2013, Institute of Lighting Professionals)



Policy GEN 4

Recovery of forward-funded infrastructure costs

1. The council will recover the costs associated with forward funded infrastructure from applicants that rely on this infrastructure to mitigate the effects of their development and make it acceptable in planning terms where:
 - i. the site and the forward funded scheme it contributes towards is identified in Table 3.1 'Breakdown of LPS and other sites expected to contribute to the recovery of forward funded infrastructure schemes' in the accompanying supporting information to this policy;
 - ii. the council has used the following mechanism for calculating the level of forward funding contribution required to be recovered:
 - a. the overall amount to be recovered for each scheme is established by the council;
 - b. the overall number of residential units and/or employment floorspace likely to be developed on the linked sites identified for each scheme in Table 3.1 is established by the council;
 - c. a forward funding contribution cost per residential unit and/or employment floorspace measure is identified by the council for each scheme by dividing 1(ii)(a) by 1(ii)(b);
 - d. the council undertakes individual legal agreement negotiations for planning applications relevant to the sites or areas identified in Table 3.1 to establish whether the cost per dwelling or employment floorspace figure identified at 1(ii)(c) can be viably delivered as part of the development. The applicant will be required to submit a viability assessment, prepared in accordance with guidance, to support any reduced cost per dwelling or employment floorspace figure to that proposed by the council;
 - e. the council agrees a forward funding contribution cost per residential unit or employment floorspace with the applicant based on the applicant's viability assessment, where the council is satisfied that the assessment has been properly prepared in accordance with guidance. If a reduced figure to that identified in 1(ii)(c) has been agreed, this will be subject to review in line with Policy GEN 7 'Recovery of planning obligations reduced on viability grounds' and form part of a legal agreement;
 - iii. the forward funding contribution and recovery of costs meets all the planning obligation tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 or as required by any subsequent amendment to these Regulations or to national planning guidance;
 - iv. the forward funding contribution and recovery of costs is secured through a Section 106 legal agreement. This will include flexibility to the developer to enable agreed forward funding contributions to be made as stage payments linked to the progress of development at a site. It will also include any administrative, legal and financing costs to the council associated with both providing the infrastructure and its subsequent recovery through the planning obligations process;
 - v. the council will cease to require a forward funding contribution once all the costs associated with the forward funding element of a scheme have been recovered.
2. The council will refuse planning applications where applicants seek to rely on forward funded infrastructure to make proposals acceptable in planning terms but are not prepared to make the required contribution towards refunding the cost of its provision through planning obligations.



Supporting information

3.17 This policy provides greater detail to assist in implementing LPS Policy IN 1 'Infrastructure' and LPS Policy IN 2 'Developer contributions'.

3.18 The policy is intended to help facilitate development in the borough. As a proactive authority, Cheshire East Council is seeking to assist developers in achieving agreed levels of growth in the borough as detailed in its local plan. For this reason, the council recognises that in certain circumstances, such as the provision of a road or a new school required as part of a strategic/comprehensive approach to development in an area, it is necessary or desirable for infrastructure to be provided in advance of planned development. This can be because a new road is needed to open up parcels of land to enable development to happen or because it enables the provision of important infrastructure at an earlier stage than would otherwise have been possible. This acts as an enabler and helps to bring forward individual schemes that would not otherwise be able to progress on their own.

3.19 This will benefit the residents or occupiers of early phases of a large scheme, particularly where this scheme may take a long time to reach completion, involve multiple developers or where the infrastructure can't be provided in a phased way and is required early on but is not viable to provide at that time.

3.20 Policy GEN 4 'Recovery of forward-funded infrastructure costs' will apply only to infrastructure schemes funded by the council or its partners where the funding approval was made on the basis that all or part of the costs incurred will be subsequently recovered from developers benefiting from it i.e. where the council has borrowed; used its reserves; or diverted funding from other budgets in the short term to help bring forward development on the understanding that it will be repaid. These infrastructure schemes are derived from the council's LPS, including its supporting Infrastructure Delivery Plan, and are identified in Table 3.1 'Breakdown of LPS and other sites expected to contribute to the recovery of forward funded infrastructure schemes' below.

3.21 The council will not seek the refunding of any grant monies it has received for the provision of a scheme from external sources, such as from the government, where there is no requirement for this element of the funds to be repaid or recovered.

3.22 Table 3.2 'Breakdown of costs associated with forward funded schemes as of February 2022' below provides information on the overall cost of these schemes and the extent of the forward funding it is seeking to recover as a guide, together with the status of each scheme, as of February 2022. Up to date costings from the council's latest published Medium Term Financial Strategy will be used for each scheme to calculate the level of forward funding contribution at the time an application is submitted. The council will cease to require the recovery of the identified forward funded element of each scheme once it has recovered all the related forward funded costs i.e. the council is seeking only to recover relevant costs rather than generate a surplus through the application of this policy.



Table 3.1 Breakdown of LPS and other sites expected to contribute to the recovery of forward funded infrastructure schemes

Forward funded infrastructure scheme	LPS sites expected to contribute
Congleton Link Road	<ul style="list-style-type: none"> Site LPS 26 'Back Lane / Radnor Park, Congleton' Site LPS 27 'Congleton Business Park Extension' Site LPS 28 'Giantswood Lane South, Congleton' Site LPS 29 'Giantswood Lane to Manchester Road, Congleton' Site LPS 30 'Manchester Road to Macclesfield Road, Congleton' Site LPS 31 'Tall Ash Farm, Congleton' Other sites where transport assessments or modelling show a significant distribution of traffic to this infrastructure scheme
Poynton Relief Road	<ul style="list-style-type: none"> Site LPS 33 'North Cheshire Growth Village, Handforth East' Site LPS 48 'Land adjacent to Hazelbadge Road, Poynton' Site LPS 49 'Land at Sprink Farm, Poynton' Site LPS 50 'Land South of Chester Road, Poynton' Site LPS 51 'Adlington Business Park Extension, Poynton' Other sites where transport assessments or modelling show a significant distribution of traffic to this infrastructure scheme
A500 dualling, Crewe	<ul style="list-style-type: none"> Site LPS 2 'Basford East, Crewe' Site LPS 3 'Basford West, Crewe' Site LPS 7 'Sydney Road, Crewe' Site LPS 8 'South Cheshire Growth Village South East Crewe' Other sites where transport assessments or modelling show a significant distribution of traffic to this infrastructure scheme
Flowerpot junction, Macclesfield (part of the Macclesfield Town Centre Movement Strategy)	<ul style="list-style-type: none"> Site LPS 13 'South Macclesfield Development Area' Site LPS 15 'Land at Congleton Road, Macclesfield' Site LPS 17 'Gaw End Lane, Macclesfield' Sites where transport assessments or modelling show a significant distribution of traffic to this infrastructure scheme
Crewe Green roundabout	<ul style="list-style-type: none"> Site LPS 6 'Crewe Green' Site LPS 7 'Sydney Road, Crewe' Other sites where transport assessments or modelling show a significant distribution of traffic to this infrastructure scheme
Sydney Road bridge, Crewe	<ul style="list-style-type: none"> Site LPS 7 'Sydney Road, Crewe' Other sites where transport assessments or modelling show a significant distribution of traffic to this infrastructure scheme
North West Crewe Package	<ul style="list-style-type: none"> Site LPS 4 'Leighton West, Crewe' Site LPS 5 'Leighton, Crewe' Other sites where transport assessments or modelling show a significant distribution of traffic to this infrastructure scheme
Middlewich Eastern Bypass	<ul style="list-style-type: none"> Site LPS 42 'Glebe Farm, Middlewich' Strategic Location LPS 43 'Brooks Lane, Middlewich' Site LPS 44 'Midpoint 18, Middlewich' Site LPS 45 'Land off Warmingham Lane West (Phase II), Middlewich' Other sites where transport assessments or modelling show a significant distribution of traffic to this infrastructure scheme

Table 3.2 Breakdown of costs associated with forward funded schemes as of February 2022

Forward funded infrastructure scheme	Total scheme estimate (£m) ^(A)	External public sector funding (£m) ^(B)	Council & received S106 contribution (£m) ^(C)	Underwritten forward funded element (£m)	Scheme status
Congleton Link Road	89.6	45.8	17.1	26.7	Completed
Poynton Relief Road	50.7	22.7	21.8	6.2	Under construction
A500 dualling, Crewe	68.7	55.1	8.5	5.1	Not started
Flowerpot junction, Macclesfield	10.0	3.5	4.5	2.0	Not started
Crewe Green roundabout	7.6	5.3	0.2	2.1	Completed
Sydney Road bridge, Crewe	11.0	6.0	0.5	4.5	Completed
North West Crewe Package	40.3	15.0	11.0	14.3	Not started
Middlewich Eastern Bypass	74.0	48.2	5.4	20.4	Not started
Total	351.9	201.6	69.0	81.3	

- A. These costs represent the latest scheme forecast costs. The total scheme costs to be used in any calculation will be the latest scheme costs published in the council's most recent Medium Term Financial Strategy.
- B. External funding sources include the Department for Transport, Local Growth Fund and Local Transport Plan funding.
- C. The council's contribution to the total £69m identified in this column is £64m i.e. £5m has so far been received via S106 contributions to these strategic highway schemes (comprising some £1.8m Congleton Link Road, £1.6m A500 dualling, £0.2m Crewe Green roundabout, £0.4m Sydney Road bridge and £1m Middlewich Eastern Bypass).

3.23 Recovery of costs will be calculated on a proportionate basis using the mechanism identified in the policy. For viability reasons it is likely that in most cases only the residential element of schemes will be used by the council to calculate forward funding contributions. However, where employment sites are shown to have sufficient economic viability, they will also be expected to contribute to the cost of forward funded infrastructure. Viability assessments will be prepared and funded by applicants for individual sites and used by the council as a basis for negotiations around forward funded contributions. As a principle the council will only require a level of contribution that it believes can be achieved without making a scheme unviable and thereby preventing its development. Policy GEN 7 'Recovery of planning obligations reduced on viability grounds' will be used to review and recover any reduced planning obligations, should a proposal deliver higher returns than the normal developer profit already accounted for in the agreed viability assessment.

3.24 The council will not require up-front payments of S106 contributions. Instead, stage payments will be agreed linked to on site housing or employment floorspace completions and included as part of the legal agreement. Recoverable costs for the council will include any administrative, legal and financing costs associated with both providing the infrastructure and its subsequent recovery through the planning obligations process.

3.25 The council will identify any agreed forward funded infrastructure schemes and monitor their repayment through planning obligations as part of its annual infrastructure funding statement.

Related documents

- Cheshire East Community Infrastructure Levy Charging Schedule (2019, Cheshire East Council)
- Cheshire East Medium Term Financial Strategy 2022-26 (2022, Cheshire East Council)
- Cheshire East Infrastructure Delivery Plan Update (2016, Cheshire East Council)





Policy GEN 5

Aerodrome safeguarding

Development that would adversely affect the operational integrity or safety of any officially safeguarded civil aerodrome or associated aerodrome navigation aids, radio aids or telecommunications systems will not be permitted.

Supporting information

3.26 The aerodrome safeguarding zones for Manchester Airport are defined on safeguarding maps authorised by the Civil Aviation Authority and issued by the safeguarding authority/airport licence holder. Their purpose is to define certain types of development that require prior consultation with the safeguarding authority or National Air Traffic Services Ltd in order for them to assess the implications of these developments for the safe operation of aircraft using the airport and its airspace. Government advice in ODPM Circular 1/2003 'Advice to Local Planning Authorities on Safeguarding Aerodromes and Military Explosives Storage Areas' sets out the detailed guidance on how safe and efficient operations can be secured.

3.27 In accordance with this circular, Manchester Airport is a statutory consultee for certain planning applications for developments that require safeguarding to protect the safety of the airport's operation.

3.28 The safeguarding authority for Manchester Airport will assess planning applications and consider their impact on whether the development causes: an obstacle; an attraction to birds; any light or reflection that might be confused with or interfere with aerodrome lighting or present a visual hazard; interference with communication systems including radar systems and ground to air communication and whether its construction will present any hazard to flight safety.

3.29 In addition, the outer limits of safeguarding zones for Liverpool John Lennon Airport and Hawarden (Chester) Airport extend into parts of the borough, within which the airport operators for these civil aerodromes are statutory consultees for wind turbine development.

3.30 As required by Circular 1/2003, the current outer boundary of the safeguarding zones is shown on the adopted policies map. These boundaries may be subject to future review and amendment.

Related documents

- Circular 1/2003: Advice to Local Planning Authorities on Safeguarding Aerodromes and Military Explosives Storage Areas (2003, DfT and ODPM)

Policy GEN 6

Manchester Airport public safety zones

In the airport public safety zones as defined on the adopted policies map, there is a general presumption against new development, including changes of use and extensions to existing properties, except for development listed as 'Development permissible within PSZs' in the Department for Transport's policy paper 'Control of development in airport public safety zones' or any replacement guidance.

Supporting information

3.31 Public safety zones are designated areas of land at the end of runways at major airports, in which development is restricted so that there should be no increase in the number of people living,



working or congregating in public safety zones and that, over time, the number should be reduced as circumstances allow. Public safety zones have been defined at the ends of Manchester Airport's runways and consist of an inner public safety restricted zone and an outer public safety controlled zone.

3.32 Within the public safety zones, there is a general presumption against development unless it is an exception specified in the Department for Transport policy paper 'Control of development in airport public safety zones'. Within the inner public safety restricted zones, the airport operator is also expected to purchase and remove residential and commercial properties.

Related documents

- Control of Development in Airport Public Safety Zones (2020, Department for Transport)

Policy GEN 7

Recovery of planning obligations reduced on viability grounds

1. Development proposals should meet all relevant planning obligations required by local plan policy. It is up to the applicant to demonstrate to the council whether particular circumstances justify the need for a viability assessment at the application stage.
2. Where the council has agreed to reduce required planning obligations on the grounds of viability, the applicant must enter a legal agreement that enables the council to review an agreed viability assessment against future trigger points, with the aim of recovering all or part of the reduced planning obligations should a new assessment indicate that profits are higher than the normal developer returns already accounted for in the agreed viability assessment and the council considers the reduced obligation can no longer be justified on viability grounds. The underlying principle being to prioritise the use of any higher than anticipated returns, so that they are used in the first instance to deliver policy requirements that were previously determined not to be deliverable before being considered as an additional profit return to the developer.
3. The details of the reduced planning obligation will be recorded in the legal agreement together with the form or nature that any recovery of obligation will take. These obligations should comply with national regulations on planning obligations.
4. The council will refuse planning applications where applicants request the reduction of planning obligations on viability grounds but have not agreed a legal agreement that enables these planning obligations to be reviewed and recovered, should a proposal deliver higher returns than the normal developer profit already accounted for in the agreed viability assessment.

Supporting information

3.33 The council's local plan contains a number of approved policies that place obligations on developers to fulfil when proposing a scheme for development, such as the level and type of affordable housing provision required or other infrastructure needed to support development (such as that needed for education, health, transport, open space, green infrastructure, flood risk and water management etc.) It is the council's expectation that infrastructure and other planning obligations required to make a development acceptable in planning terms will be provided as part of all development, where these obligations meet the three tests set out in CIL Regulation 122.

3.34 A proportionate assessment of viability that takes account of all relevant policies, standards and costs, including CIL and planning obligations, is required by national Planning Practice Guidance (PPG) as part of the plan making process. This is to ensure that the total cumulative costs of development do not undermine the deliverability of the plan. As the council's local plan policies have been viability tested prior to adoption and policies set out the contribution expected from development,



the assumption in planning guidance is that “planning applications that fully comply with them should be assumed to be viable” (see PPG Reference ID: 10-007-20190509). In addition, it is the responsibility of site promoters to ensure that proposals for development fully comply with up to date plan policies and that the price paid for land is not a relevant justification for failing to accord with relevant policies in the plan (see PPG Reference ID: 10-002-20190509).

3.35 It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Planning guidance indicates that “such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or where a recession or similar significant economic changes have occurred since the plan was brought into force” (see PPG Reference ID: 10-007-20190509).

3.36 It is unlikely that the council will agree to the reduction of a planning obligation where it provides essential site specific items to mitigate the impact of development such as a necessary road improvement. In these circumstances the opportunity to negotiate a reduced obligation is limited.

3.37 As viability is judged on a range of factors, any of which may change over time, it is appropriate that the council should seek to recover these obligations should market conditions improve, or development prove to be more viable than originally forecast. This is particularly important on larger sites that are likely to be developed out over many years and where the potential for a positive change in viability is greater. This will be undertaken through a review process as set out in a legal agreement between the council and the applicant. As detailed in planning guidance, the review mechanism agreed should not be seen as “a tool to protect a return to the developer, but to strengthen local authorities’ ability to seek compliance with relevant policies over the lifetime of the project” (see PPG Reference ID: 10-009-20190509).

3.38 A typical example of where a reduced obligation may apply would be affordable housing. It may be agreed for viability reasons that a developer should provide less than the policy target for affordable housing, say 20% rather than 30%, with the remaining provision being set aside as a reduced planning obligation to be provided should certain circumstances detailed through a legal agreement be triggered.

3.39 While the details of each reduced planning obligation agreement will vary in accordance with site-specific circumstances, the general mechanism for establishing and managing an agreement will be as follows:

- A full viability assessment shall be prepared in accordance with national planning guidance and agreed with the council as a baseline financial position detailing the forecast costs and profits associated with a proposal. This should include a breakdown of the costs associated with providing all the planning obligations needed to make a planning application acceptable in planning terms. This will form part of the legal agreement.
- In accordance with national policy guidance, all viability assessments should reflect the government's recommended approach to defining key inputs, and should be made publicly available.
- Details of the reduced planning obligations and the form in which these shall be recovered will be recorded in a legal agreement. For example, this could be for an increase in affordable housing, an extension or improvement to on-site infrastructure delivered by the developer, or a share of any increase in profits provided that it is allocated to deliver a specified reduced obligation.
- The planning obligations to be restored should be identified and compliant with national regulations on planning obligations.
- Details of agreed trigger points for a financial review of the development will also be included in the legal agreement. These trigger points may take the form of calendar dates or be based on development triggers, such as number of units occupied, but should allow adequate time so that adjustments to planning obligations can be practically delivered on the site before development



is complete. The council intends to produce a planning obligations supplementary planning document, which will provide further information on the future trigger points for assessment to be used in legal agreements, including the extent to which they may differ depending on whether a scheme has been phased or not.

- On reaching a trigger point, the applicant will be expected to submit an updated viability appraisal. This should include:
 - a. updated costs using an agreed index to the point of delivery;
 - b. updated house price information based on actual sales prices for the preceding period;
 - c. any other revenue received from or financial support provided to the development including grant funding and/or sales to affordable housing registered providers unless previously accounted for; and
 - d. updated forecasts for developer return (profit).
- The developer will be required to meet part or all of the reduced obligations that have been agreed should the developer return be higher than forecast in the original agreed assessment and at a level where the council considers the reduced obligation can no longer be justified on viability grounds. The council will factor in the need to achieve normal profit returns when making this decision.
- All the costs incurred by the council in establishing and managing each individual reduced obligations agreement will be met by the applicant.

3.40 Alternative mechanisms to that described above are possible and may be appropriate for certain schemes. For example, for regeneration schemes a re-valuation may be more appropriate than an updated viability appraisal.

3.41 Therefore in some cases, variations to the above process may be agreed or required at the discretion of the council.

Related documents

- Cheshire East Community Infrastructure Levy Charging Schedule (2019, Cheshire East Council)





4

Natural environment, climate change and resources



4 Natural environment, climate change and resources

4.1 The borough presents a wide variety of natural resource issues. Cheshire East is a varied borough with a diverse landscape stretching across the Cheshire Plain from the Peak District to the Sandstone Ridge. Its intimate river valleys, woods, meres and mosses are intermingled with land affected by industrialisation. The impact of climate change remains a constant challenge, whilst there are opportunities to mitigate further change through appropriate renewable energy. The policies of the SADPD seek to capitalise on new opportunities to make the best use of natural resources, whilst managing the impact that new development brings to a complex and sensitive environment.

4.2 The council and a number of other partner organisations have prepared a comprehensive green and blue infrastructure plan (the Green Infrastructure Plan October 2019) that will inform the implementation of relevant local plan policies. The Green Infrastructure Plan will set out priority areas for green infrastructure intervention and investment. The plan outlines a number of projects that support the enhancement of the green infrastructure network. These projects are grouped around a number of activity areas: urban greening; thriving nature; getting outdoors easily; farmland and soils; environments for business; rivers and valleys; working alongside major infrastructure; and a distinctive place for culture, heritage and tourism.

Ecology

Policy ENV 1

Ecological network

1. The ecological network consists of core areas; corridors and stepping stones; restoration areas; sustainable land use areas; and the Meres and Mosses catchments (buffer zones).
2. Core areas; corridors and stepping stones; restoration areas; and the Meres and Mosses catchments (buffer zones) are shown on the adopted policies map.
3. Sustainable land use areas consist of all land outside of the core areas; corridors and stepping stones; and restoration areas.
4. Within the components of the ecological network, as identified on the policies map, development proposals should:
 - i. increase the size, quality or quantity of priority habitat within core areas, corridors or stepping stones;
 - ii. within corridors and stepping stones, improve the connectivity of habitats for the movement of mobile species;
 - iii. in restoration areas, improve the structural connectivity, resilience and function of the network;
 - iv. in buffer zones within core areas and around protected meres and mosses, minimise adverse impacts from pollution and disturbance.
5. Areas of ecological value may be designated within neighbourhood plans and where relevant, policies for them within neighbourhood plans will also be applied when considering planning applications that might affect them.

Supporting information

4.3 LPS Policy SE 3 'Biodiversity and geodiversity' seeks to protect and enhance biodiversity and geodiversity. LPS Policy SE 6 'Green infrastructure' supports the protection, enhancement, creation and management of a network of green infrastructure. It also seeks to deliver a network of green

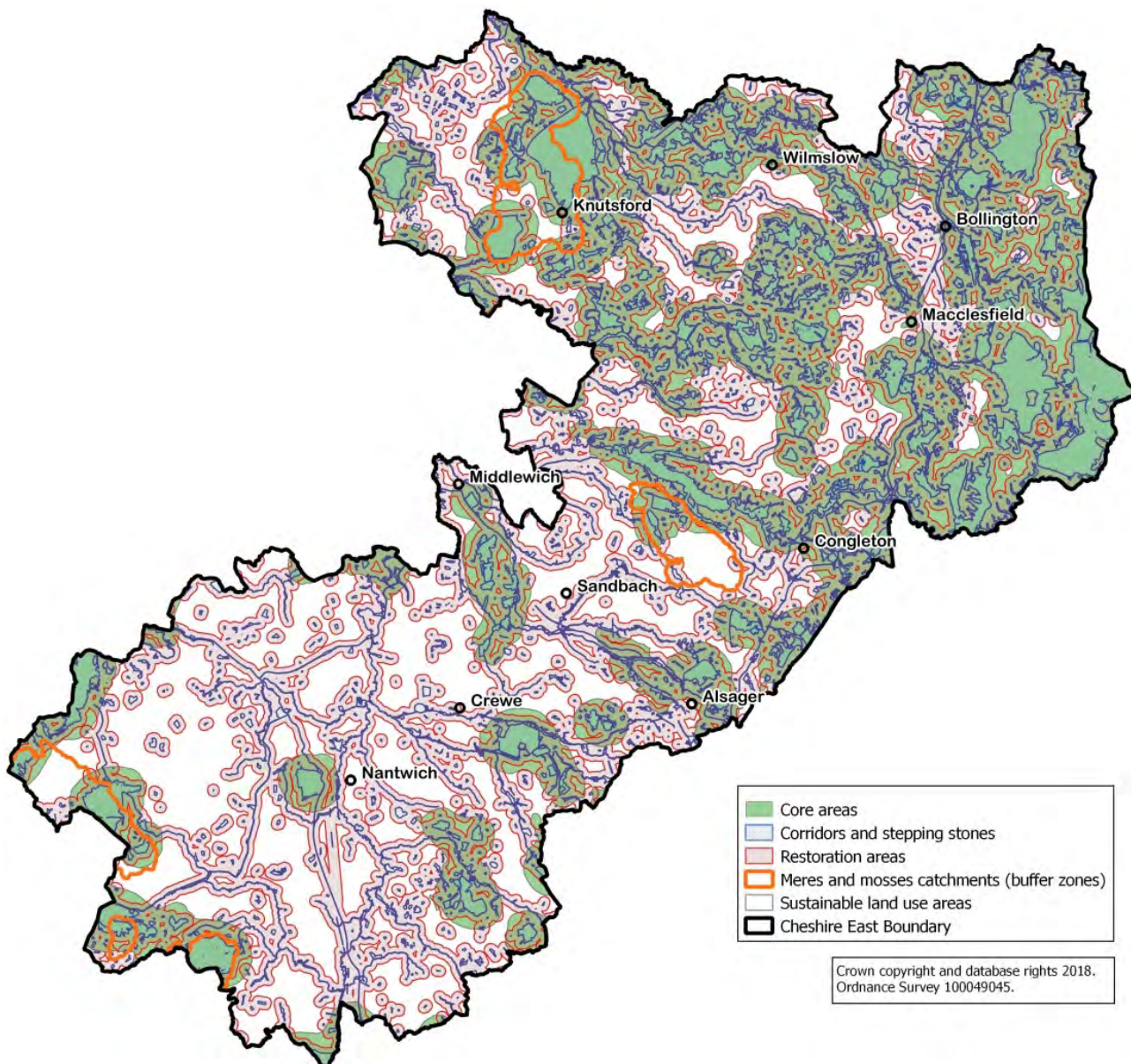


spaces providing a variety of benefits including biodiversity (Criterion 3(x)). Policy ENV 1 seeks to deliver benefits for biodiversity from development. The policy does not seek to stifle or preclude development but seeks to secure ecological enhancement. The policy will be applied on a case by case basis so that proportional enhancement is sought.

4.4 The Natural Environment and Rural Communities Act (NERC) 2006 places a duty on every public authority, in exercising its functions, to have regard to the purpose of conserving biodiversity, so far as is consistent with the proper exercise of those functions.

4.5 The council has produced an ecological network map for the borough, which incorporates existing protected sites and priority habitats and identifies areas to restore and buffer the network. The ecological network will assist in the provision of nature conservation and ecosystem services that are essential for sustainable development, including water management, carbon capture and access to nature with associated recreational and health benefits.

Figure 4.1 Ecological network in Cheshire East



4.6 Core areas contain concentrations of habitats that are rare or important because of the wildlife they support and areas of irreplaceable natural habitat such as ancient woodland, glacial meres and peatlands, which are impossible to re-create. They include protected wildlife sites: special areas of conservation (SAC), special protection areas (SPA), Ramsar sites, sites of special scientific interest (SSSI), local nature reserves (LNR), local wildlife sites (LWS) and UK priority habitats. Buffer zones



are incorporated into the core areas and protect the individual sites and habitats from external adverse impacts such as pollution and disturbance.

4.7 Corridors and stepping stones enable mobile species to move between core areas and the wider landscape. Connectivity does not necessarily mean linear continuous habitats. They could be in the form of a number of small sites acting as stepping stones and could include non-statutory sites and priority habitats outside core areas, as well as more recognisable watercourses and canals. They include SSSI (geological), Wildlife Trust sites outside core areas, the national inventory of woodland and trees, rivers, canals, English Woodland grant scheme new planting and 'natural' green infrastructure typologies.

4.8 Restoration areas are designed to enhance connectivity, resilience and the functioning of the ecological network. Sustainable land use areas are those within the wider landscape, focused on the sustainable use of natural resources and appropriate economic activities that assist in the delivery of ecosystem services.

4.9 Neighbourhood plans may also include policies to protect and enhance biodiversity, including through the designation of wildlife corridors. These policies, where relevant, will need to be applied to development schemes alongside the policies in the local plan. Local wildlife corridors refine and compliment the wider ecological network.

Related documents

- Green Space Strategy (2013, Cheshire East Council)
- Green Space Strategy Update (2020, Cheshire East Council) [ED 18]
- Ecological Network for Cheshire East (2017, Total Environment) [ED 09]
- Cheshire East Green Infrastructure Plan (2019, The Environment Partnership) [ED 47]
- Green Infrastructure Assessment of Cheshire East (2018, The Mersey Forest) [ED 55]



Policy ENV 2

Ecological implementation

1. Net gain: development proposals should provide for a net gain in biodiversity in line with the expectations of national policy and be supported by a biodiversity metric calculation.
2. Mitigation hierarchy: in accordance with the mitigation hierarchy, all development proposals must make sure that significant harm to biodiversity and geodiversity is:
 - i. firstly avoided; then
 - ii. if impacts cannot be avoided, identify and implement measures to acceptably mitigate these impacts; then
 - iii. finally, and as a last resort, if impacts are unavoidable and cannot be acceptably mitigated, compensation measures should be provided. This may include off-site provision where adequate on-site provision cannot be made. To maximise its benefits, off-site habitat provision should be prioritised firstly towards those areas identified on the adopted policies map as nature improvement areas and those areas identified by the ecological network map as delivering the most benefit for biodiversity (see Policy ENV 1 'Ecological network').
3. Ecological assessment: planning applications should be supported by an ecological assessment (where necessary), which complies with industry good practice/guidance and:
 - i. identifies the assets of biodiversity/geodiversity value on and in the vicinity of the site;
 - ii. evaluates the value and extent of the assets;
 - iii. assesses the likely expected impact of the development on assets of biodiversity/geodiversity value taking into account the mitigation hierarchy;
 - iv. identifies the net losses and gains for biodiversity/geodiversity, using a biodiversity metric calculation;
 - v. identifies the options to enhance the value of the assets and contribute towards the borough's ecological network; and
 - vi. provides sufficient information to inform a Habitats Regulations Assessment, where development could have an individual or in-combination significant effect on a European Site or its supporting habitat.
4. Management and maintenance: developers will be expected to secure the long term maintenance and management of any on-site or off-site habitat creation or enhancement works to make sure created habitats achieve both their target value and are maintained into the future.
5. Geodiversity: any unavoidable loss of geodiversity should be compensated through the provision of replacement exposures that are of greater value for interpretation, research and study than those lost.

Supporting information

4.10 LPS Policy SE 3 'Biodiversity and geodiversity' makes clear the council's commitment to increasing the total area of valuable habitat in the borough, the linking up of existing habitats and the creation of ecological stepping stones and wildlife corridors. This SADPD policy provides additional detail about how this will be achieved by making sure that all development proposals contribute positively to the conservation of biodiversity and geodiversity.

4.11 The mitigation hierarchy firstly seeks to avoid significant harm. Developments should seek to comply with this policy requirement through the designing out of impacts on biodiversity. For example, this can be achieved by retaining and buffering important ecological features such as priority habitats in the layout of a residential development or seeking to retain an existing bat roost in a building



proposed for conversion or renovation. It is vital that these issues are considered at the very start of formulating development proposals.

4.12 When all available options in the mitigation hierarchy have been explored and residual net gain is not possible on the site, then compensatory measures off-site will be required. Habitat creation and enhancement will only be possible where opportunities arise and so off-site habitat creation and enhancement may, in some cases, be delivered some distance away from the site of the proposed development.

4.13 The government supports the principle of net gain in its 25 year environment plan. Thriving plants and wildlife are one of its key goals. All losses and gains to the biodiversity value of a site resulting from development should be measured to make sure developments deliver the required net gain.

4.14 Major developments and developments affecting semi-natural habitats should be supported by an assessment of the impacts of the proposed development undertaken in accordance with the DEFRA technical paper: the metric for the biodiversity offsetting pilot in England March 2012 (or any subsequent publication). It is suggested that spreadsheets developed by the Environment Bank be used in assisting with the undertaking of this assessment.

4.15 The Meres and Mosses of the Marches Nature Improvement Area (NIA) was established in 2012 as one of twelve NIAs nationally following the publication of the 2011 Natural Environment White Paper. It covers an area to the south of Crewe and Nantwich and extends into Cheshire West and Chester, and Shropshire. It comprises the largest and most ecologically diverse cluster of natural wetlands in lowland England with 13,000 ha of peat deposits, Europe's greatest concentration of ponds, rare floating bogs, glacial lakes and a wealth of wetland species. NIAs were identified for the opportunity they offer to restore nature at a landscape scale.

4.16 The Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species (amendment) (EU Exit) Regulations 2019), also known as the 'Habitats Regulations', provide legal protection to habitats and species of national importance. A Habitats Regulations Assessment (HRA) is needed for plans and projects that are likely to have a significant effect on European sites. As a competent authority under the Habitats Regulations, the council will carefully consider the nutrient impacts of any new plans and projects (including new development proposals) on European sites and whether those impacts may have an adverse effect on the integrity of a European site that requires mitigation, including through nutrient neutrality. Following the 16 March 2022, Ministerial Statement Delivering the Environment Act: taking action to protect and restore nature (statement UIN HCWS688) reference is made to Rostherne Mere Ramsar (nitrogen and phosphorus impacts), Oak Mere SAC (phosphorus impacts) and the catchments of Abbots Moss SSSI and Wybunbury Mosses SSSI, part of the West Midlands Mosses SAC (nitrogen and phosphorus impacts).

Related documents

- Green Infrastructure Assessment of Cheshire East (2018, The Mersey Forest) [ED 55]
- Cheshire East Green Infrastructure Plan (2019, The Environment Partnership) [ED 47]
- A Green Future: Our 25 Year Plan to Improve the Environment (2018, HM Government)
- Biodiversity Net Gain: Good Practice Principles for Development (2017, CIEEM, CIRIA and IEMA)
- The Natural Choice: Securing the Value of Nature (2011, HM Government)
- Technical Paper: The Metric for the Biodiversity Offsetting Pilot in England (2012, DEFRA)
- Nutrient Neutrality: A Summary Guide and Frequently Asked Questions (2022, Natural England)



Policy ENV 3

Landscape character

1. Development proposals should respect the qualities, features and characteristics that contribute to the distinctiveness of the local area, as described in the Cheshire East Landscape Character Assessment (2018) or subsequent update, taking into account any cumulative effects alongside any existing, planned or committed development.
2. The areas listed below are designated as Local Landscape Designations and are defined on the adopted policies map. They represent the highest quality and most valued landscapes in the area of the borough covered by the Cheshire East Local Plan. In line with LPS Policy SE 4 'The landscape', development that is likely to have an adverse effect on their special qualities as described in the Cheshire East Local Landscape Designation Review (2018) should be avoided.
 - i. Bollin Valley;
 - ii. Rostherne/Tatton Park;
 - iii. Arley, Tabley and Holford Estatelands;
 - iv. Alderley Edge and West Macclesfield Wooded Estates;
 - v. Peak Fringe;
 - vi. Dane Valley;
 - vii. Peckforton and Bickerton Hills;
 - viii. Cholmondeley, Marbury and Combermere Estatelands; and
 - ix. Audlem/Buerton.

Supporting information

4.17 Planning decisions should take into account the different roles and character of different areas, and recognise the intrinsic character and beauty of the countryside to make sure that development is suitable for the local context. All of Cheshire East's landscapes are of value and enjoyed for their ecological, recreational, agricultural, cultural, conservation and aesthetic aspects. The council will seek to conserve and enhance the diversity of landscape character and make sure that any development respects local landscape character.

4.18 The Cheshire East Landscape Character Assessment identifies 14 landscape character types. Each of the landscape types has a distinct and relatively homogenous character with similar physical and cultural attributes. The landscape types are sub-divided into component local landscape character areas. These are discrete geographical areas that possess the common characteristics described for the landscape type. Each character area has a distinct and recognisable local identity.

4.19 Proposals will be assessed in relation to the landscape character type in terms of the following:

- key characteristics;
- valued landscape features;
- the overall vision and landscape strategy; and
- landscape guidance.

4.20 Proposals will also be assessed in relation to local landscape character area profiles.

4.21 The Cheshire East Landscape Character Assessment (2018) contains a useful user guide (Figure 1.2 on page 6 of the document). It is arranged around a number of key stages, setting out a



series of questions as prompts to make sure the landscape evidence can be used to shape proposals and assist in planning decisions.

4.22 LPS Policy SE 4 'The landscape' looks at the landscape in general, specifies criteria to be met by development proposals and deals with local landscape designations. Local landscape designation areas are shown on the adopted policies map. These reflect the findings of the Cheshire East Local Landscape Designation Review (2018). Chapter 4 of the Review includes a Statement of Significance for each Local Landscape Designation area, describing its special qualities.

4.23 LPS Policy SE 6 'Green infrastructure' deals with the borough's green infrastructure assets that, linked together, create Cheshire East's unique landscape. Criterion 1 of that policy describes these assets that relate to the various landscape character types.

4.24 Neighbourhood plans may provide more detail at the local level regarding landscape character.

Related documents

- Cheshire East Landscape Character Assessment (2018, LUC) [ED 10]
- Cheshire East Local Landscape Designation Review (2018, LUC) [ED 11]
- Green Space Strategy (2013, Cheshire East Council)
- Green Space Strategy Update (2020, Cheshire East Council) [ED 18]
- Cheshire East Green Infrastructure Plan (2019, The Environment Partnership) [ED 47]

Policy ENV 4

River corridors

Development proposals must make sure that river corridors are protected and opportunities should be taken to enhance them as important natural landscape features and usable areas of open land including, where appropriate, by:

1. conserving and enhancing existing areas of value;
2. restoring and enhancing the natural elements of the river environment; and
3. promoting public access.

Supporting information

4.25 The council, in consultation with the Environment Agency and Lead Local Flood Authority (for statutory main rivers and all other ordinary watercourses respectively) will seek to protect, promote and enhance river corridors as important natural landscape features.

4.26 LPS Policy SE 6 'Green infrastructure' seeks to deliver a network of green and blue infrastructure to provide a variety of benefits. River corridors are important green infrastructure assets and the Weaver, Bollin, Dane and Wheelock are listed as strategic assets in Criterion 3(i). Policy ENV 16 'Surface water management and flood risk' deals with development and flood risk.

4.27 The Cheshire East Landscape Character Assessment (2018) provides guidance for assessing development proposals affecting the river valleys landscape type: "The overall landscape strategy for the river valley type is to conserve the valued natural and cultural heritage features, enhance areas which are not in good condition and promote sustainable recreation activity" (p114).

4.28 Landscape guidance for the river valleys includes managing and enhancing semi-natural habitats, promoting linkages and retaining tranquillity.

4.29 This policy links with Policy ENV 3 'Landscape character'.



4.30 Most of the river corridors overlap with local landscape designations where LPS Policy SE 4 'The landscape' also applies.

4.31 There are a variety of ways that development schemes can protect and enhance river corridors. These include:

- Locating open space next to the river
- Designing front facing schemes that positively integrate with the river
- Providing for good daytime light provision along the river corridor through the location, scale and massing of buildings
- Integrating flood attenuation with landscape and biodiversity enhancements
- Using bio-engineering solutions rather than hard bankside engineering
- Restoring the natural course and corridor of a river where it has been heavily modified or channelled
- Incorporating features to support fish and other aquatic wildlife

Related documents

- Cheshire East Landscape Character Assessment (2018, LUC) [ED 10]
- Cheshire East Local Landscape Designation Review (2018, LUC) [ED 11]
- Green Space Strategy Update (2020, Cheshire East Council) [ED 18]
- Cheshire East Green Infrastructure Plan (2019, The Environment Partnership) [ED 47]
- Local Flood Risk Management Strategy (2017, Cheshire East Council)
- Local Landscape Designations Study (2013, LUC)
- North West River Basin District River Basin Management Plan (2016, Environment Agency)

Policy ENV 5

Landscaping

Where appropriate, development proposals must include and implement a landscape scheme that:

1. responds sympathetically to topography, landscape features and existing green and blue infrastructure networks to help integrate the new development into the existing landscape;
2. enhances the quality, setting and layout design of the development;
3. achieves an appropriate balance between the open space and built form of development;
4. provides effective screening to neighbouring uses where appropriate;
5. utilises plant species that are in sympathy with the character of the area and, in line with Policy ENV 7 'Climate change', takes account of the need for climate change mitigation and adaptation;
6. makes satisfactory provision for the maintenance and aftercare of the scheme to make sure it reaches maturity and thereafter; and
7. reflects the outcome of any ecological assessment.

Supporting information

4.32 LPS Policy SE 4 'The landscape' looks at the landscape in general, specifies criteria to be met by development proposals and deals with local landscape designations. LPS Policy SE 6 'Green infrastructure' deals with the borough's green infrastructure assets that, linked together, create Cheshire East's unique landscape.

4.33 Any residential development proposals should take full account of the Cheshire East Borough Design Guide supplementary planning document.



4.34 Recognising their ecological and amenity value and the role that they can play in climate change mitigation and adaptation, where appropriate, landscaping schemes should incorporate suitable tree planting which takes account of the site's location and conditions and reflects the function of the new trees (for example, woodland, screen belt, formal avenue, etc.)

Related documents

- Cheshire East Landscape Character Assessment (2018, LUC) [ED 10]
- Cheshire East Local Landscape Designation Review (2018, LUC) [ED 11]
- Green Space Strategy Update (2020, Cheshire East Council) [ED 18]
- Cheshire East Green Infrastructure Plan (2019, The Environment Partnership) [ED 47]
- Cheshire East Borough Design Guide supplementary planning document (2017, Cheshire East Council and e*SCAPE Urbanists)

Trees, woodlands and hedgerows

Policy ENV 6

Trees, hedgerows and woodland implementation

1. Development proposals should seek to retain and protect trees, woodlands and hedgerows.
2. The layout of the development proposals must be informed and supported by an arboricultural impact assessment and/or hedgerow survey. Trees, woodlands and hedgerows considered worthy of retention should be sustainably integrated and protected in the design of the development to ensure their long-term survival.
3. Where the loss of significant trees is unavoidable, replacement tree planting should be provided, of a commensurate amenity value to the trees that are lost and to secure environmental net gain.
4. 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, prioritised in the locality of the development.
5. New streets should be tree-lined unless there are clear, justified and compelling reasons why this would be inappropriate.
6. Development proposals should put in place appropriate measures to secure the long-term maintenance of newly planted trees.

Ancient woodland and veteran trees

7. Appropriate buffers must be provided adjacent to/around ancient woodland to avoid any harm to the woodland arising from new development. Development proposals on any site adjacent to ancient woodland must be supported by evidence to justify the extent of the undeveloped buffer proposed.
8. Ancient or veteran trees must be retained in development schemes and, wherever possible, located in public open space. Retained veteran trees must be protected through a management plan in accordance with Natural England guidelines (Veteran Trees: A Guide to Good Management).

Supporting information

4.35 LPS Policy SE 5 'Trees, hedgerows and woodland' discusses the role that woodland, trees and hedgerows play as important visual and ecological assets and the role they play in mitigating climate change. LPS Policy SE 3 'Biodiversity and geodiversity' adds further detail from an ecological perspective and LPS Policy SE 6 'Green infrastructure' deals with all aspects of green infrastructure



of which trees, hedgerows and woodland are key elements, often providing connectivity and supporting health and well-being.

4.36 Trees can offer many environmental, economic, social and climatic benefits by improving air quality, by acting as filters to pollution, absorbing CO₂ and therefore playing a key part in mitigating climate change. Trees provide shade, helping to reduce the urban heat island effect and help control water flow through the environment. They also contribute to biodiversity, amenity and provide benefits that help improve health and well being and improvements to quality of life.

4.37 Trees, woodlands and hedgerows contribute to the identified landscape character and townscapes of Cheshire East and their retention and proper management is essential in maintaining local distinctiveness. The council will seek to retain and protect important trees, hedgerows and woodlands that are significant in terms of their amenity, cultural, biodiversity, landscape and heritage value. Where necessary the council will make Tree Preservation Orders (TPOs) in order to retain individual trees, groups of trees and woodlands that make a significant contribution to the amenity of an area or are likely to do so in the future. In assessing significant trees, the council will consider the species, size, form, age, condition, life expectancy and visual impact.

4.38 Developers should carry out an assessment of potential development sites at an early stage to make sure that existing trees are identified and taken into consideration in the layout design of any future development proposal. The council will take into account the ultimate mature size of trees and their relationship to buildings and private amenity space to avoid future conflict with residential amenities. Where existing trees are likely to be affected by proposed development, an arboricultural impact assessment in accordance with BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012) (and any subsequent revisions) shall be submitted in support of any planning application.

4.39 Contributions to off-site replacement trees will be calculated using an appropriate cost equivalent replacement calculation agreed with the council, such as capital asset valuation of amenity trees (CAVAT). Compensation for the loss of woodland due to the impact of development shall be calculated in accordance with the DEFRA biodiversity offsetting metric referred to in Policy ENV 2 'Ecological implementation'.

4.40 Proposed new planting on development sites should seek to increase overall canopy cover and make sure that tree species are selected to be in keeping with the urban and rural character of the area. Where appropriate, consideration should be given to planting species that provide resilience to climate change and make provision for wider environmental benefits including improvements to biodiversity, local air quality and flood prevention.

4.41 Ancient woodlands, including plantations on ancient woodland sites, and semi-natural woodland protected as a local wildlife site covered by Section 41 of the Natural Environment and Rural Communities Act 2006, are highly valuable and sensitive to a number of indirect impacts associated with development. Ancient woodlands receive protection through LPS Policy SE 3 'Biodiversity and geodiversity' Criterion 4 and paragraph 180(c) of the NPPF (2021). Woodland is also an important element of LPS Policy SE 6 'Green infrastructure' and is part of the ecological network in Criterion 3(x).

4.42 Ancient or veteran trees have cultural, historical, landscape and nature conservation value because of their age, size or condition and are irreplaceable. As such, their loss or harm will not be permitted, and they should be sensitively integrated into schemes. Where trees are found to have potential veteran status they shall be assessed in accordance with the Natural England Specialist Survey Method for Veteran Trees and, where appropriate, shall be subject to a long term management plan in accordance with Natural England guidance.

4.43 Ancient woodland must be protected from harm by an appropriate undeveloped buffer zone, the extent of which must be justified and reflect current standing advice.

4.44 Development sites that include existing woodland must be supported by detailed management proposals to ensure the long term sustainable retention and enhancement of woodland.



4.45 Hedgerows are a traditional form of field boundary, a distinctive feature of the countryside of Cheshire East, and are a habitat subject of a biodiversity action plan. Where there are existing agricultural hedgerows that are more than 30 years old and are proposed to be removed as part of a development proposal, the hedge should be assessed against the criteria in the Hedgerow Regulations 1997 to determine if it qualifies as 'important' under the Regulations.

Related documents

- The Hedgerow Regulations 1997
- BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations (2012, BSI)
- The UK Forestry Standard: The Government's Approach to Sustainable Forestry (2017, Forestry Commission)
- Tree Species Selection for Green Infrastructure: A Guide for Specifiers (2018, Trees and Design Action Group)
- Ancient Woodland, Ancient Trees and Veteran Trees: Protecting them from Development (2018, Natural England and the Forestry Commission)
- Trees in the Townscape: A Guide for Decision Makers (2012, Trees and Design Action Group)
- Veteran Trees: A Guide to Good Management (2000, English Nature)
- A Green Future: Our 25 Year Plan to Improve the Environment (2018, HM Government)
- Biodiversity Net Gain: Good Practice Principles for Development (2017, CIEEM, CIRIA and IEMA)

Climate change



Policy ENV 7

Climate change

1. **Climate change mitigation and adaptation:** Development proposals should incorporate measures that can adapt and/or demonstrate resilience to climate change and mitigate its impacts. Development proposals should:
 - i. maximise opportunities for both natural heating and ventilation and also reduce exposure to wind and other elements through the orientation and location of buildings;
 - ii. incorporate measures such as solar shading, thermal mass, heating, cooling, ventilation and appropriately coloured materials in areas exposed to direct sunlight, green and brown roofs and green walls;
 - iii. incorporate blue and green infrastructure, trees and other planting, to provide opportunities for cooling, shading of amenity areas, buildings and streets and to help to connect habitats, using native plants that are carefully selected so they can be managed and sustained to meet the predicted changed climatic conditions;
 - iv. include, where possible, opportunities for the growing and sourcing of local food supplies (such as allotments and other community schemes);
 - v. incorporate measures that reduce the need to travel and/or support sustainable travel initiatives in line with LPS Policy CO 1 'Sustainable travel and transport';
 - vi. incorporate water efficiency measures and include appropriate sustainable drainage systems (SuDS) to minimise and manage surface water runoff and its impacts in line with LPS Policy SE 13 'Flood risk and water management' and SADPD Policy ENV 16 'Surface water management and flood risk';
 - vii. minimise the generation of waste and energy consumption in the design, construction, use and life of buildings and promote more sustainable approaches to waste management, including the reuse and recycling of construction waste and the promotion of layouts and designs that provide adequate, well-designed space to facilitate waste minimisation, reuse, recycling and composting; and
 - viii. provide space for physical protection measures and/or make provision for the future relocation of vulnerable development and infrastructure, where demonstrated as necessary to ensure the future resilience of communities and infrastructure to climate change impacts.
2. **Energy efficiency:** Development proposals should optimise energy efficiency measures in line with LPS Policy SE 9 'Energy efficient development'. New build residential development should achieve reductions in CO₂ emissions of 19% below the Target Emission Rate of the 2013 Edition of the 2010 Building Regulations (Part L) unless this is superseded by an updated building regulations requirement requiring a higher environmental performance standard or where applicants can demonstrate that it is not viable or feasible to meet the standards.
3. **Decentralised, Renewable and Low Carbon Energy Sources:** Development proposals should optimise the use of decentralised energy, renewable or low carbon energy sources in line with LPS Policy SE 8 'Renewable and low carbon energy' and LPS Policy SE 9 'Energy efficient development' with reference to the following minimum standards:
 - i. non-residential development over 1,000 sq.m will be expected to secure the minimum standards set out in Criterion 2 of LPS Policy SE 9 'Energy efficient development'; and
 - ii. all 'major' residential development schemes should provide for at least 10% of their energy needs from renewable or low carbon energy generation on site unless the applicant can clearly demonstrate that having regard to the type of development and its design, this is not feasible or viable.



Supporting information

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

4.47 The planning system has a critical role to play in addressing climate change, in terms of both mitigating its effects and shaping places to cope with its impacts. This policy, building on policies in the LPS and the content of the Environment Strategy, in combination with other policies in the plan, is designed to make sure that development and use of land in the borough contributes to the mitigation of, and adaptation to, climate change impacts. Climate change mitigation measures can also add to the sense of place and the design quality of development. The policy is consistent with the government's commitment to a more sustainable construction sector in the Industrial Strategy Construction Sector Deal (2018), including its mission to at least halve the energy use of new buildings by 2030.

4.48 In line with LPS Policy SE 8 'Renewable and low carbon energy', the council will look favourably upon development that follows the principles of the Energy Hierarchy, and seeks to achieve a high rating under schemes such as BREEAM (for non-residential development), CEEQUAL (for public-realm development) and Building for a Healthy Life (or as updated).

4.49 The need to mitigate the effects of and adapt to the impacts of climate change should be considered at an early stage in formulating development proposals so appropriate design measures can be incorporated into it to help address these important issues. Many measures, if considered at an early stage, can be included at little or no additional cost in the design and layout of development proposals.

4.50 Information on how a proposal seeks to meet energy efficiency and decentralised energy, renewable and/or low carbon energy standards will need to be provided upfront at the planning application stage through an energy/sustainability statement. The submission will form part of the validation process. The new standards will be applied through planning conditions attached to any permission granted. If sufficient evidence is not submitted at this stage, or during the life of a planning application, a pre-commencement planning condition will be attached to any planning permission to confirm that the development will be able to achieve the required standard prior to construction starting.

4.51 Where viability or feasibility assessments are submitted by an applicant in response to the standards set in the policy, they will be evaluated independently with the cost being borne by the applicant.

Related documents

- Local Plan Site Allocations and Development Policies Viability Assessment (2020, HDH Planning and Development) [ED 52]
- Cheshire East Energy Framework (2015, Cheshire East Council)
- Climate Change and Sustainable Energy Planning Research (2011, LDA Design)
- Industrial Strategy Construction Sector Deal (2018, HM Government)
- Cheshire East Council Environment Strategy 2020-2024 (2020, Cheshire East Council)
- Building for a Healthy Life (2021, Birkbeck & Kruczkowski with Jones, McGlynn & Singleton)
- Cheshire East Council Carbon Neutrality Action Plan 2020-2025 (2020, Cheshire East Council)



Policy ENV 8

District heating network priority areas

1. The areas within the settlement boundaries of Crewe and Macclesfield, as defined by the adopted policies map, are identified as district heating network priority areas.
2. The requirements of Criterion 3 of LPS Policy SE 9 'Energy efficient development' apply to development in district heating network priority areas or in large scale development elsewhere.

Supporting information

4.52 LPS Policy SE 9 'Energy efficient development' states that the SADPD will identify district heating priority areas.

4.53 In line with the Cheshire East Energy Framework (2015), the council is undertaking heat network feasibility work for two principal towns in the borough: Crewe and Macclesfield. This work is continuing through the European Local Energy Assistance programme. These are the areas with the highest potential for heat networks, with high heat density as identified in the national heat map (2010-2018). It is anticipated that this work will be extended to other areas of the borough during the life of the plan, which will be addressed in subsequent plan reviews.

Related documents

- Cheshire East Energy Framework (2015, Cheshire East Council)
- Crewe Town Centre Detailed Feasibility Study (Heat Mapping and Masterplanning) (2015, AECOM)
- Macclesfield Town Centre Heat Network Detailed Feasibility Study (2017, Arup)
- Cheshire East Council Carbon Neutrality Action Plan 2020-2025 (2020, Cheshire East Council)
- National Heat Map (2010-2018) (2010, Centre for Sustainable Energy)



Policy ENV 9

Wind energy

1. In accordance with LPS Policy SE 8 'Renewable and low carbon energy' Criterion 5, proposals for wind energy development, involving one or more wind turbines, will only be considered as suitable where they meet all of the following criteria:
 - i. proposals are located outside of those areas identified on the adopted policies map as being highly sensitive to wind energy development, including local landscape designations and the Peak District National Park fringe;
 - ii. proposals do not adversely affect the integrity of international ecological designations⁽⁴⁾ listed in LPS Policy SE 3 'Biodiversity and geodiversity';
 - iii. the impacts of the proposed wind energy development on key landscape characteristics are minimised. This means of a scale and type where landscape sensitivity to wind energy development has been identified as being 'low to moderate' or 'moderate' in impact in the Landscape Sensitivity to Wind Energy Developments (2013) study;
 - iv. the individual and cumulative impact of schemes is acceptable in line with the landscape, ecological, amenity and operational factors set out in LPS Policy SE 8 'Renewable and low carbon energy'. Proposals should not have a detrimental impact on air traffic safety or give rise to unacceptable harm to the natural or historic environment, heritage assets and their settings; and
 - v. sufficient distance can be maintained between the proposal and sensitive receptors to protect amenity, particularly with respect to noise and visual impacts.
2. Applications for wind energy development should also include:
 - i. an assessment of shadow flicker or reflected light that might affect nearby land uses and/or properties. This assessment should also look to identify appropriate mitigation measures;
 - ii. details of associated infrastructure including connection to the electricity network and the suitability of the access routes to the proposed site for construction and operation of the proposed use;
 - iii. a landscape appraisal or landscape visual impact assessment (when environmental impact assessment is required) that should carefully consider cumulative impacts;
 - iv. details of consultation with statutory bodies and infrastructure providers, as appropriate;
 - v. an appraisal of how any proposal responds to the general design principles set out in the Landscape Sensitivity to Wind Energy Developments study; and
 - vi. details of what will be decommissioned and removed from the site at the end of its operational use through a decommissioning method statement. Planning conditions and/or legal agreements will be used to secure these.

Supporting information

4.54 Planning applications for wind energy development will also be considered alongside national planning policy as a material consideration. The NPPF 2021 (footnote 54) and LPS Policy SE 8 'Renewable and low carbon energy' say, amongst other things, that proposed new wind turbines (except where they involve repowering of existing turbines) should not be considered acceptable unless, following consultation, it can be demonstrated that the planning impacts identified by the local community have been fully addressed and the proposal has their backing.

⁴ Including Special Protection Areas, Special Areas of Conservation, Ramsar sites and any potential Special Protection Areas, candidate Special Areas of Conservation or proposed Ramsar Sites.



4.55 The turbine heights and cluster sizes that apply to this policy are shown below in Table 4.1 'Turbine heights and cluster sizes'.

Table 4.1 Turbine heights and cluster sizes

Turbine height (to blade tip)	
Very small turbines	Approximately 15 to 25 metres excluding roof mounted turbines
Small turbines	Approximately 26 to 50 metres
Medium turbines	Approximately 51 to 75 metres
Large turbines	Approximately 76 to 110 metres
Very large turbines	Approximately 111 to 150 metres (plus)
Turbine cluster size	
Small scale clusters	Up to 5 turbines
Medium scale clusters	6 to 10 turbines
Large scale clusters	11 to 25 turbines
Very large scale clusters	26 turbines and over

4.56 This policy has been informed by the Climate Change and Sustainable Energy Planning Research (2011) and the Landscape Sensitivity to Wind Energy Developments (2013) study. The climate change and sustainable energy study describes the potential sources of renewable energy in the borough taking account factors such as wind speeds and the presence of high level constraints.

4.57 The landscape sensitivity study is based on an assessment of landscape character using carefully defined criteria and provides guidance on design and layout of schemes to minimise impacts on the landscape. Together, these studies provide useful guidance for preparing and considering proposals for wind development, and should be read alongside this policy.

4.58 The landscape sensitivity study identifies areas where the sensitivity of the landscape to wind development is likely to be greatest and areas where impacts may be more moderate. Proposals for very large and large wind turbines are unlikely to be acceptable anywhere in the borough due to the sensitivity of the landscape. In addition, applications for wind energy development in high landscape sensitivity areas will not normally be permitted.

4.59 The clustering of turbines in particular concentrations can be damaging to the landscape. As such, proposals for large and very large scale clusters of turbines are unlikely to be acceptable anywhere in the borough due to the sensitivity of the landscape.

4.60 Proposals for small or medium turbines in single free standing units or small groups may be acceptable in areas where landscape sensitivity has been identified as being low-moderate or moderate (there are no areas of low sensitivity) and when considered against all aspects of this policy and alongside LPS Policy SE 8 'Renewable and low carbon energy'. Table 6.1 of the Landscape Sensitivity to Wind Energy Developments study summarises the overall landscape sensitivity across landscape character type areas across the borough.

4.61 However, in all areas there will be characteristics in the landscape that are sensitive to wind energy development and applicants should demonstrate how impacts, including cumulative impacts, would be acceptably minimised through siting, layout and design. Guidance on such factors can be found in appendices 1 and 2 of the Landscape Sensitivity to Wind Energy Developments study.

4.62 Applicants are encouraged to initiate consultations with airport operators and Jodrell Bank, where necessary, prior to the submission of planning applications.



4.63 The presence and operation of wind turbines can present issues for aviation. The amount of interference depends on the number and size of wind turbines, construction materials, location and on the shape of the blades. The most significant impacts are likely to arise in connection with large turbines, but smaller installations can also have impacts and need to be assessed. Where consultations with the relevant operators identify that there may be impacts on air traffic safety then proposals will not be supported.

4.64 In line with LPS Policy SE 14 'Jodrell Bank' and Policy HER 9 'Jodrell Bank World Heritage Site', development proposals within the Jodrell Bank Observatory Radio Telescope Consultation Zone/World Heritage Site Buffer Zone that impair the efficiency of the telescope or have an adverse impact on the historic environment and visual landscape setting of the Jodrell Bank Observatory Radio Telescope will not be supported.

4.65 Applicants are encouraged to carry out pre-application consultation with the local community, for all planning applications for wind development involving more than two turbines or where the hub height of any turbine exceeds 15 metres. Details of the consultation should be agreed with the local planning authority in advance. In larger scale developments, regular site liaison committees should be held, where there is interest from local residents.

4.66 Proposals for wind turbines in the Green Belt constitute inappropriate development. In such cases developers will need to demonstrate very special circumstances in accordance with national policy.

4.67 Onshore wind turbines typically have a design life of 25 years and so planning conditions and/or legal agreements will be used to address issues such as decommissioning and removal.

4.68 LPS Policy SE 15 'Peak District National Park fringe' notes the value of the Peak District National Park as an asset of national, regional, and local importance and this policy will seek to protect the setting of the national park, where development compromises its statutory designation and purpose.

4.69 Prospective applicants are encouraged to contact the relevant water undertaker to consider the effects in public water supply catchment land so as to minimise potential impacts.

Related documents

- Climate Change and Sustainable Energy Planning Research (2011, LDA Design)
- Landscape Sensitivity to Wind Energy Developments (2013, LUC)



Policy ENV 10

Solar energy

Solar farms/parks (ground mounted solar energy developments)

Proposals for solar farms/parks should meet the requirements of LPS Policy SE 8 'Renewable and low carbon energy', alongside the following criteria:

1. Proposals should be sited on previously developed land wherever possible, in line with LPS Policy SE 2 'Efficient use of land'. Development on previously developed land in close proximity to the electricity grid will be supported.
2. Proposals should avoid the loss of best and most versatile agricultural land in line with Policy RUR 5 'Best and most versatile agricultural land'. Where proposals are sited on agricultural land, land around the structure should be maintained to be used for livestock grazing or other agricultural use, wherever possible.
3. Individual and cumulative impacts of schemes will be considered in line with the landscape, ecological, amenity and operational factors set out in LPS Policy SE 8 'Renewable and low carbon energy'. This may also include the requirement of a glint and glare assessment, where necessary. Mitigation measures will be used to address any identified impacts, as and when appropriate.
4. Associated development and buildings such as access roads, security perimeter fencing and CCTV, inverter cabinets, lighting and any buildings must be designed so as to minimise its visual impact, whilst ensuring that the development causes no risk to public safety.
5. Proposals should not have a detrimental impact on air traffic safety or give rise to unacceptable harm to the natural or historic environment, heritage assets and their settings.
6. Proposals should include a decommissioning statement, detailing the anticipated lifespan of the technology and how the removal of all structures and machinery will be delivered alongside the full restoration of the site.

Photovoltaics for domestic and non-domestic buildings

7. Where solar thermal and photovoltaics on domestic and non-domestic buildings do not fall within permitted development, these, particularly roof based schemes, will be encouraged where they do not conflict with other local planning policies, particularly in relation to the impact upon heritage assets, conservation areas and the principles set out in LPS Policy SE 8 'Renewable and low carbon energy'. Schemes will also be encouraged to maximise solar gain through appropriate layout, design and orientation.

Supporting information

4.70 Applications for ground mounted solar energy developments must be supported by a landscape appraisal or, in the case of development requiring environmental impact assessment, a landscape and visual impact assessment. The scope of these should be agreed at the outset with the council. This should consider mitigation measures through layout, siting, design and screening. Wherever possible, hedgerows, trees, field patterns and strong boundary features should be used to mitigate the visual impact of solar energy developments. This should also consider any cumulative impacts.

4.71 The presence and operation of solar panels can present operational issues for aviation. In addition to their potential for presenting a physical obstacle to air navigation, solar panels can present a hazard to aircraft through glint or glare impacts and potential interference with aeronautical communication navigation systems (CNS) equipment. Developers are encouraged to undertake thorough pre-planning application discussions with airport operators at the earliest stage of project planning. Where consultations with the relevant operators identify that there may be impacts on air traffic safety then proposals will not be supported.



4.72 In line with LPS Policy SE 14 'Jodrell Bank' and Policy HER 9 'Jodrell Bank World Heritage Site', development proposals within the Jodrell Bank Radio Observatory Telescope Consultation Zone/World Heritage Site Buffer Zone that impair the efficiency of the telescope or have an adverse impact on the historic environment and visual landscape setting of the Jodrell Bank Observatory Radio Telescope will not be supported.

4.73 Planning conditions/legal obligations will be used to make sure that the ground mounted solar energy developments installations are removed when no longer in use and the land is restored to its previous use.

Related documents

- Climate Change and Sustainable Energy Planning Research (2011, LDA Design)
- Cheshire East Council Carbon Neutrality Action Plan 2020-2025 (2020, Cheshire East Council)

Policy ENV 11

Proposals for battery energy storage systems

Proposals for battery energy storage systems will be supported where they assist with the balancing of the electricity grid and support renewable energy sources (such as wind and solar) alongside meeting the following criteria:

1. schemes should be located on previously developed land and/or in existing industrial areas, wherever possible, close to existing users who can make use of the heat and/or power generated;
2. proposals should avoid the loss of best and most versatile agricultural land in line with Policy RUR 5 'Best and most versatile agricultural land';
3. proposals should not adversely impact neighbouring land users, or the existing commercial/operational requirements of surrounding businesses;
4. the cumulative impacts of existing and proposed developments on the landscape, natural environment, amenity, operational use and surrounding users will be acceptable in line with LPS Policy SE 8 'Renewable and low carbon energy';
5. development should look to utilise existing power lines, structures and infrastructure, wherever possible. Where it can be demonstrated that this is not possible and new power lines and pipelines are proposed, their impact on the landscape must be acceptably minimised;
6. associated development and buildings such as access roads, security perimeter fencing and CCTV, inverter cabinets, lighting and any buildings must be designed so as to acceptably minimise its visual impact, whilst ensuring that the development causes no risk to public safety; and
7. planning conditions/legal obligations will be used to make sure that the installations are removed when no longer in use and the land is restored to its previous condition.

Supporting information

4.74 Battery storage facilities allow energy to be stored and released back into the network when energy demand is at its highest. Proposals should look to make best use of existing infrastructure, where possible, and engage with appropriate infrastructure providers at an early stage in the design of such schemes.

4.75 In line with LPS Policy SE 14 'Jodrell Bank' and Policy HER 9 'Jodrell Bank World Heritage Site', development proposals within the Jodrell Bank Observatory Radio Telescope Consultation Zone/World Heritage Site Buffer Zone that impair the efficiency of the telescope or have an adverse

impact on the historic environment and visual landscape setting of the Jodrell Bank Observatory Radio Telescope will not be supported.



Related documents

- Climate Change and Sustainable Energy Planning Research (2011, LDA Design)
- Cheshire East Council Carbon Neutrality Action Plan 2020-2025 (2020, Cheshire East Council)

Pollution

Policy ENV 12

Air quality

Proposals that are likely to have an impact on local air quality will be required to provide an air quality assessment (AQA). Where the AQA shows that the construction or operational characteristics of the development would cause harm to air quality, including cumulatively with other planned or committed development, planning permission will be refused unless measures are adopted to acceptably mitigate the impact.

Supporting information

4.76 This policy adds further detail to LPS Policy SE 12 'Pollution, land contamination and land instability', which seeks to make sure that all development is located and designed so as not to result in poor air quality.

4.77 Every local authority in England and Wales has a statutory duty to review local air quality under the Environment Act 1995. The aim of the review process is to identify any areas where the government's national air quality objectives for eight key pollutants (benzene; 1,3-butadiene; carbon monoxide; lead; nitrogen dioxide (NO₂); sulphur dioxide; particulates (PM₁₀); and ozone) are likely to be exceeded. If the objective is breached, local authorities are required to declare any such areas as Air Quality Management Areas (AQMA) and then to prepare action plans setting out measures to improve air quality in these areas.

4.78 The council has declared several AQMA. All the AQMA are declared on the basis of being likely to breach annual (mean) concentrations of nitrogen dioxide. Further information, including maps of these areas, can be viewed on the council's website⁽⁵⁾. The council has produced an Air Quality Action Plan, which outlines the measures needed to improve air quality and is reviewed every five years as a minimum. In addition, an Annual Status Report is published, which provides an overview of air quality for that year.

4.79 An air quality assessment will be required where proposals are of a nature or scale likely to have a significant or cumulative impact upon local air quality, particularly where development is located in or within relative proximity to an AQMA. The level of assessment will depend on the nature, extent and location of the development.

4.80 Where an air quality assessment indicates a development is likely to have a significant impact upon local air quality, mitigation measures should be applied. Mitigation measures should be locationally-specific, with the nature and scale of mitigation required being proportionate to the extent of the impact. Examples of mitigation are cited within National Planning Practice Guidance (paragraph 008 Reference ID: 32-008-20191101). The Low Emissions Strategy Partnership⁽⁶⁾ also provides mitigation advice, particularly regarding how large developments can minimise traffic emissions. If

⁵ www.cheshireeast.gov.uk/environment/environmental_health/local_air_quality/aqma_area_maps.aspx

⁶ <https://www.lowemissionstrategies.org>



on-site mitigation cannot be fully achieved, contributions towards projects within the council's Air Quality Action Plan and/or Low Emission Strategy in lieu of mitigation may be negotiated.

4.81 Policy ENV 15 'New development and existing uses' sets out that existing uses should not have unreasonable restrictions placed upon them by new development ('agent of change' principle). This policy will also be considered if the introduction of 'sensitive receptors' into an area of poor air quality is proposed.

Related documents

- Cheshire East Local Air Quality Strategy (2018, Cheshire East Council)
- Cheshire East Air Quality Management Areas Maps (Cheshire East Council)
- Cheshire East Air Quality Action Plan (2021, Cheshire East Council)
- Cheshire East Air Quality Annual Status Report (2021, Cheshire East Council)
- Guidance on Land-Use Planning and Development Control: Planning for Air Quality (2017, Institute of Air Quality Management)
- Guidance on the Assessment of Dust from Demolition and Construction (2014, Institute of Air Quality Management)



Policy ENV 13

Aircraft noise

The 2019 summer (mid-June to mid-September) average mode daytime $L_{Aeq,16-hour}$ (07:00-23:00) noise contours published by Manchester Airport, as shown on the policies map, will be used for the purposes of planning application decision making until the number of air transport movements is equal or greater than that for 2019. The noise mitigation to achieve the requirements set out in the policy must assume the noise levels shown by these contours.

1. Dwellings (houses, flats, bungalows and maisonettes):

- i. Planning permission for new dwellings will not normally be granted within areas subject to aircraft noise levels above the Significant Observed Adverse Effect Level (SOAEL)⁽⁷⁾.
- ii. Planning permission for new dwellings will be granted in areas subject to daytime aircraft noise levels between the Lowest Observed Adverse Effect Level (LOAEL)⁽⁸⁾ and the SOAEL⁽⁷⁾ where it is demonstrated by the applicant that:
 - a. the internal ambient noise levels under summertime conditions with windows closed (and with the necessary ventilation to prevent overheating and ensure good indoor air quality) shall not exceed the levels set out in BS8233:2014 (or any successor to this standard), which are repeated in the table below. The application should demonstrate that the acoustic design of the proposed development will achieve the below indoor ambient noise levels and has been developed in combination with ventilation and overheating strategies. The application should maximise natural ventilation, avoid overheating, minimise sound pollution and have good air quality in accordance with Policy H1 of the National Design Guide and avoid a situation where occupants would have to choose between good internal ambient noise levels and thermal comfort or good indoor air quality⁽⁹⁾; and

Indoor ambient noise levels for dwellings			
Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living room	35 dB $L_{Aeq,16hour}$	-
Dining	Dining room/area	40 dB $L_{Aeq,16hour}$	-
Sleeping (daytime resting)	Bedroom	35 dB $L_{Aeq,16hour}$	30 dB $L_{Aeq,8 hour}$

- b. across private gardens and balconies, a reasonable proportion - typically comprising a sitting out area that is intended to be used for relaxation and that forms an intrinsic part of the overall scheme - is designed to achieve the lowest practicable noise level. In higher noise areas, applicants should aim not to exceed an upper guideline level of 55 dB $L_{Aeq,16hour}$ including through noise mitigation measures.
- iii. Given that individual noise events can also cause sleep disturbance, where average mode summer night noise levels exceed 48 dB $L_{Aeq,8hour}$, planning permission will only be granted where applicants can demonstrate that a commensurate level of protection can be provided so that a maximum sound level of 45 dB $L_{AF,max}$ in bedrooms during the summer (mid-June to mid-September) will not normally be exceeded more than

7 SOAEL is currently considered to be 63 dB $L_{Aeq,16hour}$ (07:00 -23:00).

8 LOAEL is currently considered to be 54 dB $L_{Aeq,16hour}$ (07:00 -23:00).

9 The Acoustics, Ventilation and Overheating Residential Design Guide published by the Association of Noise Consultants provides advice to designers on adopting an integrated approach to the acoustic design within the context of the ventilation and thermal comfort requirements.



ten times during a night (23:00 to 07:00). Typical aircraft $L_{AF,max}$ noise levels may be determined either by a noise survey over a representative period (typically a number of weeks) or by noise modelling, in line with a methodology that should be first agreed with the council so that the application is based on suitable noise data.

- iv. Applications for sites affected by aircraft noise should be accompanied by a noise impact assessment. The noise assessment should highlight any noise mitigation measures and demonstrate:
 - a. a good acoustic design process;
 - b. that the indoor ambient noise levels set out in Criterion 1(ii)(a) will be achieved;
 - c. that the external noise levels set out in Criterion 1(ii)(b) will be achieved; and
 - d. any other relevant issues (e.g. how the acoustic design will avoid unintended adverse consequences on indoor air quality and overheating).
2. **Hotels and rooms for residential purposes (including student halls of residence, school boarding houses and hostels):** The requirement for achieving acceptable internal ambient noise levels (including for individual noise events) due to external noise ingress is the same as for dwellings. There are no requirements in respect of noise levels within external amenity areas.
3. **Hospices and residential care homes:** The requirement for achieving acceptable internal ambient noise levels (including for individual noise events) due to external noise ingress is the same as for dwellings. Due to the potential for residents of such developments to have difficulties with their hearing and limited mobility, schemes must incorporate easily accessible external amenity areas that are subject to noise levels at or below 55 dB $L_{Aeq,16hour}$.
4. **Educational development:** Planning permission will normally only be granted for schools and nursery schools if suitable noise control measures to achieve the internal noise levels set out in BB93: Acoustic design of schools - performance standards (or any successor) are demonstrated.
5. **Healthcare development:** Planning permission will normally only be granted for hospitals and other medical facilities with accommodation for patients if suitable noise control measures to achieve the internal noise levels set out in 'Table 1 Criteria for noise intrusion from external sources' of Health Technical Memorandum 08-01: Acoustics (or any successor) are demonstrated.
6. **Other noise sensitive development:** Planning permission will normally only be granted where the applicant demonstrates that the internal ambient noise levels will be suitable for the intended use.

Supporting information

4.82 This policy seeks to avoid significant adverse aircraft noise impacts on health and quality of life, and adequately mitigate and minimise adverse impacts on health and quality of life.

4.83 Under normal circumstances, the application of this policy would be based on the latest available summer-time noise contours published annually by Manchester Airport. This is to make the policy reactive to changes in aircraft noise over time, due to factors such as growth in air transport movements and potential reductions in noise from individual aircraft due to technological improvements. However, the coronavirus situation since March 2020 has radically reduced the number of air transport movements into and out of Manchester Airport and it may be several years before movements return to pre-coronavirus levels again. Under these circumstances it is necessary to adopt the 2019 noise contours instead, which are the latest ones available prior to the advent of coronavirus, to prevent decisions being made based on atypically low aircraft noise levels. The policy allows the noise contours for a future year to be used when the number of air transport movements return to, or exceed, that recorded in 2019. The council will liaise with Manchester Airport to monitor this and will publicise through the local plan pages on its website and in the Authority Monitoring Report when this position is reached.



4.84 Planning Practice Guidance advises that for noise sensitive developments, mitigation measures can include avoiding noisy locations in the first place; designing the development to reduce the impact of noise from adjoining activities or the local environment; incorporating noise barriers; and optimising the sound insulation provided by the building envelope. It also advises that care should be taken when considering mitigation to ensure the envisaged measures do not make for an unsatisfactory development.

4.85 It is recommended that an Acoustic Design Statement be prepared in accordance with ProPG to demonstrate good acoustic design with a focus on Element 2 – observing internal noise level guidelines. If relying on closed windows to meet the internal noise levels, the application would need to demonstrate how an appropriate alternative method of ventilation will be achieved that does not compromise the facade thermal insulation, summertime internal temperatures or the resulting noise level. There should be consistency between the method of ventilation (and operating mode) assumed for acoustic calculations, and the method of ventilation assumed for thermal analysis (especially overheating). For example, if the acoustic strategy relies upon closed windows then these conditions should also be adopted for the thermal analysis.

Related documents

- Aircraft Noise Policy Background Report (2020, Jacobs) [ED 15]
- ProPG: Planning and Noise, New Residential Development (2017, Association of Noise Consultants, Institute of Acoustics and Chartered Institute of Environmental Health)
- Acoustics Ventilation and Overheating Residential Design Guide, Version 1.1 (2020, Association of Noise Consultants)
- BS 8233 Guidance on sound insulation and noise reduction for buildings (2014, British Standards Institute)
- BB93: Acoustic design of schools - performance standards (2015, Department for Education)
- Health Technical Memorandum 08-01: Acoustics (2013, Department of Health)
- BS EN 16798-1 Energy performance of buildings – ventilation for buildings part 1: Indoor environmental input parameters for design and assessment of energy performance of buildings addressing indoor air quality, thermal environment, lighting and acoustics - Module M1 (2019, British Standards Institute)
- National Design Guide (2019, MHCLG)

Policy ENV 14

Light pollution

Lighting schemes will be permitted provided the following criteria are met:

1. the amount of lighting is the minimum required for security, safety and/or operational purposes;
2. light spillage and glare will be minimised to an acceptable level;
3. the lighting is as energy efficient as possible; and
4. there will be no significant adverse effect individually or cumulatively on: residential amenity; pedestrians, cyclists and other road users; the character of the area; nature conservation; heritage assets; specialist facilities; and individuals and groups.

Supporting information

4.86 This policy complements LPS Policy SE 12 'Pollution, land contamination and land instability', which seeks to make sure all development is located and designed so as not to result in a harmful or cumulative impact on light pollution that would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm.



4.87 There is increasing awareness of the impact light pollution can have on wildlife, such as disrupting migration, reproduction and feeding patterns. Light pollution can also affect the well-being of people, including through sleep disruption.

4.88 Potential lighting schemes include, but are not limited to: housing developments; industrial developments; retail developments; equestrian development; illuminated advertisements and shop windows; private and school sports facilities; roads and footpaths; spaces for community use; and car parks.

4.89 Proposals including significant external lighting will require a lighting impact assessment prepared by a lighting specialist. Where the council decides to grant planning permission, conditions may be used to mitigate any significant impact such as: hours of illumination; angle of lights; light levels; column heights; specification and colour; retention of screening vegetation; or use of planting and bunding.

4.90 Consideration will be given to whether any proposal will conflict with the needs of specialist facilities which require low level of lighting. Specialist facilities include, but are not limited to, airports, observatories and general aviation facilities. The proposals should also take into account the needs of particular individuals and groups where appropriate such as astronomers, the elderly and visually impaired.

4.91 Particular attention should be paid to proposals involving additional lighting in/around conservation areas, or on/in proximity of listed buildings to prevent any harm arising to these historic assets; and to lighting proposals in rural areas which can significantly affect the character of a dark location.

Related documents

- Guidance Notes for the Reduction of Light Pollution (2000, Institute of Lighting Engineers)
- Guidance Notes for the Reduction of Obtrusive Light (2020, Institute of Lighting Professionals)
- Night Blight: Mapping England's Light Pollution and Dark Skies (2016, CPRE)

Policy ENV 15

New development and existing uses

New development must effectively integrate with existing uses, and existing businesses and community facilities must not have unreasonable restrictions placed on them as a result of it. Where the operation of an existing business or facility could have a significant adverse effect on a proposed new development in its vicinity, the applicant shall submit appropriate information to demonstrate that such impacts will not arise or can be prevented through suitable mitigation measures. Where such impacts will arise and cannot be avoided through mitigation, planning permission will be refused.

Supporting information

4.92 Originally, the responsibility for managing and mitigating noise impacts and other sources of nuisances such as odour, dust, light pollution, air pollution, vibration and traffic has been placed on the existing use, regardless of how long it has been operating in the area. In some cases, this has led to newly-arrived residents complaining about such nuisances, which has resulted in existing businesses and community facilities having additional restrictions and some closing down. Businesses and community facilities include employment uses, places of worship, pubs, music venues, and sports clubs.

4.93 Proposals for new sensitive development in close proximity to existing uses that generate noise or other nuisances must now follow the 'agent of change' principle. The agent of change principle



places the responsibility for mitigating the impact of noise or other nuisance firmly on the proposed new development, thereby ensuring that users or residents of the new development are protected from the nuisance and existing uses are protected from complaints.

4.94 The agent of change principle also works the other way. For example, if a new noise-generating use is proposed close to existing noise sensitive uses, such as residential development or businesses, the onus is on the new use to make sure the building or activity is designed to protect existing users or residents from the impacts. If a proposal cannot show to the satisfaction of the council that impacts would be mitigated and managed as part of the proposed new development, it will be deemed inappropriate.

Flood risk and water management

Policy ENV 16

Surface water management and flood risk

In order to manage surface water drainage effectively and reduce the risk of flooding elsewhere, in accordance with LPS Policy SE 13 'Flood risk and water management', development proposals should satisfy the following criteria:

1. It should be demonstrated how surface water runoff can be appropriately managed. Surface water runoff should be managed to achieve:
 - i. on greenfield sites, at least no increase in runoff rates, and a reduction in rates where possible; and
 - ii. on previously developed sites, a reduction in existing runoff rates in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems (2015) or any subsequent replacement standards.
2. Development proposals should manage and discharge surface water through a sustainable drainage system (SuDS). The preference will be for new development to incorporate surface level SuDS with multi-functional benefits, as opposed to underground tanked storage systems, for the management of surface water. If it is demonstrated that such a system cannot feasibly be achieved, then the following options may be implemented, in the priority listed:
 - i. an attenuated discharge to watercourse; or
 - ii. where (i) is demonstrated not to be feasible, an attenuated discharge to a highway drain⁽¹⁰⁾ or public surface water sewer; or
 - iii. where (ii) is demonstrated not to be feasible, an attenuated discharge to a public combined sewer.
3. Approved development proposals will be expected to be supplemented by appropriate maintenance and management regimes for surface water drainage schemes.
4. Development in a critical drainage area must address and mitigate known risks in that area, where relevant and appropriate.
5. Development proposals should not result in the loss of open watercourse, and culverts should be opened wherever possible. The culverting of existing open watercourses will not be permitted unless it is adequately demonstrated that there is an overriding need to do so.
6. Watercourses and riverside habitats must be conserved and enhanced, where necessary, through management and mitigation measures.

¹⁰ Due to design limitations not all highways drains will be suitable points of discharge and due consideration will need to be given on a site specific basis.



Supporting information

4.95 LPS Policy SE 13 'Flood risk and water management' seeks to reduce flood risk in the borough, through directing development to those areas that are at lowest risk of flooding from all potential sources (sequential approach). In line with the requirements of the NPPF, in the first instance development should be situated in Flood Zone 1 (low risk). Where development in Flood Zone 1 cannot be accommodated, consideration should then be made towards siting development in Flood Zone 2. Development in Flood Zone 3 should only be proposed if there are no reasonably available alternative sites (subject to the exceptions test). Inappropriate development in Flood Zone 3b will not be permitted.

4.96 There is a requirement to consult with the appropriate risk management authority (e.g. the Environment Agency), and local water companies (e.g. United Utilities) for all sources of flooding.

4.97 In demonstrating a reduction of surface water discharge on previously developed land, applicants should include clear evidence of existing positive connections from the site with associated calculations on rates of discharge. In relation to the reduction of greenfield runoff rates, applicants should include clear evidence of existing positive operational connections from the site with associated calculations on rates of discharge. This evidence is critical to make sure that development does not increase flood risk.

4.98 Landscaping proposals should consider what contribution the landscaping of a site can make to reducing surface water discharge. This can include hard and soft landscaping such as permeable surfaces to reduce the volume and rate of surface water discharge.

4.99 The treatment and processing of surface water is not a sustainable solution; surface water should be managed at source and not transferred, with every option investigated before discharging surface water into a public sewerage network. The expectation will be for only foul flows to communicate with the public sewer. Applicants wishing to discharge to public sewer will need to submit clear evidence demonstrating why alternative options are not available. A discharge to groundwater or watercourse may require the consent of the Environment Agency or Lead Local Flood Authority.

4.100 However, it is not always appropriate to discharge surface water runoff from certain catchments to the environment prior to sufficient levels of treatment. Proposals for SuDS schemes should always be designed to incorporate sufficient treatment stages to make sure that the final discharge is treated to such a standard as is appropriate for the receiving environment. Further information is available from the Environment Agency in its groundwater protection guidance and position statements and The SuDS Manual (CIRIA). Approved schemes will be expected to be supplemented by appropriate maintenance and management regimes for the lifetime of any surface water drainage schemes.

4.101 Any development proposal that is part of a wider development/allocation should demonstrate how the site delivers foul and surface water drainage as part of a wider strategy, having regard to interconnecting phases of development. It will be necessary to make sure the drainage proposals are part of a wider, holistic strategy that coordinates the approach to drainage between phases, between developers, and over a number of years of construction. The applicant will be expected to include details of how the approach to foul and surface water drainage on a phase of development has regard to interconnecting phases in a larger site. Infrastructure should be sized to accommodate flows from interconnecting phases and drainage strategies should make sure a proliferation of pumping stations is avoided on a phased development. This will make sure that a piecemeal approach to drainage is avoided and that any early phases of development provide the drainage infrastructure to meet the needs of any later interconnecting phases of development. In delivering drainage as part of a wider strategy, applicants will be expected to ensure unfettered rights of discharge between the various parcels of development in a wider development to prevent the formation of 'ransom situations' between separate phases of development.

4.102 The Canal & River Trust is not a land drainage authority and surface water discharges from developments into Canal & River Trust waterways are not granted as of right; where they are granted they will be subject to completion of a commercial agreement.



4.103 A critical drainage area is defined in the Town and Country Planning (General Development Procedure) (Amendment) (No.2) (England) Order 2006 as “an area within flood zone 1 which has critical drainage problems and which has been notified...[to]...the local planning authority by the Environment Agency.” The Environment Agency has not identified or allocated any critical drainage areas in Cheshire East.

4.104 Development(s) shall be situated to avoid the risk of flooding. Where this cannot be achieved, any developments situated in areas at risk of flooding must be designed to make sure they are made safe for their lifetime and do not increase the risk of flooding onsite or elsewhere, taking into account the impact of climate change. Mitigation of flood risk shall be achieved by incorporating on-site measures. Off-site measures shall only be considered where proposed on-site measures are inadequate or where no alternative can be provided. Examples of proposals that could reduce the risk of flooding include mitigation/defence/alleviation work, retro-fitting of existing development, and off-site detention/retention for catchment-wide interventions.

4.105 The council's Local Flood Risk Management Strategy (2017) notes that culverting:

- can damage the ecology of a watercourse;
- introduces an increased risk of blockage, with a consequent increase in flood risk; and
- can complicate maintenance because access into the culvert is restricted (in some cases being classified as a confined space and requiring trained operatives and specialist equipment).

Related documents

- Preliminary Flood Risk Assessment (2011, Jacobs)
- Preliminary Flood Risk Assessment Addendum (2017, Cheshire East Council)
- Cheshire East Strategic Flood Risk Assessment (2013, JBA Consulting)
- Cheshire East Local Flood Risk Management Strategy (2017, Cheshire East Council)
- The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003
- Catchment Flood Management Plans (2009, The Environment Agency)
- Non-Statutory Technical Standards for Sustainable Drainage Systems (2015, DEFRA)
- Groundwater protection guidance documents (The Environment Agency and DEFRA)
- Position statements: The Environment Agency's Approach to Groundwater Protection (2018, The Environment Agency)
- The SuDS Manual (2015, CIRIA)
- Surface Water Drainage (2015, The Canal & River Trust)



Policy ENV 17

Protecting water resources

1. Development proposals will not be permitted that are likely to have a detrimental impact on the flow or quality of groundwater or surface water.
2. Any proposals for new development within groundwater source protection zones must accord with the Environment Agency guidance and position statement as set out in its document entitled 'The Environment Agency's approach to groundwater protection', or any subsequent iteration of the guidance. New development within groundwater source protection zones will be expected to conform to the following:
 - i. Master planning may be required to mitigate the risk of pollution to public water supply and the water environment. For residential proposals within source protection zone 1, pipework and site design will be required to adhere to a high specification to ensure that leakage from sewerage systems is avoided.
 - ii. Appropriate management regimes to secure open space features in the groundwater protection zone.
 - iii. A quantitative and qualitative risk assessment and mitigation strategy with respect to groundwater protection will be required to manage the risk of pollution to public water supply and the water environment.
 - iv. Construction management plans will be required to identify the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify the appropriate mitigation measures necessary to protect and prevent pollution of these waters.

Supporting information

4.106 This policy supplements LPS Policy SE 12 'Pollution, land contamination and land instability' and makes explicit the protection of groundwater and surface water in terms of both their flow and quality. Our water resources provide drinking water, sustain crucial habitats for many different types of wildlife, and are an important resource for industry and recreation. Protecting and improving the water environment is an important part of achieving sustainable development and is vital for the long term health, well being and prosperity of everyone.

4.107 The Environment Agency has defined groundwater source protection zones for groundwater sources, which are often used for public drinking water supply purposes. These source protection zones signify where there may be a particular risk from polluting activities on or below the land surface. The prevention of pollution to drinking water supplies is critical.

4.108 Any risk assessment should be based on the source-pathway-receptor methodology. It shall identify all possible contaminant sources and pathways for the life of the development and provide details of measures required to mitigate any risks to groundwater and public water supply during all phases of the development. The mitigation measures shall include the highest specification design for the new foul and surface water sewerage systems (pipework, trenches, manholes, pumping stations and attenuation features).

4.109 The policy supports the EU Water Framework Directive (2000/60/EC), transposed into national law through The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003. They look to prevent deterioration of all water bodies (groundwater and surface waters) and to improve them with the aim to meet 'good status' or 'good ecological potential' by 2027.

4.110 Groundwater provides a third of England's drinking water and must therefore be kept free from harmful pollution. The Environment Agency identifies source protection zones (SPZs). These signal that there are likely to be particular risks posed to the quality or quantity of water obtained,



should certain activities take place nearby. There are a number of SPZs in the borough. When assessing proposals for development, reference should therefore be made to the Environment Agency's groundwater source protection zones map together with the Environment Agency's groundwater protection guidance documents to make sure any impact of development on groundwater quality in the area is properly considered and controlled.

4.111 Development proposals on sites within a groundwater source protection zone must demonstrate that there will be no risk to the source during construction or post-construction stages.

4.112 The Environment Agency's Groundwater Source Protection Zones 2019 are shown on the adopted policies map.

Related documents

- Groundwater Source Protection Zones (2019, The Environment Agency)
- Groundwater protection guidance documents (The Environment Agency and DEFRA)
- Position Statements: The Environment Agency's Approach to Groundwater Protection (2018, The Environment Agency)
- The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003





5

The historic environment



5 The historic environment

5.1 Cheshire East has one of the richest historic legacies in the north of England. Renowned for its numerous stately homes and extensive gardens and parkland, the borough has a magnificent heritage that the SADPD seeks to preserve and enhance. Heritage plays an important role in the quality and character of the borough, and so this section has strong linkages to other policy areas such as the economy and environment.

Policy HER 1

Heritage assets

1. All proposals affecting heritage assets and their settings must be accompanied by proportionate information that assesses and describes their impact on the asset's significance. This must demonstrate a thorough understanding of the significance of the heritage asset and its setting, including (but not limited to) its historic form, fabric, character, archaeology and any other aspects that contribute to its significance. This should have regard to and reference, where relevant:
 - i. the Cheshire Historic Environment Record;
 - ii. relevant conservation area appraisals;
 - iii. the Cheshire Historic Landscape Assessment;
 - iv. the Cheshire Historic Towns Survey;
 - v. national sources; and
 - vi. original survey and field evaluation.
2. Where works of structural alteration to a heritage asset are proposed, the application must be accompanied by an adequate structural engineer's report and method statement of the impact of the works and how it will be carried out.

Supporting information

5.2 Heritage assets include conservation areas; listed buildings; scheduled monuments; registered parks and gardens; registered battlefields; world heritage sites; areas of archaeological interest; locally listed buildings; other locally important assets not on the local list; locally significant historic parks and gardens; and other locally important heritage landscapes.

5.3 Great weight must be given to the conservation of heritage assets. The more significant the asset, the greater the weight that must be given to its conservation. Crucial to the conservation and enhancement of heritage assets is an understanding of what makes them significant, and how the setting contributes to that significance.

5.4 Significance is the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For a world heritage site, the cultural value described within its statement of outstanding universal value forms part of this significance. Significance can relate to a single asset such as a building or archaeological site, or a larger historic area such as a whole village or landscape.

5.5 Designated heritage assets such as conservation areas, listed buildings, scheduled monuments, registered parks and gardens, registered battlefields and world heritage sites can make a significant contribution to local character and are statutorily protected from development that is inappropriate in scale, design, materials, details and form.



Related documents

- Cheshire Historic Environment Record (Cheshire Archaeology Planning Advisory Service)
- Cheshire Historic Towns Survey (2003, Cheshire County Council and English Heritage)
- Cheshire Historic Landscape Characterisation (2008, Cheshire County Council & English Heritage)
- Conservation area character appraisals (Cheshire East Council)
- National Heritage List for England (Historic England)
- Local List of Historic Buildings supplementary planning document (2010, Cheshire East Council)
- Cheshire East Borough Design Borough Design Guide supplementary planning document (2017, Cheshire East Council)

Policy HER 2

Heritage at risk

1. New development should identify specific opportunities where heritage assets have been identified as being at risk, and make provision to secure their future through repair and/or re-use.
2. Applications for the positive reuse of heritage assets will be supported.
3. Where there is evidence of deliberate neglect of and/or damage to a heritage asset the deteriorated state of that asset will not be taken into consideration when making a decision on a development proposal.
4. Where a development site contains a listed building(s) identified as being at risk, proposals should be phased and secured by legal agreement to ensure its/their repair and re-use as early as possible in the development process. Prior to new development being substantially complete or fully occupied, works required to secure the listed building should be carried out in full.

Supporting information

5.6 Heritage assets are a finite resource and are irreplaceable. Heritage assets can fall into disrepair and become at risk through neglect, decay or other threats. Where heritage assets are at risk, it will be important to take advantage of opportunities for their repair and re-use.

5.7 New development should positively address heritage assets at risk. The council will monitor buildings and other heritage assets at risk through neglect, decay or other threats proactively seeking solutions for assets at risk through:

- discussions with owners;
- a positive approach to development schemes that would safeguard the future of a heritage asset at risk; and
- as a last resort, using its statutory powers.

5.8 Where a listed building is considered to be at risk, based on the evidence in the Heritage At Risk Register held by Historic England and any local list, any development proposal relating to it must include proposals to secure the future of the listed building. Every site and building will differ in its circumstances, however, there should be a legally binding mechanism put in place in all cases to secure the repairs to the listed building(s). The level of works to secure a listed building and prevent that building from being at risk will vary and each case will need to be considered individually.

5.9 Heritage assets make a vital contribution to the environment and historic context of the borough. Any application involving the loss of a heritage asset must be supported by an adequate structural engineer's report as well as a report on the economic feasibility of repair and/or conversion instead of demolition. These reports should not take into account the personal circumstances of the owner, deliberate neglect or land value.



5.10 The council is currently undertaking a review of all listed buildings, which will form the evidence base for the Cheshire East Buildings at Risk Register. This will include a strategy for how the council will proactively manage listed buildings. This list will be reviewed periodically, and the status of a building could change as new information about its condition becomes available.

5.11 For the avoidance of doubt, this policy does not allow for 'enabling development' that would usually be considered harmful. However, any resulting benefits from enabling development that outweigh harm may be a material consideration in the determination of planning applications.

Policy HER 3

Conservation areas

1. Development within or affecting the setting of a conservation area must pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Proposals should take account of the established townscape and landscape character of the area and its wider setting, including (but not limited to):
 - i. local topography, landscape setting and natural features;
 - ii. existing townscape, local landmarks, views and skylines;
 - iii. the quality and nature of material, both traditional and modern;
 - iv. the established layout and spatial character of building plots, the existing alignments and widths of historic routes and street hierarchy (where physically and historically evident);
 - v. the contribution that open areas make to the special character and appearance of the conservation area;
 - vi. the scale, height, bulk and massing;
 - vii. architectural historical and archaeological features and their settings;
 - viii. the need to retain historic boundary and surface treatments;
 - ix. the local dominant building materials;
 - x. the building typology that best reflects the special character and appearance of the area, features and detailing;
 - xi. minimising and mitigating the loss of trees, hedgerows and other landscape features; and
 - xii. any positive improvements in the quality of the historic environment as a result of the development.
2. Proposals for the demolition of a building or group of buildings that positively contribute to the character or appearance of a conservation area will not be supported unless the harm or loss is outweighed by the public benefits of an approved replacement scheme.

Supporting information

5.12 National policy encourages local planning authorities to look for opportunities for new development in conservation areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the area and its setting will be treated favourably.

5.13 Cheshire East has a large number of conservation areas, each with particularly distinctive or important historic environment features and significance. Development within or affecting the setting of conservation areas will be supported where it responds positively to local character, distinctiveness and history; reflects the identity and materials; and preserves or enhances its character and appearance.



5.14 Site specific design guidance through development briefs should inform new development within the setting of conservation areas. The Cheshire East Design Guide should be used alongside to inform the correct approach. Development briefs will encourage new development in historic environments that complements the established grain, settlement pattern and overall character, ensuring the new development makes a positive contribution to the significance of the conservation area.

5.15 Many conservation areas within Cheshire East have a sylvan character and therefore development that would erode this character, through subdivision of existing large plots or the over development of plots is unlikely to be supported.

5.16 In many cases, buildings that make a positive contribution will be identified specifically within conservation area appraisals. Buildings making a positive contribution to the significance of a conservation area may or may not be identified on the Cheshire East Local List of Historic Buildings.

5.17 Where consent for demolition of buildings within a conservation area is granted, conditions will be attached to make sure that no demolition can take place until the buildings are appropriately recorded before demolition, in accordance with 'A Guide to Good Recording Practice' (2016, Historic England). A copy of this record should be submitted to the local authority's Historic Environment Record.

5.18 Planning applications for development within conservation areas should be submitted as full applications because outline applications do not usually offer sufficient information to make an informed judgement of the likely visual impact of a proposal on its surroundings.

5.19 Article 4 Directions may also be used to manage change in conservation areas.

Related documents

- Conservation area character appraisals (Cheshire East Council)
- Understanding Historic Buildings: a Guide to Good Recording Practice (2016, Historic England)
- Cheshire East Borough Design Guide supplementary planning document (2017, Cheshire East Council and e*SCAPE Urbanists)
- Conservation Area Appraisal, Designation and Management: Historic England Advice Note 1 (2019, Historic England)

Policy HER 4

Listed buildings

1. When considering development proposals or works affecting a listed building, including alterations, extensions and changes of use, in line with its statutory duty, the council will have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest that it possesses.
2. Proposals involving loss of or substantial harm to the significance of a listed building or structure will normally be refused, unless it can be demonstrated that this is necessary to achieve substantial public benefits, which outweigh the harm, or the other circumstances in paragraph 201 of the NPPF (2021) apply. The council considers the demolition of listed buildings or structures to amount to substantial harm.
3. Where a proposal would lead to less than substantial harm to the significance of a listed building, the harm will be weighed against the public benefits of the proposal, including securing its optimum viable alternative use. The council will normally support proposals for the change of use or conversion of a listed building where the use secured is consistent with the preservation of its heritage significance.



5.20 LPS Policy SE 7 'The historic environment' seeks to make sure that development proposals protect, preserve and (wherever possible) enhance listed buildings. Development will be required to respect and respond positively to listed buildings and their settings and features of special interest, avoiding loss or harm to their significance, unless this is outweighed by public benefits.

5.21 There are around 2,638 listed buildings in Cheshire East, which form an important part of the borough's heritage. Alterations to listed buildings must be sympathetic and maintain the architectural and historic integrity of the buildings and their settings. The listed buildings are/will be identified on the borough list held by Historic England.

5.22 Where applications for alteration (or, exceptionally, demolition) of listed buildings are approved, conditions will be attached to require the recording of the buildings prior to works taking place, in accordance with Historic England guidance on recording buildings.

5.23 In the cases where, exceptionally, demolition is permitted, conditions will also be attached regarding the storage of materials and features for their re-use, and requiring no demolition to take place until a scheme for redevelopment has been approved and a contract for the works has been made. This will also apply to any curtilage buildings of the listed building or structures.

5.24 Heritage assets are irreplaceable. All development should seek to avoid harm to heritage assets and their settings. The setting of a heritage asset includes adjacent development and the wider surroundings. This may relate to landscaping, trees, open spaces and other features that add to the significance of the site or structure.

Related documents

- National Heritage List for England (Historic England)
- Understanding Historic Buildings: a Guide to Good Recording Practice (2016, Historic England)
- Listed Buildings and Curtilage: Historic England Advice Note 10 (2018, Historic England)

Policy HER 5

Registered parks and gardens

1. Development proposals affecting a Registered Historic Park and Garden will be expected to preserve the heritage asset, its setting and any features of special interest that contribute to its significance, including, but not limited to:
 - i. the integrity of the landscape, its design and layout;
 - ii. any key views; and
 - iii. walled gardens or other enclosed gardens and spaces.
2. Where development proposals would result in substantial or less than substantial harm to the significance of a Registered Historic Park and Garden, the harm should be weighed against any public benefits of the scheme, applying the approach and considerations set out in national policy.

Supporting information

5.25 Cheshire East has 17 Registered Parks and Gardens. Development proposals that enhance and better reveal the significance of a Registered Park and Garden will be encouraged. Any new development should avoid, minimise and mitigate impact on the landscape. Any harmful impacts should be balanced against the sustainable development objective of conserving significance and the need for change. The Gardens Trust is a statutory consultee for all sites on the Historic England Register of Parks and Gardens of Historic Interest and must be consulted on planning applications which affect all grades of Registered Historic Parks and Gardens (Grade I, II* and II).



5.26 Historic landscapes, parklands and gardens are important in historical, cultural and recreational terms. Historic England maintains a register of Parks and Gardens of Special Historic Interest. Other locally recognised parks and gardens will also be afforded appropriate protection under Policy HER 7 'Non-designated heritage assets'.

Related documents

- Cheshire Historic Environment Record (Cheshire Archaeology Planning Advisory Service)
- National Heritage List for England (Historic England)
- The Planning System in England and the Protection of Historic Parks and Gardens (2016, The Gardens Trust)

Policy HER 6

Historic battlefields

Development proposals that would lead to substantial harm to the heritage significance of The Battle of Nantwich registered Historic Battlefield site, including its setting, should be wholly exceptional and will be refused unless it can be demonstrated that substantial harm is necessary to achieve substantial public benefits that outweigh that harm. Where development proposals would lead to less than substantial harm to the significance of the site, the harm should be weighed against the public benefits of the proposal.

Supporting information

5.27 Registered battlefields are amongst the heritage assets of highest significance. They are important in historic and cultural terms. The site of the 1644 Battle of Nantwich is the only registered Battlefield in Cheshire East and is one of only 3 such sites in the North West region to be included on The Historic England Register of important and accurately located Historic Battlefields.

5.28 As such it is important to preserve the battlefield site and its heritage significance. Proposals which would impact the site or its setting, should provide sufficient information to identify the historical and archaeological value, appearance of the landscape, views and visual reference from the battlefield and demonstrate that the cumulative impacts of any proposed development would not prevent the historical interpretation of the site or cause substantial harm to its significance.

Policy HER 7

Non-designated heritage assets

When considering the direct or indirect effects of a development proposal on a non-designated heritage asset (including locally listed buildings), a balanced judgement will be required, having regard to the significance of the heritage asset and the scale of any loss or harm.

Supporting information

5.29 Non-designated heritage assets include locally important buildings and structures of architectural or historic interest, historic parks and gardens, heritage landscape or areas of archaeological interest. The council's Local List of Historic Buildings supplementary planning document contains a list of non-designated heritage assets in Cheshire East. Buildings marked on conservation area plans as making a positive contribution to the conservation area are also considered to be non-designated heritage assets. They contribute to the unique character of Cheshire East, individually and sometimes collectively.



5.30 However, not all assets of local heritage significance are captured in this way. They can be identified by the local planning authority as part of the decision-making process on planning applications, for example, following archaeological investigations, or through neighbourhood plans. The Local List of Historic Buildings supplementary planning document sets out criteria, against which buildings will be assessed for local listing as non-designated heritage assets. An assessment to determine whether a building, structure, park or landscape is a non-designated heritage asset will be required to consider the asset's evidential, historic, aesthetic, and communal value.

Related documents

- Local List of Historic Buildings supplementary planning document (2010, Cheshire East Council)
- Made neighbourhood plans
- List of Assets of Community Value in Cheshire East (Cheshire East Council)
- Parks and Gardens of the Cheshire Peaks and Plains: Guide and Gazetteer (1986, Ian C Laurie)

Policy HER 8

Archaeology

1. Development proposals affecting a scheduled monument or an archaeological site of national significance, which is demonstrably of equivalent significance to a scheduled monument, should be considered subject to the policies for designated heritage assets in national policy and LPS Policy SE 7 The historic environment. Proposals should preserve those elements that contribute to its significance.
2. Proposals affecting areas of archaeological interest (including areas of archaeological potential and sites of less than national importance) will be considered against Policy HER 7 'Non-designated heritage assets'. Proposals will be expected to conserve those elements that contribute to the asset's significance in line with the importance of the remains. Where proposals affecting such sites are acceptable in principle, the preservation of the remains in situ is the preferred solution to mitigate damage. When in situ preservation is not possible, the developer will be required to make adequate provision for excavation and recording before or during development. Subsequent analysis, publication and dissemination of the findings will be required to be submitted to the council and deposited with the Historic Environment Record.
3. Applications must be accompanied by an appropriate archaeological assessment, which includes information on the significance of the heritage asset, including the extent, character and condition of the archaeological resource. The significance of the archaeological remains should be assessed, as should the likely impact of the development on the archaeological remains. Where the existing information is not sufficient to allow such an assessment to be made, a field evaluation prior to determination of the planning application may be required.

Supporting information

5.31 Archaeological remains are a valuable, but fragile, part of our heritage, and once destroyed they can never be replaced. Such remains include not just finds, but also traces of buildings, layers of soil and entire landscapes. Depending on the nature of the proposed development and the significance of the asset, it may be appropriate for pre-determination archaeological work to be carried out (such as desk based archaeological assessment or a programme of field evaluation) and the results submitted as a report in support of a planning application. The report will assist in establishing the level of harm to the significance of any heritage assets and help identify what mitigation is required to minimise or remove the harm.

5.32 Where necessary to minimise the harm to archaeological heritage assets, conditions requiring a programme of archaeological mitigation will be attached to permissions. These may include



requirements for detailed agreement concerning ground impacts and programmes of archaeological investigation, building recording, reporting and archiving.

5.33 The Cheshire Archaeology Planning Advisory Service can provide specifications for archaeological work, monitor archaeological fieldwork and post-excavation programmes and advise on the discharge of archaeological conditions. The results of any archaeological investigations and recording should be deposited with the Cheshire Historic Environment Record.

Related documents

- Cheshire Historic Environment Record (Cheshire Archaeology Planning Advisory Service)
- Cheshire Historic Towns Survey (2003, Cheshire County Council and English Heritage)

Policy HER 9

Jodrell Bank World Heritage Site

1. Development proposals within the Jodrell Bank World Heritage Site, its buffer zone or its setting will be supported where they preserve those elements of significance that contribute to Jodrell Bank's Outstanding Universal Value, including its authenticity and integrity.
2. Development proposals within the Jodrell Bank World Heritage Site, its Buffer Zone or its setting that would lead to substantial harm to its significance should be wholly exceptional and will only be permitted in the circumstances set out in national planning policy. Proposals leading to less substantial harm should be weighed against the public benefits of the proposal. In all cases, the assessment of harm should take into account the relative significance of the element affected and its contribution to the significance of the World Heritage Site as a whole.
3. Development proposals affecting the Jodrell Bank World Heritage Site must be accompanied by a heritage statement. Consistent with LPS Policy SE 14 'Jodrell Bank', this should address:
 - i. the effect of any development proposal falling within the Observatory's Buffer Zone on the operational efficiency of the telescopes through radio interference; and
 - ii. the effect of any development proposal on all other historic attributes of the Observatory, including its setting.

Supporting information

5.34 In recognition of its international, historic, and scientific significance, UNESCO's World Heritage Committee announced its decision to inscribe Jodrell Bank on the World Heritage List in July 2019. This policy addresses the associated need to afford this historic asset appropriate protection, as amongst the most important heritage sites in the world. The Site and its Buffer Zone are defined by the UNESCO World Heritage Committee's inscription and are shown on the adopted policies map.

5.35 The inscription of a site onto the World Heritage List is accompanied by a statement of outstanding universal value (SOUV) which contains key references for their effective protection and management. The SOUV for Jodrell Bank Observatory recognises its importance in the pioneering phase and later evolution of radio astronomy. It reflects scientific and technical achievements and interchanges related to the development of entirely new fields of scientific research which led to a revolutionary understanding of the nature and scale of the Universe. The site has evidence of every stage of the history of radio astronomy, from its emergence as a new science to the present day. Vitally, the property retains its ongoing scientific use. The property retains all attributes that document its development as a site of pioneering astronomical research. The location of the property has continued unchanged, and the largely agricultural setting is essentially identical apart from the



construction of the Square Kilometre Array building, the headquarters of an international effort to build the world's largest radio telescope.

5.36 The Buffer Zone identifies the area surrounding the Observatory in which development is most likely to harm its scientific capabilities through radio interference. The Buffer Zone's heritage significance arises from its purpose to protect the continued scientific operation of the Observatory's telescopes which is central to its Outstanding Universal Value, and therefore the heritage significance of the World Heritage Site. The Buffer Zone is based on the Jodrell Bank Radio Telescope Consultation Zone, which has operated effectively to protect the Observatory for many decades from development that would harm its operational efficiency through radio interference. The Consultation Zone was established by the Town and Country Planning (Jodrell Bank Radio Telescope) Direction 1973 and triggers a requirement for the council to notify the Observatory (University of Manchester) when planning applications are submitted for certain categories of development within it.

5.37 As well as the critical need to protect the Observatory's ongoing scientific capabilities, development proposals must also consider any other heritage impacts they may have on the Observatory. This will include any impact on its immediate or wider landscape setting. Most of its attributes have been listed under the Planning (Listed Buildings and Conservation Areas) Act 1990, with the two major telescopes listed in the highest category, Grade 1.

5.38 These separate 'tests' are reflected in Criterion 1 of LPS Policy SE 14 and Criterion 3 of Policy HER 9, and together form the basis of assessing whether a proposal will harm the Outstanding Universal Value of the World Heritage Site. They require careful attention to be given to proposals that may affect the efficiency of the telescopes, the site itself and the setting of the site. Further policy guidance on these matters and how they should be considered in determining applications will be provided through a supplementary planning document.

5.39 The level of detail in any heritage statement should be proportionate to an asset's importance which, in the case of the Observatory, is the highest afforded. However, levels of information needed will vary depending on the nature of the proposal and its location. The information required in the heritage statement should be no more than is necessary to understand the potential impact of the proposal on the significance of the site.

5.40 Within the Buffer Zone, outline planning applications may not be accepted where they do not provide sufficient information to enable the impact of a development proposal on the efficiency of the telescopes to be properly assessed.

Related documents

- Decisions Adopted During the 43rd Session of the World Heritage Committee (2019, UNESCO)



6

Rural issues



6 Rural issues

6.1 Cheshire East is in large part a rural borough. Whilst the area contains many large and medium-sized towns and other parts are influenced by the major Greater Manchester and Potteries conurbations, Cheshire East contains many deeply rural areas and much attractive and highly valued countryside. Maintaining the character of the countryside whilst supporting the livelihoods of those who live and work there are significant and enduring tensions in the borough. Policies seek to balance these different and sometimes competing considerations.

Agriculture

Policy RUR 1

New buildings for agriculture and forestry

1. Under LPS Policy PG 6, development that is essential for the purposes of agriculture and forestry will be permitted in the open countryside. Where planning permission is required, proposals for new agricultural and forestry buildings in the open countryside will only be permitted where they accord with other policies in the development plan and:
 - i. it is demonstrated that there is a clear long-term need for the development in connection with the agricultural or forestry enterprise;
 - ii. the proposals make best use of existing infrastructure, such as existing buildings, utilities, tracks and vehicular access;
 - iii. new buildings are restricted to the minimum level reasonably required for the efficient existing or planned operation of the enterprise; are well-related to each other and existing buildings and do not form isolated or scattered development;
 - iv. do not unacceptably affect the amenity and character of the surrounding area or landscape (including visual impacts, noise, odour, design and appearance), either on its own or cumulatively with other developments; and
 - v. provide appropriate landscaping and screening.
2. The design of any new building for agriculture or forestry must be appropriate to its intended function and must not be designed to be easily converted to any non-agricultural or forestry use in the future.
3. Adequate provision must be made for the disposal of foul and surface water drainage and animal wastes without risk to watercourses.
4. Adequate provision must be made for access and the movement of machinery and livestock to avoid creating or intensifying highway safety issues.

Supporting information

6.2 LPS Policy PG 6 'Open countryside' allows for development that is essential for the purposes of agriculture and forestry. LPS Policy EG 2 'Rural economy' seeks to support the rural economy, including through the creation and expansion of sustainable farming and food production businesses and allow for the adaption of modern agricultural practices. The construction of new buildings for agriculture and forestry in the Green Belt is not inappropriate development, as set out in LPS Policy PG 3 'Green Belt'.

6.3 The General Permitted Development Order allows for certain types of agricultural or forestry development to take place without the need for planning permission, subject to prior approval being sought from the council. Where planning permission is required, the council will seek to make sure that new farm and forestry buildings minimise their impact on the rural environment, whilst supporting agriculture and forestry as essential components of the rural economy.



6.4 A clear long-term need for the development should be evidenced, for example through clear and succinct business plan that demonstrates how the development is intended to support future business operations.

6.5 Other policies in the development plan may also have particular relevance to the proposals for new buildings for agriculture and forestry, particularly those related to access, car parking, design, landscape, nature conservation and heritage.

6.6 Additional policy requirements for proposals for agricultural and forestry workers dwellings are set out in Policy RUR 3 'Agricultural and forestry workers dwellings'.

Policy RUR 2

Farm diversification

1. Proposals for the diversification of agricultural businesses in the open countryside will be supported where they accord with other policies in the development plan and:
 - i. the development proposals are ancillary and related to the primary agricultural business;
 - ii. the development is necessary to support the continued viability of the existing agricultural business;
 - iii. the proposals make best use of existing infrastructure such as existing buildings, utilities, parking and vehicular access;
 - iv. additional buildings, structures and ancillary development are restricted to the minimum level reasonably required for the planned operation of the diversified business; are well-related to each other and existing buildings and do not form isolated or scattered development;
 - v. do not unacceptably affect the amenity and character of the surrounding area or landscape (including visual impacts, noise, odour, design and appearance), either on its own or cumulatively with other developments; and
 - vi. provide appropriate landscaping and screening.
2. In addition to the above, any proposals for retail sales must be limited in scale. Proposals for new or extensions to existing farm shops will only be permitted where the range of goods sold is restricted to those in connection with the land-based business and the majority of goods sold should be produced on site.
3. Where appropriate, the council may impose conditions to control the future expansion or nature of the business when granting planning permission.

Supporting information

6.7 LPS Policy PG 6 'Open Countryside' allows for development that is essential for the expansion or redevelopment of an existing business. LPS Policy EG 2 'Rural economy' seeks to support the rural economy, including through the retention and expansion of existing businesses, particularly through the conversion of existing buildings and farm diversification.

6.8 To demonstrate that the development is necessary to support continued viability of the existing land-based business, a business plan will be necessary to outline the business profile alongside the present and proposed activities, which should be proportionate to the scale of the proposal.

6.9 In the Green Belt, additional restrictions to development will apply under LPS Policy PG 3 'Green Belt'.

6.10 Other policies in the development plan may also have particular relevance to the diversification of land-based business; particularly those related to access, car parking, design, landscape, nature conservation, heritage, and best and most versatile agricultural land.



Policy RUR 3

Agricultural and forestry workers dwellings

1. Under LPS Policy PG 6 'Open countryside', development that is essential for the purposes of agriculture and forestry will be permitted in the open countryside. Proposals for essential rural workers dwellings in the open countryside to support agricultural and forestry enterprises will be only be permitted where they accord with other policies in the development plan and:
 - i. it can be clearly demonstrated that there is an existing functional need for an additional worker to live permanently at the site;
 - ii. the existing functional need relates to a full-time worker in their primary employment as an essential rural worker; and could not be fulfilled by any other existing accommodation on the site or in the area, which is suitable and available;
 - iii. the size and siting of the dwellings is strictly commensurate with the existing functional need;
 - iv. the new dwelling is tied to the agricultural or forestry enterprise under which it operates, through planning condition and/or legal obligation;
 - v. the proposals make best use of existing infrastructure, such as existing utilities and vehicular access; the dwelling is well-related to existing buildings; and does not form isolated or scattered development;
 - vi. do not unacceptably affect the amenity and character of the surrounding area or landscape (including visual impacts, design and appearance), either on its own or cumulatively with other developments; and
 - vii. provide appropriate landscaping and screening.
2. The functional need will only exist if it is essential for the proper agricultural or forestry functioning of the enterprise for one or more workers to be readily available at most times of the day and night. The functional need must not relate to:
 - i. the personal preferences or personal circumstances of the individuals involved; or
 - ii. the functioning of any part of the enterprise that is not strictly agricultural or forestry-based.
3. Permitted development rights for new agricultural and forestry workers dwellings will be removed to make sure that the size of the dwelling remains commensurate to the functional need of the business.
4. Subject to the other requirements of this policy, proposals for permanent essential rural workers dwellings will be supported where the agricultural or forestry enterprise has been established on the site for at least three years; is currently financially sound; has a good prospect of remaining so; makes a profit and is capable of sustaining the full time essential worker in the long term. Where the dwelling is essential to support a newly established enterprise (whether on an established or a newly-created agricultural or forestry unit), temporary permission for up to three years will be granted subject to the other requirements of this policy. In such circumstances, the temporary dwelling should be provided by a caravan or other temporary structure, which can be easily dismantled and removed from the site.

Supporting information

6.11 In the open countryside, LPS Policy PG 6 'Open countryside' allows for development that is essential for the purposes of agriculture and forestry but it restricts new dwellings to limited infilling in villages; the infill of a small gap in an otherwise built-up frontage elsewhere; rural exceptions affordable housing; and dwellings that are exceptional in design and sustainable development terms. To support the rural economy, it is recognised that some agricultural and forestry business may have a functional need for workers to live on the site.



6.12 New permanent farm workers accommodation cannot be justified on agricultural grounds unless the farming enterprise is economically viable, and a financial test will be necessary to evidence this, and the size of the dwelling that the unit can sustain.

6.13 A functional need may include situations where the provision of an additional dwelling is essential for the continued viability of a farming business through the farm succession process.

6.14 Restrictive occupancy conditions will be applied to agricultural and forestry workers dwellings allowed under this policy. As set out in the policy, planning conditions and/or legal obligations will tie dwellings to the enterprise under which they operate.

6.15 Larger dwellings will be more expensive from the outset and the restrictive occupancy condition could be undermined if the dwelling is outside of the range of property affordable by the local workforce. The size of the dwelling must be strictly commensurate to the functional need and where additional rooms or space are proposed (such as a farm office, meeting room, additional utility rooms, boot rooms or shower rooms) then a proportionate justification setting out the need for this additional space should be provided, alongside evidence that the additional space could not be reasonably accommodated in existing buildings on the farm holding.

Policy RUR 4

Essential rural worker occupancy conditions

1. Applications to remove essential rural worker occupancy conditions will only be permitted where:
 - i. there is no long-term functional need for the dwelling to support an agricultural or forestry enterprise, either on-site or in the surrounding area; and
 - ii. proper efforts have been made to dispose of the dwelling to persons who could occupy it in accordance with its attached occupancy condition⁽¹¹⁾.
2. Where essential rural worker occupancy conditions are removed, planning conditions and/or legal obligations will be usually imposed to require the dwelling to remain as affordable housing, with occupancy restricted in perpetuity in line with LPS Policy SC 6 'Rural exceptions housing for local needs'. Exceptions may be made where:
 - i. An up-to-date housing needs survey⁽¹²⁾ identifies that there is no requirement for affordable housing provision in the parish; or
 - ii. It can be demonstrated that there are no Registered Providers willing to acquire the property with a discount from the open market value reflecting the value of the property as affordable housing⁽¹³⁾.

11 To demonstrate that no other occupiers can be found who could occupy the dwelling in accordance with its occupancy condition, the dwelling should be marketed at a realistic price reflecting its occupancy condition for a period of not less than 12 months. The council will require evidence that a proper marketing exercise has been carried out including a record of all offers and expressions of interest received.

12 Cheshire East Council has housing needs surveys for many rural areas, which may be utilised. Where an up-to-date survey does not exist, the applicant must conduct a survey, based on the Cheshire East Council model survey, in conjunction with the parish council where possible.

13 To demonstrate that there are no Registered Providers that would be willing to acquire the property without its essential rural worker occupancy condition, a statement should be submitted setting out: the names and contact details of Register Providers approached; the property particulars provided to those parties including the proposed asking price; the dates(s) of this correspondence; and any responses received.



Supporting information

6.16 Essential rural workers dwellings are only permitted where they are required to meet the functional need of the enterprise to which they are attached. It is important to retain these dwellings for agricultural and forestry workers to meet the needs of the rural area and to make sure that sufficient accommodation remains available to house agricultural and forestry workers.

6.17 LPS policies PG 6 'Open countryside' and PG 3 'Green Belt' restrict the provision of open market housing in the open countryside and the Green Belt. Where there genuinely is no long-term functional need for the dwelling and it can no longer be occupied in accordance with its occupancy condition, there is an opportunity to re-use the dwelling for affordable housing in perpetuity, which will assist in increasing the stock of affordable housing in rural areas.

6.18 The value of the property for affordable housing should be assessed by a suitably qualified and experienced surveyor.

Related documents

- Cheshire East Rural Housing Needs Surveys (Cheshire East Council)

Policy RUR 5

Best and most versatile agricultural land

1. Outside of sites specifically allocated for development in the development plan, proposals should avoid the loss of best and most versatile agricultural land.
2. Where proposals involve the loss of best and most versatile agricultural land to development, the council may require detailed field assessments in accordance with technical advice or information from Natural England, and it must be demonstrated that:
 - i. the benefits of development clearly outweigh the impacts of the loss of the economic and other benefits of the land; and
 - ii. every effort has been made to mitigate the overall impact of the development on best and most versatile agricultural land.
3. Schemes that make provision for opportunities to improve the quality or quantity of best and most versatile agricultural land will be supported subject to other policies in the development plan.

Supporting information

6.19 Best and most versatile agricultural land is land in grades 1, 2 and 3a of the agricultural land classification as set out in the NPPF. LPS Policy SD 1 'Sustainable development in Cheshire East' requires development to protect the best and most versatile agricultural land where possible, whilst the NPPF requires consideration of the economic and other benefits of the best and most versatile agricultural land.

6.20 Cheshire East is a food-producing area with a significant agricultural economy. It also faces significant development pressures and the protection of best and most versatile agricultural land is of particular importance in the borough.

6.21 Once best and most versatile agricultural land is used for built development, it is difficult to mitigate for its loss. However, other forms of mitigation or improvement may be possible through the planning system, including:

- careful site layout and design;
- reducing flood risk, pollution and soil erosion;



- soil management measures to increase water uptake and reduce erosion; maintaining and improving field drainage; and strategic placement of buffer strips and hedgerows; and
- protecting best and most versatile agricultural land for environmental mitigation.

Related documents

- The Role of Best and Most Versatile Agricultural Land in Cheshire East (2016, Harvey Hughes and 3D Rural Surveyors)

Rural economy

Policy RUR 6

Outdoor sport, leisure and recreation outside of settlement boundaries

1. Under LPS Policy PG 6 'Open countryside', development that is essential for the purposes of outdoor recreation will be permitted in the open countryside. Proposals for outdoor sport, leisure and recreation in the open countryside will be permitted provided they accord with other policies in the development plan and:
 - i. it can be demonstrated that a countryside location is necessary for the proposal;
 - ii. the proposals make the best use of existing infrastructure such as existing buildings, utilities, parking and vehicular access;
 - iii. additional buildings, structures and ancillary development are restricted to the minimum level reasonably required for the operation of the site⁽¹⁴⁾; are well-related to each other and existing buildings and do not form scattered development or development isolated from the main sports, leisure or recreation use of the site;
 - iv. the proposal does not unacceptably affect the amenity and character of the surrounding area or landscape either on its own or cumulatively with other developments; and
 - v. appropriate landscaping and screening is provided.
2. Wherever possible, proposals should be integrated with existing facilities, areas of open space and the public rights of way network.
3. Artificial lighting will be permitted in line with Policy ENV 14 'Light pollution' only where it is visually acceptable and strictly necessary. Its design and operation may be limited by condition in order to minimise light pollution in the open countryside.
4. In the Green Belt, LPS Policy PG 3 'Green Belt' will also apply and the relevant paragraphs of the NPPF will be a material consideration.

Supporting information

6.22 The open countryside is the area outside of any settlement with a defined settlement boundary. Outdoor sport, leisure and recreation uses are most sustainably located in existing settlements. However, it is recognised that there may be occasions where a countryside location is required, particularly for uses needing extensive areas of land such as golf courses and driving ranges, watersports facilities, fishing and war games.

6.23 LPS Policy PG 6 'Open countryside' allows for development essential for the purpose of outdoor recreation in the open countryside, but the impacts on the open countryside should be minimised. LPS Policy EG 2 'Rural economy' supports developments that create or extend rural based tourist attractions, visitor facilities and recreational uses.

¹⁴ Development reasonably required for the operation of the site may include space and facilities that can be demonstrated to be required to support the viability and sustainability of sports clubs.



6.24 In the Green Belt, the construction of new buildings for the provision of appropriate facilities for outdoor sport and outdoor recreation is not inappropriate development, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

6.25 Other policies in the development plan may also have particular relevance to outdoor sport, leisure and recreation in the open countryside; particularly those related to access, car parking, design, landscape, nature conservation, heritage, and best and most versatile agricultural land.

Policy RUR 7

Equestrian development outside of settlement boundaries

1. In the open countryside, proposals for equestrian development related to grazing and equestrian enterprises (including stables, training areas, riding centres and studs) will be supported where they accord with other policies in the development plan and:
 - i. make the best use of existing infrastructure such as existing buildings, utilities, bridleways, tracks, parking and vehicular access;
 - ii. ancillary development (including hardstanding, parking and manure storage sites) is restricted to the minimum level reasonably required for the operation of the facility; is well-related to any existing buildings; and does not form isolated or scattered development;
 - iii. do not unacceptably affect the amenity and character of the surrounding area or landscape (including visual impacts, noise, odour, design and appearance), either on its own or cumulatively with other developments;
 - iv. provide sufficient land for supplementary grazing and exercise⁽¹⁵⁾; and
 - v. provide appropriate landscaping and screening.
2. Additional new buildings and structures may be permitted for proposals to facilitate the sustainable growth and expansion of existing businesses, or for new small scale equestrian businesses and non-commercial proposals, provided there are no existing buildings or structures that could be converted or replaced and where they are restricted to the minimum level reasonably required for the operation of the facility; are well-related to each other and existing buildings; and do not form isolated or scattered development. New larger equestrian businesses and non-commercial proposals seeking a location in the countryside should utilise existing buildings and structures (or replacements for existing buildings and structures); and new additional buildings and structures will not usually be permitted for this scale of new equestrian enterprise.
3. Any new building or structure must be constructed of materials appropriate for its intended use; its design must be appropriate to its intended equestrian use; and must not be designed to be easily converted to any non-equestrian use in the future.
4. Artificial lighting will be permitted in line with Policy ENV 14 'Light pollution' only where it is visually acceptable and strictly necessary. Its design and operation may be limited by condition in order to minimise light pollution in the open countryside.
5. Proposals should be accompanied by a waste management scheme, including horse manure and other waste.
6. In the Green Belt, LPS Policy PG 3 'Green Belt' will also apply and the relevant paragraphs of the NPPF will be a material consideration.

15 As set out in the Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids (2017) or any updated guidance.



Supporting information

6.26 The open countryside is the area outside of any settlement with a defined settlement boundary. Equestrian facilities usually need to be located outside of settlements and their operation contributes to the rural economy with tourism and leisure benefits.

6.27 Under LPS Policy PG 6 'Open countryside', development that is essential for uses appropriate to a rural area will be permitted in the open countryside. Equestrian development related to grazing and equestrian enterprises (including stables, training areas, riding centres and studs) is considered to be a use appropriate to a rural area provided it is small in scale and it can be demonstrated that a countryside location is necessary for the proposal. New larger or commercial proposals may also be appropriate to a rural area where they re-use or replace existing buildings and do not involve the construction of additional new buildings. Any replacement building should be in accordance with the relevant provisions in Policy RUR 13 'Replacement buildings outside of settlement boundaries' as well as LPS Policy PG 3 'Green Belt' and/or LPS Policy PG 6 'Open countryside' (as appropriate).

6.28 By their nature, facilities such as stables, paddocks, training areas and associated facilities such as parking may often have impacts on the rural environment, landscape and local amenity.

6.29 Under UK legislation, a horse is an agricultural animal if it is used directly for farming purposes. The term 'agricultural use' includes the breeding and keeping of livestock and the use of land for grazing. If horses are kept on the land for the primary purpose of grazing and/or are kept for the sole purpose of breeding, this will generally fall under the definition of 'agricultural use'. However, if horses are kept in a field for recreational use, this constitutes a material change in the use of the land, which requires planning permission.

6.30 LPS Policy PG 6 'Open countryside' allows for development that is essential for uses appropriate to a rural area, but the impacts on the open countryside should be minimised. LPS Policy EG 2 ('Rural economy') supports developments that create or extend rural-based tourist attractions, visitor facilities and recreational uses. In the Green Belt, additional restrictions to development will apply under LPS Policy PG 3 'Green Belt'.

6.31 Other policies in the development plan may also have particular relevance to equestrian development in the open countryside; particularly those related to access, car parking, design, landscape, nature conservation, heritage, and best and most versatile agricultural land.

Related documents

- Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids (2017, DEFRA)



Policy RUR 8

Visitor accommodation outside of settlement boundaries

1. Under LPS Policy PG 6 'Open countryside', development that is essential for uses appropriate to a rural area will be permitted in the open countryside. Certain types of visitor accommodation may be appropriate to a rural area where their scale is appropriate to the location and setting and where there is an identified need for the accommodation, which cannot be met in nearby settlements because the type of accommodation proposed is intrinsically linked with the countryside.
2. In the open countryside, proposals for visitor accommodation that are demonstrated to be appropriate to a rural area under Criterion 1 will be supported where they accord with other policies in the development plan and:
 - i. the proposals make the best use of existing infrastructure such as existing buildings, utilities, parking and vehicular access;
 - ii. additional buildings, structures and ancillary development are restricted to the minimum level reasonably required for the existing or planned operation of the accommodation; are well-related to each other and existing buildings and do not form isolated or scattered development;
 - iii. the proposal does not unacceptably affect the amenity and character of the surrounding area or landscape (including visual impacts, noise, odour, design and appearance) either on its own or cumulatively with other developments; and
 - iv. appropriate landscaping and screening is provided.
3. Where visitor accommodation is permitted in the open countryside that would be physically capable of forming a habitable dwelling, the council will impose planning conditions and/or legal obligations to restrict occupancy of the accommodation to prevent unauthorised permanent occupation. This includes (but is not limited to) hotels, guest houses, static caravans, chalets, cabins and pods.
4. In the Green Belt, LPS Policy PG 3 'Green Belt' will also apply and the relevant paragraphs of the NPPF will be a material consideration.

Supporting information

6.32 LPS Policy EG 4 'Tourism' seeks to support tourism development but, where outside of principal towns, key service centres and local service centres, there must be evidence that the facilities are required in conjunction with a particular countryside location.

6.33 LPS Policy PG 6 'Open countryside' allows for development that is essential for uses appropriate to a rural area in the open countryside. Only those types of visitor accommodation whose scale is appropriate to the location and setting; and that specifically require a countryside location are considered to be appropriate to a rural area.

6.34 Outside of the exceptions listed in LPS Policy PG 6, proposals for new housing in the open countryside will not be supported. To make sure that visitor accommodation remains in use as visitor accommodation and is not illegitimately used as a dwelling, it is likely to be necessary to limit occupation so that it cannot be used year-round.

6.35 The policy applies to all development proposals for visitor accommodation where there is some form of static accommodation (whether temporary or permanent in nature) including new build, extension, conversion or the material change of use of land. Visitor accommodation includes, but is not restricted to; hotels, guest houses, bed and breakfast accommodation, static caravans, chalets, cabins and other forms of static accommodation such as pods, yurts, tepees or glamping structures).

It does not apply to proposals where visitors bring their own accommodation, such as touring caravan and camping sites.



Policy RUR 9

Caravan and camping sites

1. Under LPS Policy PG 6 'Open countryside', development that is essential for uses appropriate to a rural area will be permitted in the open countryside. Where their scale is appropriate to the location and setting, sites for touring caravans and camping (where visitors pitch their own tents) are considered to be uses appropriate to a rural area, provided it can be demonstrated that a countryside location is necessary for the proposal.
2. In the open countryside, proposals for touring caravan and camping sites that are demonstrated to be appropriate to a rural area under Criterion 1 will be supported where they accord with other policies in the development plan and:
 - i. the proposals make the best use of existing infrastructure such as existing buildings, utilities, parking and vehicular access;
 - ii. additional buildings, structures and ancillary development are restricted to the minimum level reasonably required for the existing or planned operation of the facility; are well-related to each other and existing buildings and do not form isolated or scattered development;
 - iii. the proposal does not unacceptably affect the amenity and character of the surrounding area or landscape (including visual impacts, noise and odour) either on its own or cumulatively with other developments;
 - iv. appropriate landscaping and screening is provided;
 - v. the site is capable of being connected to existing services;
 - vi. the site is capable of providing essential facilities (for sanitary and basic domestic uses) for users of the site; and
 - vii. the highway network is suitable for the types of vehicles and caravans that are likely to use the site.
3. In the Green Belt, LPS Policy PG 3 'Green Belt' will also apply and the relevant paragraphs of the NPPF will be a material consideration.

Supporting information

6.36 By their nature, touring caravan and camping sites often need to be located outside of settlements and they contribute to the rural and visitor economy.

6.37 This policy is limited to proposals where visitors bring their own accommodation. It does not apply to proposals for any form of static accommodation (whether temporary or permanent in nature) including (but not limited to) static caravans, chalets, pods, yurts, tepees or glamping structures.



Policy RUR 10

Employment development in the open countryside

1. Under LPS Policy PG 6 'Open countryside', development that is essential for uses appropriate to a rural area will be permitted in the open countryside. Employment development may be appropriate to a rural area where:
 - i. its scale is appropriate to the location and setting;
 - ii. the nature of the business means that a countryside location is essential; and
 - iii. the proposals provide local employment opportunities that support the vitality of rural settlements.
2. Where it is demonstrated that the proposal is appropriate to a rural area under Criterion 1, employment development will be supported where it accords with other policies in the development plan and:
 - i. the proposals make the best use of existing infrastructure such as existing buildings, utilities, parking and vehicular access;
 - ii. additional buildings, structures and ancillary development are restricted to the minimum level reasonably required for the existing or planned operation of the business; are well-related to each other and existing buildings and do not form isolated or scattered development;
 - iii. the proposal does not unacceptably affect the amenity and character of the surrounding area or landscape (including visual impacts, noise, odour, design and appearance) either on its own or cumulatively with other developments; and
 - iv. appropriate landscaping and screening is provided.
3. The design of any new building for employment purposes in the open countryside must be appropriate to its intended function and must not be designed to be easily converted to residential use in the future.

Supporting information

6.38 Employment development refers to development in use classes E(g)(i), E(g)(ii), E(g)(iii), B2 and B8.

6.39 LPS Policy EG 2 'Rural economy' takes a positive approach to sustainable new development in rural areas but specifically notes that development must not conflict with LPS Policy PG 6 'Open countryside'. In the open countryside, Policy PG 6 allows development that is essential for uses appropriate to a rural area. This policy clarifies the circumstances under which employment development in the open countryside would be considered to be a use appropriate to a rural area.

6.40 Employment development that is not considered to be a use appropriate to a rural area under this policy may also be allowed in the open countryside, where it meets one or more of the exceptions to the restrictive approach set out in LPS Policy PG 6. This includes:

- where the development constitutes limited infilling in villages as set out in Policy PG 10 'Infill villages';
- where the development is limited to the re-use of rural buildings, where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension;
- where the development is limited to the replacement of buildings by new buildings not materially larger than the buildings they replace; or
- for development that is essential for the expansion or redevelopment of an existing business.

6.41 In the Green Belt, additional restrictions to development will apply under LPS Policy PG 3 'Green Belt'.



Rural buildings

Policy RUR 11

Extensions and alterations to buildings outside of settlement boundaries

1. Extensions and alterations to existing buildings (including the construction of ancillary outbuildings or structures in their curtilages) in the open countryside and Green Belt will be only be permitted where the proposed development would:
 - i. not result in disproportionate additions over and above the size of the original building;
 - ii. respect the character of the existing building, particularly where it is of traditional construction or appearance; and
 - iii. not unduly harm the rural character of the countryside by virtue of prominence, excessive scale, bulk or visual intrusion.
2. When considering whether a proposal represents disproportionate additions, matters including height, bulk, form, siting and design will be taken into account, with particular attention given to increases in the overall building height.
3. In addition to Criterion 2 above, proposals will usually be considered to represent disproportionate additions where they increase the size of the original building by more than 30% in the Green Belt or 50% in the open countryside. Exceptions to these size thresholds may be acceptable where the proposal:
 - i. is within a village infill boundary as shown on the adopted policies map;
 - ii. provides additional floorspace with no significant alterations to the building's envelope or external appearance (such as basement extensions);
 - iii. is required to provide basic amenities or sanitation; or
 - iv. is for a small scale domestic outbuilding in a residential curtilage.
4. In assessing proposals, full account will be taken of any previous extensions or development to the original building or in its curtilage. This original building means the building and outbuildings/structures as it was originally built, or as it existed on 01 July 1948 if constructed before this date. The increase in size will usually be determined by assessing the net increase in floorspace. Applicants must provide clear evidence of the original and proposed floorspace.

Supporting information

6.42 Under LPS Policy PG 3 'Green Belt', the extension or alteration of a building is not inappropriate development in the Green Belt, provided that it does not result in disproportionate additions over and above the size of the original building. LPS Policy PG 6 'Open countryside' generally restricts development in the open countryside to that which is essential for a use appropriate to a rural area but makes an exception for extensions to existing dwellings where the extension is not disproportionate to the original dwelling.

6.43 The policy sets out the types of matters that will be taken into account when determining whether or not proposals represent disproportionate additions. It also sets out size thresholds, above which proposals will usually be considered to be disproportionate. Proposals within these size thresholds may also be considered to be disproportionate additions, depending on the consideration of matters including height, bulk, form, siting and design.



6.44 Due to the importance attached to Green Belts through national policy, it is appropriate to impose a less permissive approach to the term 'disproportionate additions' in the Green Belt than it is in the open countryside outside of the Green Belt, as defined through the LPS.

6.45 Exceptions to the size thresholds under Criterion 3 may be acceptable subject to compliance with the other policy criteria. It acknowledges the need for homes to have basic amenities or sanitation. It is expected that applications relying on this exception would be a rare occurrence, probably limited to the odd instances of very small and unimproved properties.

6.46 Extensions and alterations to existing dwellings (including the construction of ancillary outbuildings in residential curtilages) will also be subject to Policy HOU 11 'Extensions and alterations'. Extensions to agricultural and forestry workers dwellings will also be subject to Policy RUR 3 'Agricultural and forestry workers dwellings'.

Policy RUR 12

Residential curtilages outside of settlement boundaries

1. Outside of any settlement with a defined settlement boundary, proposals for the extension of residential gardens or curtilages involving the material change of use of land will only be permitted where the proposal will not cause unacceptable harm to the amenity, character and appearance of the surrounding area or the open countryside, either on its own or cumulatively with other development.
2. In the Green Belt, LPS Policy PG 3 'Green Belt' will also apply and the relevant paragraphs of the NPPF may be a material consideration.

Supporting information

6.47 LPS Policy PG 6 'Open countryside' allows for development that is essential for uses appropriate to a rural area in the open countryside. Extensions to residential gardens and curtilages into the countryside can have significant impacts on the rural and open character of the countryside by enclosing land, creating new boundaries and introducing ancillary domestic buildings and paraphernalia. It will be important to ensure that proposals for such extensions via material changes of use are only permitted where they would not cause unacceptable harm to the character of the countryside.

6.48 For the avoidance of doubt, this policy also applies to proposals to incorporate paddocks, equestrian facilities, agricultural land, smallholding fields and other land uses into a residential garden.



Policy RUR 13

Replacement buildings outside of settlement boundaries

1. The replacement of existing buildings in the open countryside and Green Belt will only be permitted where the replacement building:
 - i. is not materially larger than the existing building; and
 - ii. would not unduly harm the rural character of the countryside, by virtue of prominence, scale, bulk or visual intrusion.
2. When considering whether a replacement building is materially larger, matters including height, bulk, form, siting, design, floorspace and footprint will be taken into account. Increases in overall building height and development extending notably beyond the existing footprint in particular have the potential to be materially larger.
3. When assessing the net increase in floorspace between the existing building and the replacement building as part of the consideration of whether a proposal is materially larger, floorspace from any detached outbuildings in the curtilage will only be taken into account where the buildings to be replaced can sensibly be considered together in comparison with what is proposed to replace them. Applicants must provide clear evidence of the existing and proposed floorspace.
4. The existing building means the building as it exists at the time of submitting the planning application.
5. Proposals for replacement dwellings should include appropriate provision for domestic storage and garaging.

Supporting information

6.49 Under LPS Policy PG 3 'Green Belt', the replacement of a building is not inappropriate development in the Green Belt, provided the new building is in the same use and not materially larger than the one it replaces. LPS Policy PG 6 'Open countryside' generally restricts development in the open countryside to that which is essential for a use appropriate to a rural area but makes an exception for the replacement of buildings, provided the new buildings are not materially larger.

6.50 Determining what is 'materially larger' will depend upon the circumstances of each case. The policy sets out the types of matters that will be taken into account when deciding whether or not proposals are materially larger.

6.51 Where permission is granted for a replacement building outside of settlement boundaries, a condition withdrawing permitted development rights will be considered in each case, having regard to the character of the site and its surroundings.



Policy RUR 14

Re-use of rural buildings for residential use

1. The residential re-use of existing rural buildings will be permitted where the building is:
 - i. of permanent and substantial construction so as not to require extensive alteration or rebuilding; and
 - ii. of a size that is able to accommodate a satisfactory living environment in the new dwelling and any extension required must be in accordance with the requirements of Policy RUR 11 'Extensions and alterations to buildings outside of settlement boundaries'.
2. The curtilage of the new dwelling must be limited to the original curtilage of the building unless an extension can be justified under Policy RUR 12 'Residential curtilages outside of settlement boundaries' and must not have a harmful effect on the character of the surrounding countryside.
3. The proposals must be sympathetic to the building's architectural character and/or historic interest, as well as the character of its rural surroundings. Particular attention will be given to the impact of domestication and urbanisation of the proposals on the surrounding rural area including through:
 - i. the supply of utility and infrastructure services, including electricity, water and waste disposal to support residential use;
 - ii. the provision of safe vehicular access;
 - iii. the provision of adequate amenity space and parking;
 - iv. the introduction of a domestic curtilage;
 - v. the alteration of agricultural land and field walls; and
 - vi. any other engineering operation associated with the development.
4. In the Green Belt, LPS Policy PG 3 'Green Belt' will also apply and the relevant paragraphs of the NPPF will be a material consideration.

Supporting information

6.52 LPS Policy PG 6 'Open countryside' restricts development in the open countryside to that which is appropriate to a rural area. New dwellings are not considered to be a use appropriate to a rural area but exceptions to the restrictive approach may be made where proposals are limited to the re-use of existing buildings where the building is permanent, substantial, and would not require extensive alteration, re-building or extension.

6.53 Within the Green Belt, the re-use of buildings is not inappropriate provided that the buildings are of permanent and substantial construction and development would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

6.54 Proposals for conversion of heritage assets should also take account of relevant policies relating to the historic environment.



7

Employment and economy



7 Employment and economy

7.1 There is an ongoing need to support the business base of the borough. Cheshire East possesses one of the strongest economies in the north of England, but if business is to thrive in the long-term, sufficient provision must be made for current and future employment needs. Policies seek to make sure enough land is made available for business use over the plan period, and that the requirements of local businesses and growing sectors are fully accounted for.

Policy EMP 1

Strategic employment areas

1. The following areas are designated as strategic employment areas and shown on the adopted policies map:
 - i. Alderley Park;
 - ii. Bentley Motors, Crewe;
 - iii. Booths Hall, Knutsford;
 - iv. Crewe Gates Industrial Estate, Crewe;
 - v. Crewe Green Business Park, Crewe;
 - vi. Hurdsfield Industrial Estate, Macclesfield;
 - vii. Jodrell Bank;
 - viii. Ma6nitute, Middlewich;
 - ix. Radbroke Hall, Knutsford;
 - x. Recipharm, Holmes Chapel; and
 - xi. Waters Corporation, Wilmslow.
2. These strategic employment areas are of particular significance to the economy of Cheshire East and will be protected for employment use as set out in LPS Policy EG 3 'Existing and allocated employment sites'.
3. Proposals for further investment for employment uses in these areas will be supported, subject to other policies in the development plan.

Supporting information

7.2 These are the existing strategic employment areas as identified in the LPS. They are of particular significance to the economy in Cheshire East, collectively providing employment for over 13,000 people.



Policy EMP 2

Employment allocations

1. In addition to the new employment sites allocated through the LPS and SADPD, the following sites are allocated for business; industrial; and storage and distribution uses:
 - i. Site EMP 2.1 'Weston Interchange, Crewe' (0.60 ha for E(g)/B2/B8 uses);
 - ii. Site EMP 2.2 'Meadow Bridge, Crewe' (0.43 ha for E(g) uses);
 - iii. Site EMP 2.3 'Hurdsfield Road, Macclesfield' (1.33 ha for E(g)/B2 uses);
 - iv. Site EMP 2.4 '61MU, Handforth' (4.92 ha for E(g)/B2/B8 uses);
 - v. Site EMP 2.5 'Land rear of Handforth Dean Retail Park, Handforth' (2.64 ha for E(g)/B2/B8 uses);
 - vi. Site EMP 2.6 'New Farm, Middlewich' (7.83 ha for B2/B8 uses);
 - vii. Site EMP 2.7 'Land west of Manor Lane, Holmes Chapel' (2.30 ha for E(g)/B2/B8 uses); and
 - viii. Site EMP 2.8 'Land at British Salt, Middlewich' (7.05 ha for B2/B8 uses).
2. Other ancillary uses may also be permitted on these sites, where they are compatible with the employment use of the site and are delivered as part of a comprehensive employment scheme.
3. These employment allocations are shown on the adopted policies map and will be protected for employment use as set out in LPS Policy EG 3 'Existing and allocated employment sites'.

Supporting information

7.3 Under LPS Policy EG 3 'Existing and allocated employment sites', there is a presumption that existing employment areas and allocated employment sites will be protected for employment use. In addition to new employment sites allocated through the LPS and SADPD, the existing employment land supply forms an important component of the overall employment land provision.

7.4 As required by LPS Policy EG 3, the remaining employment allocations from the saved policies of the former districts' local plans have been reviewed and the sites listed in this policy are considered to be suitable for employment purposes, with a reasonable prospect of development during the plan period.

7.5 As demonstrated through the Employment Allocations Review (2020), each of these sites is considered to be suitable for employment development, although in some cases mitigation measures will be required. Planning applications for the development of these employment sites should take account of all other policies in the development plan and should submit evidence to demonstrate that mitigation measures proposed will address the impacts of development (for example through transport assessments, flood risk assessments, heritage impact assessments) as necessary. Particular issues that should be addressed through any future planning application include (but are not limited to):

Site EMP 2.3 'Hurdsfield Road, Macclesfield':

- A gravity sewer and clean water infrastructure crosses the site and a detailed constraints plan will be required to inform any future development layout.
- The area includes a former mill and gas works and a phase 1 and phase 2 contaminated land assessment would be required with any future planning application.
- The council is aware from BGS mineral resource mapping that the site is likely to contain shallow coal resources, as well as being part of a wider coal resource. The Coal Authority should be consulted on any planning application for the development of this site.



Site EMP 2.4 '61MU, Handforth':

- The site is part of a former Ministry of Defence site with known radiological issues and a phase 1 and phase 2 contaminated land assessment would be required with any future planning application.

Site EMP 2.6 'New Farm, Middlewich':

- A high pressure gas pipeline crosses the site and a detailed constraints plan will be required to inform any future development layout.
- The site triggers the impact risk zone for Sandbach Flashes SSSI. Any future application should be supported with appropriate evidence regarding any impacts, along with mitigation measures if required.

Site EMP 2.7 'Land west of Manor Lane, Holmes Chapel':

- The site includes water and wastewater infrastructure and a detailed constraints plan will be required to inform any future development layout.

Site EMP 2.8 'Land at British Salt, Middlewich':

- The site triggers the impact risk zone for Sandbach Flashes SSSI. Any future application should be supported with appropriate evidence regarding any impacts, along with mitigation measures if required.

Related documents

- Employment Allocations Review (2020, Cheshire East Council) [ED 12]
- Minerals Safeguarding Practice Guidance v1.4 (2019, The Mineral Products Association & The Planning Officers Society)



8

Housing



8 Housing

8.1 The SADPD seeks to make sure that the housing built in the borough reflects the area's diverse needs, especially in terms of the type and size of homes provided. The plan also makes sure that new development creates satisfactory living environments for both new and existing residents.

Housing types

Policy HOU 1

Housing mix

1. In line with LPS Policy SC 4 'Residential mix', housing developments should deliver a range and mix of house types, sizes and tenures, which are spread throughout the site and that reflect and respond to identified housing needs and demands. Taking account of the most up to date housing needs and demand information, national policies and where relevant, neighbourhood plan policies, a housing mix statement should be provided at detailed planning/reserved matters stage for all major housing schemes on how the proposed housing mix and type on the site responds to:
 - i. assessments of housing need including house types, tenures and sizes using Table 8.1 'Indicative house type tenures and sizes' as a starting point for analysis;
 - ii. assessment of the local housing market and its characteristics;
 - iii. character and design of the site and local area reflecting on the scheme's ability to accommodate a mix and range of housing; and
 - iv. the requirements of Policy HOU 3 'Self and custom build dwellings'.
2. The housing mix statement should demonstrate how the proposal would address the needs of particular groups in the borough including first time buyers, those wishing to self build, families, the requirements of an ageing population and those also wishing to downsize.
3. The housing mix statement should also address how the proposal will be capable of meeting, and adapting to, the long term needs of the borough's older residents including supporting independent living.
4. Housing developments that do not demonstrate an appropriate mix on the site will not be permitted. Where a housing mix statement is required, the council will consider the extent to which it addresses the factors outlined above in determining whether a scheme provides for an appropriate housing mix on site.

Supporting information

8.2 The housing requirement set out in LPS Policy PG 1 'Overall development strategy' of 1,800 homes each year is based on the housing need of all existing and future residents. This policy builds on LPS Policy SC 4 'Residential mix', which seeks to make sure that housing is provided that is reflective of housing need across the borough as a whole. An appropriate mix of housing will need to be provided in individual developments, proportionate to the scale of the development proposed. Housing developments should not be dominated by large dwellings (four or more bedrooms), which are unlikely to meet the majority of the borough's housing needs.

8.3 The demographic profile of the borough is expected to change throughout the plan period as a result of an ageing population. Providing a mix of housing is important to support independent living and choice. This also includes ensuring that housing design is flexible enough to adapt to meeting the changing needs of residents over time. Therefore, reference should also be made to Policy HOU 2 'Specialist housing provision' and Policy HOU 8 'Space, accessibility and wheelchair housing standards'.



8.4 The council will encourage all residential developments to be designed and built to encourage sustainable and flexible living. In particular, it will provide accommodation that can be easily adapted to suit changing household needs and circumstances, including to cater for home working and to benefit household members with disabilities or older residents who may need care and support (considered alongside other policies in the local plan). All dwellings should therefore incorporate sufficient storage space and floor layouts, which will provide practical usable space and a good standard of amenity.

8.5 The housing mix statement should be a proportionate and up to date assessment of local circumstances and demonstrate how the proposed mix of housing tenure, type and sizes can help support the creation of mixed, balanced and inclusive communities. The mix of housing coming forward on sites will vary dependent on several site and market factors. Information presented through the housing mix statement, focused on the factors identified in Policy HOU 1, will assist the council in determining whether a proposal provides for an appropriate housing mix. The Cheshire East Residential Mix Study (2019) includes an assessment of the bedroom size and tenure of housing in Cheshire East up to 2030 and should be considered the starting point for the analysis included in the housing mix statement as set out in Table 8.1 'Indicative house type tenures and sizes'⁽¹⁶⁾.

Table 8.1 Indicative house type tenures and sizes

	Market housing	Intermediate housing	Affordable housing for rent
1 bedroom	5%	14%	26%
2 bedroom	23%	53%	42%
3 bedroom	53%	28%	20%
4 bedroom	15%	4%	10%
5+ bedroom	3%	1%	3%

Related documents

- Cheshire East Residential Mix Assessment (2019, Opinion Research Services) [ED 49]
- Cheshire East Custom and Self Build Register (Cheshire East Council)
- Cheshire East Housing Strategy 2018-2023 (2018, Cheshire East Council)
- Cheshire East Housing Development Study (2015, Opinion Research Services)
- Vulnerable and Older Persons Housing Strategy (2014, Cheshire East Council)

¹⁶ Note: figures quoted in Table 8.1 'Indicative house type tenures and sizes' are rounded to the nearest whole number and do not necessarily sum exactly to 100%.



Policy HOU 2

Specialist housing provision

1. The delivery, retention and refurbishment of supported and specialist housing, which meets an identified need, will be supported. Supported and specialist housing should be designed to satisfy the requirements of the specific use or group it is intended for, whilst being adaptable and responsive to changing needs over the lifetime of the development and meet the requirements of other relevant local plan policies.
2. Measures that assist people to live independently in their own homes and to lead active lives in the community will be supported subject to other relevant local plan policies. This could include adaptable homes and the utilisation of assistive technology, which can accommodate the changing needs of occupants as they grow older.
3. Schemes that provide specialist housing for older people, whilst promoting independent living, will be supported, provided that the following criteria are met:
 - i. the type of specialist accommodation proposed meets identified needs and contributes to maintaining the balance of the housing stock in the locality;
 - ii. the proposal provides easy access to services, community and support facilities, including health facilities and public transport, enabling its residents to live independently as part of the community;
 - iii. the proposal meets the accessibility and wheelchair housing standards set out in Policy HOU 8 'Space, accessibility and wheelchair housing standards';
 - iv. the design of the proposal, including any individual units of accommodation, should be capable of meeting the specialist accommodation support and care needs of the occupier. This includes pick up and drop off facilities close to the principal entrance suitable for taxis (with appropriate kerbs), minibuses and ambulances and the ability to provide assistive technology and internet connectivity where relevant;
 - v. the provision of suitable open space/grounds that can be used by residents;
 - vi. the provision of suitable levels of safe storage and charging facilities for residents' mobility scooters, where relevant; and
 - vii. affordable housing provision will be required in line with the thresholds and policy approach set out in LPS Policy SC 5 'Affordable homes', where independent dwellings would be formed.

Supporting information

8.6 Supported and specialist accommodation could include:

- move-on accommodation for people leaving hostels, refuges and other supported housing, to enable them to live independently;
- accommodation for care leavers;
- accommodation for disabled people (including people with physical and sensory impairments and learning difficulties) who require additional support or for whom living independently is not possible;
- accommodation for people with mental health issues who require intensive support;
- temporary accommodation for rough sleepers and those with substance misuse;
- accommodation for victims of domestic abuse; and
- accommodation for older persons.

8.7 Whilst the term independence is often used in the context of older people, promoting independence is important across all stages of life, young children, throughout adulthood and into old age. Our priority is to reach people early and keep them in their own homes through prevention and early intervention to reduce people reaching crisis point. This will include equipment and



adaptations to support continued independence and enable care to be provided at home, and work with registered providers to improve the use of existing accessible housing stock.

Older persons

8.8 The population projections used in the Cheshire East Housing Development Study 2015 identify that the population of Cheshire East is likely to increase from 383,600 persons to 431,700 persons over the 12-year period 2018-30; a 12-year increase of 48,100 persons. The population in older age groups is projected to increase substantially during this period, with an increase in the population aged 60 or over of 35,600, of which over 60% are projected to be 75+ (22,250 persons). This is particularly important when establishing the types of housing required and the need for specialist housing for older people. Whilst most of these older people will already live in the area and many will not move from their current homes, those that do move home are likely to be looking for suitable housing.

8.9 The term 'older people' covers a range of people with differing needs. These can be addressed through a number of housing options either in specialist housing (for example, supported housing, extra care, assisted living, retirement villages, care homes and continuing care communities, residential and nursing care, close care or very sheltered housing); or mainstream housing (that is, people living independently in their own home, if necessary with some adaptations to their properties) depending on the level of care and support provided.

8.10 A large proportion of older people and vulnerable residents prefer to live at home. The council will consider applications to adapt or extend such houses in a positive and supportive manner as a means of helping more people to remain living independently in their own home, consistent with other policies in the local plan. An appropriate housing mix, in line with LPS Policy SC 4 'Residential mix' and Policy HOU 1 'Housing mix' should also provide for appropriate options for those residents in the borough looking for alternative housing options, such as downsizing.

8.11 The Cheshire East Residential Mix Assessment (2019) considers the need for specialist older person housing across the borough up to 2030. There is a current estimated need of 6,862 specialist housing units for older persons but this is expected to increase by a further 5,573 over the 2018-30 period, meaning that the total required additional provision up to 2030 for specialist housing for older people is estimated at 12,435. All of these properties are already counted within the Objectively Assessed Needs identified in the LPS.

8.12 The Cheshire East Residential Mix Assessment (2019) identifies that it is unlikely that all of the identified needs for older people will be delivered by specialist accommodation alone. Many householders identified as needing specialist accommodation will choose to remain in their own homes with appropriate assistance from social care providers, assistive technology and appropriate adaptations or downsize to more suitable accommodation. Furthermore, the health, longevity and aspirations of older people mean that they will often live increasingly healthier lifestyles and therefore future housing needs may be different from current identified needs.

8.13 The provision of specialist older persons accommodation should also consider the overall viability of development, in the longer term, including the availability of revenue funding for ongoing care and its procurement. It will also be important for the council and its partners to determine the most appropriate types of specialist older persons accommodation to be provided in the area. Early engagement with the council, the health service and other social care providers is recommended.

8.14 Where specialist accommodation for older people is proposed that would create independent dwellings, affordable housing will be required in line with the dwelling thresholds and policy approach set out in LPS Policy SC 5 'Affordable homes'. In accordance with Criterion 7 of LPS Policy SC5 'Affordable homes' in exceptional circumstances, where scheme viability may be affected by the provision of affordable housing at these thresholds, applicants will be expected to provide viability assessments to justify any alternative level of affordable housing provision and to meet the other policy requirements for affordable housing in LPS Policy SC 5 'Affordable homes'.



Related documents

- Cheshire East Housing Strategy 2018-2023 (2018, Cheshire East Council)
- Cheshire East Joint Strategic Needs Assessment (Health and Wellbeing Board)
- Vulnerable and Older Persons Housing Strategy (2014, Cheshire East Council)
- Cheshire East Housing Development Study (2015, Opinion Research Services)
- Cheshire East Residential Mix Assessment (2019, Opinion Research Services) [ED 49]

Policy HOU 3

Self and custom build dwellings

1. The council will support proposals for self-build and custom-build housing in suitable locations.
2. On all housing developments providing 30 or more homes, a proportion of serviced plots should be provided, where there is evidence of unmet demand.
3. Where an applicant considers that the provision of self-build and/or custom-build is unviable, this should be demonstrated through submission of a viability assessment. Any costs associated with the council independently evaluating the viability assessment will be borne by the applicant.
4. Plots delivered through Criterion 2 should be marketed as self/custom build opportunities for a minimum of 1 year. If unsold, these plots can revert to open market housing.

Supporting information

8.15 The government wishes to increase opportunities for people to build or commission their own homes, and in doing so increase the role that these play in boosting the overall supply of new homes. This policy responds to that challenge and seeks to increase the amount of self-build and custom-build housing in the borough.

8.16 The council has a legal duty to give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding. 'Self-build' is housing usually built in full by its final owners/occupiers from scratch. 'Custom-build' is housing usually part built by a provider and then customised by its owners/occupiers. In both instances, owners/occupiers are expected to have significant influence over the final design of their home. Owners/occupiers can be individuals or associations of individuals. A 'serviced plot of land' is land that can be connected to basic infrastructure. Each term is defined in the Housing and Planning Act, Self-build and Custom Housebuilding Act and associated regulations.

8.17 The NPPF states that planning policies should consider the size, type and tenure of housing needed for different groups, including people wishing to commission or build their own homes. LPS Policy SC 4 'Residential mix' states that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes. This could include people wishing to build or commission their own homes.

8.18 To increase diversification in the housing market, for custom-build housing schemes, the council will encourage developers to offer the widest range of customisation options possible. As minimum however, owners/occupiers of custom-build housing should be able to influence the design/appearance of the external envelope of their home and choose their own room dimensions and layout.

8.19 On larger sites (30 or more dwellings), where there is evidence of unmet demand, opportunities for self-build and/or custom-build housing should be provided as part of the housing mix in line with Policy HOU 1 'Housing mix'. Such developments are required to provide a housing mix statement at detailed planning/reserved matters stage. As part of this statement, regard should be had to any



shortfall in terms of the number of serviced plots the council has permitted versus the current demand from the council's self-build register. Information regarding unmet demand and the extent to which the council is meeting its legal duties associated with self and custom-build will be published annually in its Authority Monitoring Report.

8.20 Provision of self and custom-build housing opportunities will be controlled through conditions and/or Section 106 legal agreements as necessary.

8.21 The requirement for self or custom build housing is separate to any affordable housing requirements set out in LPS Policy SC 5 'Affordable homes', although the council will be open to considering the provision of affordable housing through a self or custom-build route.

8.22 Schemes for self-build and custom-build homes must still comply with policies and guidance in the development plan governing location and design of new homes. The fact that a proposed new home may be self or custom-build will not override these policies.

Related documents

- Cheshire East Custom and Self Build Register (Cheshire East Council)

Policy HOU 4

Houses in multiple occupation

- The change of use to a house in multiple occupation (HMO), or proposals to extend existing HMOs to accommodate additional residents, will be permitted provided that:
 - the number of existing HMOs within 50 metres of the application site does not exceed 10% of the total number of dwellings;
 - the extended or proposed HMO would not 'sandwich' an existing dwelling (C3) between two HMOs;
 - the proposal would not have an adverse impact on:
 - the character and appearance of the property or the local area;
 - on-street car parking levels;
 - the capacity of local services/facilities; or
 - the amenity or environment of surrounding occupiers;
 - the property is of a size, whereby the proposed layout, room sizes, daylight provision, range of facilities and external amenity space of the HMO would ensure an adequate standard of residential amenity for future occupiers;
 - adequate provision is made in the curtilage of the dwelling for covered cycle parking; and
 - adequate provision is made in the site for waste and recycling storage.
- Exceptions to criteria 1(i) and 1(ii) may be applied where a proposal is made in a group of properties, for example a terrace, where the number of dwellings remaining in C3 use is so low (one or two dwellings) that the proposal would not cause further harm to the overall character of the area and the proposal is supported by evidence⁽¹⁷⁾ to show that there is no reasonable demand for the existing C3 use.

¹⁷ To demonstrate that no other occupiers can be found who could occupy the dwelling in C3 use, the dwelling should be marketed for sale or rent at a realistic price for a period of not less than 12 months. The council will require evidence that a proper marketing exercise has been carried out including a record of all offers and expressions of interest received.



Supporting information

8.23 A HMO is defined as a house or flat occupied by three or more individuals who form two or more unrelated households who share basic amenities. HMOs are classified by the Uses Classes Order as use class C4 (between three and six residents) or Sui Generis (of its own kind) (more than six residents). Permitted development rights enable the change of use of a dwelling (C3) to a small HMO (up to six residents) (C4) without the need for planning permission.

8.24 HMOs are an important source of low cost, private sector housing for those on low incomes, students and those seeking temporary accommodation. However, the increase in the number of people living in a dwelling will increase demands on services and infrastructure above the demands of a smaller household traditionally associated with a C3 dwellinghouse. A concentration of HMOs in one area can change the character of that residential area, result in a decline in the settled population and harm the amenity of surrounding residents.

8.25 The policy seeks to strike a balance. It recognises the role that HMOs can play in achieving a range of accommodation whilst ensuring that sufficient policy controls exist to address potential adverse impacts that may arise from them, particularly in areas where there is a greater concentration of such accommodation.

8.26 Three non-immediate Article 4 Directions in parts of Crewe have been made to remove permitted development rights for HMOs accommodating between three and six unrelated residents. The Directions took effect on 1 November 2021. The council will continue to monitor the concentration of HMOs elsewhere in the borough and the use of any additional Article 4 Directions will be limited to situations where necessary to protect local amenity or the well-being of the area and apply to the smallest geographical area possible. The Houses in Multiple Occupation Supplementary Planning Document was adopted on 9 September 2021 and provides additional guidance, including the density calculation and potential exceptions to this.

8.27 The policy is intended to work in parallel with mandatory HMO licensing rules, which became effective on 01 October 2018. All HMOs that accommodate five or more people who form two or more households, are now required to be licensed. Licensing requirements include a minimum size for rooms used as sleeping accommodation and conditions to require license holders to comply with any scheme issued by the local housing authority for the storage and disposal of household waste.

Related documents

- Amenity and Facilities Standards in Houses in Multiple Occupation (2020, Cheshire East Council)



Policy HOU 5

Gypsy and Traveller site provision

1. In line with LPS Policy SC 7 'Gypsies and Travellers and Travelling Showpeople', Gypsy and Traveller sites will be allocated or approved to meet the needs set out in the most recent Gypsy and Traveller Accommodation Assessment (GTAA). The GTAA (2018) identifies a need in the borough for the following provision over the remaining plan period (2017 to 2030):
 - i. 32 additional permanent residential pitches for Gypsies and Travellers; and
 - ii. a transit site of between 5 and 10 pitches for Gypsies and Travellers.
2. The following sites as shown on the adopted policies map are allocated for Gypsy and Traveller sites to ensure a deliverable supply of pitches:
 - i. Site G&T 1 'Land east of Railway Cottages, Nantwich (Baddington Park)' (2 additional permanent pitches);
 - ii. Site G&T 2 'Land at Coppenhall Moss, Crewe' (7 permanent pitches);
 - iii. Site G&T 3 'New Start Park, Wettenhall Road, Nantwich' (8 permanent pitches);
 - iv. Site G&T 4 'Three Oakes Site, Booth Lane, Middlewich' (24 permanent pitches);
 - v. Site G&T 5 'Cledford Hall, Cledford Lane, Middlewich' (10 transit pitches); and
 - vi. Site G&T 6 'The Oakes, Mill Lane, Smallwood' (4 additional permanent pitches).
3. In the open countryside, outside the Green Belt, Gypsy and Traveller pitches, over and above those provided for on allocated sites, will only be permitted through the application of Criterion 3(i) of LPS Policy PG 6 'Open countryside' and Policy PG 10 'Infill villages' or where it is evidenced that the intended occupiers of a proposed pitch:
 - i. have a genuine need for culturally appropriate accommodation in Cheshire East; and
 - ii. cannot meet their accommodation needs by occupying an existing pitch within an established, authorised Gypsy and Traveller site or a new pitch on an allocated site.
4. Where these requirements are met, new pitches should be provided within an established Gypsy and Traveller site wherever possible, or, if not, as a small scale extension to it. A pitch on a new, stand-alone site will only be permitted where it is demonstrated that neither of these options are feasible.

Supporting information

8.28 National planning guidance requires that local planning authorities very strictly limit new Traveller site development in open countryside that is away from existing settlements. LPS Policy PG 6 'Open countryside' restricts development in the open countryside to that appropriate to a rural area with limited exceptions listed including limited infilling where the requirements of the policy are met.

8.29 As set out in footnote 59 of the LPS, Gypsy and Traveller sites in the Green Belt are considered to be inappropriate development.

8.30 In light of government changes to Planning Policy for Traveller Sites (2015), particularly the change to the definition of who constitutes a 'Traveller' for the purpose of planning, the council has updated its evidence base, on a sub-regional basis, on the need for additional Gypsy and Traveller accommodation. The policy reflects and seeks to address the updated assessment of accommodation needs. The GTAA (2018) identifies the need for 32 pitches for households who meet the planning definition, as set out in Annex 1 of Planning Policy for Traveller sites (2015), up to 2030.



8.31 The GTAA (2018) acknowledges that it was not possible to determine the travelling status of all of the households surveyed, and a proportion of these households may meet the definition provided in Annex 1 of Planning Policy for Traveller Sites (2015). The GTAA (2018) identifies that two additional pitches may be needed to address the potential needs of households where the travelling status has not been able to be determined through the GTAA. The GTAA (2018) also identifies a need for 3 additional pitches in the plan period for households who may need culturally appropriate accommodation but fall outside of the planning definition provided in Annex 1 of Planning Policy for Traveller Sites (2015). Proposals for further Gypsy and Traveller sites in the borough arising in the plan period will be considered according to the policy approach set out in Policy HOU 5a 'Gypsy and Traveller site provision'.

8.32 Applicants who bring forward proposals on sites not allocated in the plan will need to demonstrate that they meet the definition provided for by the government's Planning Policy for Travellers Sites and that they have a local need which cannot be met by existing authorised or allocated sites. The council is also mindful of its duties under the Equality Act (2010). The policy, through a criteria based approach, also seeks to provide for the accommodation needs of ethnic Gypsies and Travellers who fall outside the planning definition but nevertheless still need culturally appropriate accommodation.

8.33 Occupation of any development for consented Gypsy and Traveller sites will be restricted, via condition.

8.34 In line with LPS Policy SC 7 'Gypsies and Travellers and Travelling Showpeople', there is a presumption against the loss of existing permanent consented Gypsy and Traveller sites where this would exacerbate or result in an identified shortfall unless suitable replacement provision is found.

8.35 The council will monitor the provision of additional pitches for Gypsies and Travellers that are delivered during the plan period. The effectiveness of the policy will be kept under review either as part of a local plan update or if there are any significant changes in the requirements for pitch provision, identified through monitoring, changes in national planning policy or as evidenced, for example, through a review of the GTAA.

Related documents

- Cheshire East, Cheshire West and Chester, Halton and Warrington Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (2018, Opinion Research Services) [ED 13]
- Gypsy and Traveller and Travelling Showpeople Site Selection Report (2020, Cheshire East Council) [ED 14]



Policy HOU 6

Travelling Showperson site provision

1. In line with LPS Policy SC 7 'Gypsies and Travellers and Travelling Showpeople', Travelling Showperson sites will be allocated or approved to meet the needs set out in the most recent Gypsy and Traveller Accommodation Assessment (GTAA). The GTAA (2018) identifies a need in the borough for five additional plots for Travelling Showpeople over the remaining plan period (2017 to 2030).
2. The following sites, as shown on the adopted policies map, are allocated for Travelling Showperson sites to ensure a deliverable supply of plots:
 - i. Site TS 1 'Lorry park, off Mobberley Road, Knutsford' (3 plots);
 - ii. Site TS 2 'Land at Fir Farm, Brereton' (10 plots); and
 - iii. Site TS 3 'Land at former brickworks, A50 Newcastle Road' (2 additional plots).

Supporting information

8.36 In light of government changes to Planning Policy for Traveller sites (2015), the council has updated its evidence base, on a sub-regional basis, on the need for additional Gypsy and Traveller accommodation. The policy reflects and seeks to address the updated assessment of accommodation needs for Travelling Showpeople. The GTAA (2018) identified a requirement for 5 plots up to 2030.

8.37 The allocation at Site TS 2 'Land at Fir Farm, Brereton' responds to a site specific requirement identified following the completion of the 2018 GTAA. The site will be recorded in future iterations of the GTAA. The policy also supports the appropriate intensification or reconfiguration of the existing Showman's Yard on the A50 (Site TS 3 'Land at former brickworks, A50 Newcastle Road') site for up to two additional plots.

8.38 As set out in footnote 59 of the LPS, Travelling Showperson sites in the Green Belt are considered to be inappropriate development.

8.39 Occupation of any development for consented Travelling Showperson sites will be restricted, via condition, to persons complying with the national definition of Travelling Showpeople, as appropriate.

8.40 In line with LPS Policy SC 7 'Gypsies and Travellers and Travelling Showpeople', there is a presumption against the loss of existing permanent consented Travelling Showperson sites where this would exacerbate or result in an identified shortfall unless suitable replacement provision is found.

8.41 The council will monitor the provision of additional plots for Travelling Showpeople delivered during the plan period. The effectiveness of the policy will be kept under review either as part of periodic reviews/updates of the local plan or if there are any significant changes in the requirements for plot provision, identified through monitoring, changes in national planning policy or as evidenced, for example, through a review of the GTAA.

Related documents

- Cheshire East, Cheshire West and Chester, Halton and Warrington Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (2018, Opinion Research Services) [ED 13]
- Gypsy and Traveller and Travelling Showpeople Site Selection Report (2020, Cheshire East Council) [ED 14]



Policy HOU 7

Gypsy and Traveller and Travelling Showperson site principles

Alongside the considerations set out in LPS Policy SC 7 'Gypsies and Travellers and Travelling Showpeople', proposals for Gypsy and Traveller and Travelling Showperson sites in the borough should make sure that they:

1. respect the scale of, and do not dominate, the nearest settled community where located in rural areas;
2. avoid placing an undue pressure on the local infrastructure and services;
3. clearly indicate the proposed number of pitches/plots intended for the site;
4. are well planned, including clearly marked site and pitch or plot boundaries and include soft landscaping, appropriate boundary treatments and play areas for children where needed;
5. provide a safe environment for intended occupants through layout, design and lighting;
6. provide for an appropriate level of essential services and utilities including mains electricity, a connection to a public sewer or provision of discharge to a septic tank, a mains water supply and a suitable surface water drainage system, prioritising the use of Sustainable Drainage Systems (SuDS) in line with LPS Policy SE 13 'Flood risk and water management'; and
7. make provision for waste to be stored appropriately for disposal and is able to be collected in an efficient manner.

Supporting information

8.42 This policy addresses specific design principles that should be met by all new sites for travelling and non-travelling Gypsies and Travellers and Travelling Showpeople and should be read alongside LPS Policy SC 7 'Gypsies and Travellers and Travelling Showpeople'.

8.43 The site design and layout should ensure the safety and security of residents. If external lighting will help achieve this, it should be designed into the proposal at the outset to ensure it is the minimum required and appropriate for the location. LPS Policy SC 7 'Gypsies and Travellers and Travelling Showpeople' sets out the requirements for safe access and vehicle servicing.

8.44 In line with paragraph 13 of Planning Policy for Traveller Sites, sites should avoid placing undue pressure on local infrastructure and services to support the sustainability of Traveller Sites. Sites must be capable of being serviced by all necessary utilities in order to provide an appropriate residential environment. Foul drainage to a public sewer should be provided wherever possible. Where foul drainage to a public sewer is not feasible sites will only be permitted if proposed alternative facilities are considered adequate and would not pose an unacceptable risk to the quality or quantity of ground or surface water, pollution of local ditches, watercourses or sites of biodiversity importance. Sites must incorporate appropriate measures for surface water drainage, utilising Sustainable Drainage Systems where practicable.

8.45 Each pitch should be designed to provide appropriate accommodation for a household, and should normally allow for the siting of at least one trailer/mobile home and a touring caravan and space for car parking.

Related documents

- Cheshire East, Cheshire West and Chester, Halton and Warrington Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (2018, Opinion Research Services) [ED 13]
- Gypsy and Traveller and Travelling Showpeople Site Selection Report (2020, Cheshire East Council) [ED 14]



Policy HOU 8

Space, accessibility and wheelchair housing standards

1. In order to meet the needs of the borough's residents and to deliver dwellings that are capable of meeting people's changing circumstances over their lifetime, the following accessibility and wheelchair standards will be applied.
 - i. For major developments:
 - a. at least 30% of dwellings in housing developments should comply with requirement M4 (2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings; and
 - b. at least 6% of dwellings in housing developments should comply with requirement M4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings.
 - ii. For specialist housing for older people:
 - a. all specialist housing for older people should comply with M4 (2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings; and
 - b. at least 25% of all specialist housing for older people should comply with requirement M4 (3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings.
2. The standards set out in Criterion 1 will apply unless site specific factors indicate that step-free access cannot be achieved or is not viable. Where step-free access is not viable, the Optional Technical requirements in part M of the Building Regulations will not apply.
3. Proposals for new residential development in the borough should meet the Nationally Described Space Standard. The standard will apply from six months after the date of adoption of the plan.

Supporting information

8.46 In order to help deliver a wide choice of homes and create sustainable, inclusive and mixed communities, the NPPF states that local planning authorities should plan for the needs of different groups in the community, including older people and people with disabilities.

8.47 The population projections used in the Cheshire East Housing Development Study 2015 identify that the population of Cheshire East is likely to increase from 383,600 persons to 431,700 persons over the 12-year period 2018-30; a 12-year increase of 48,100 persons. The population in older age groups is projected to increase substantially during this period, with an increase in the population aged 60 or over of 35,600, of which over 60% are projected to be 75+ (22,250 persons).

8.48 National planning policy allows local planning authorities to set optional technical standards for new housing in relation to accessibility and wheelchair standards through their local plans. Using the optional technical standards will allow the new housing to be more easily adaptable and support people in living in their homes for longer.

8.49 Approved Document M of the Building Regulations 2010 (or as updated) sets out these standards. M4 (1): visitability is the mandatory building standard that applies to all new homes. M4 (2): accessible and adaptable dwellings and M4 (3): wheelchair user dwellings are the optional standards that local authorities can apply. Planning conditions will be used for relevant schemes to



specify the M4(2) and M4(3) requirements that apply. In the circumstances where category 3 (wheelchair user) housing applies, the condition will specify that optional requirement M4(3)(2)(a) will apply requiring that dwelling should be wheelchair adaptable. The implementation of accessibility and wheelchair standards will take account of site-specific factors such as vulnerability to flooding, site topography and other factors. Where it is clearly demonstrated that step-free access cannot be achieved or is not viable, neither of the optional requirements in the policy will apply.

8.50 The council is not intending to implement the tighter Building Regulations water efficiency standards optional requirement of 110 litres/person/day. The borough does not fall in an area with a 'serious' water company stress classification in the Environment Agency's 'Water stressed areas – final classification'.

8.51 From six months of the date of adoption of the plan, all new residential dwellings will be required to be built to the Nationally Described Space Standard (or any future successor). Applicants will be expected to design schemes in accordance with the Nationally Described Space Standards, including sufficient built-in storage. Applicants will be expected to submit appropriate and proportionate evidence alongside planning applications to make sure that compliance with the standards can be verified.

8.52 Reference should also be made to energy efficiency and renewable energy generation standards included in Policy ENV 7 'Climate change'.

Related documents

- Cheshire East Residential Mix Assessment (2019, Opinion Research Services) [ED 49]
- Local Plan Site Allocations and Development Policies Viability Assessment (2020, HDH Planning and Development) [ED 52]
- Nationally Described Space Standards (2020, Cheshire East Council) [ED 57]
- Housing: Optional Technical Standards (2015, DCLG)
- Cheshire East Housing Development Study (2015, Opinion Research Services)
- Technical Housing Standards: Nationally Described Space Standard (2015, DCLG)

Policy HOU 9

Subdivision of dwellings

Subdivision of existing dwellings into self-contained residential units will be permitted where the proposals accord with other policies in the development plan and:

1. satisfactory living environments can be created in the new dwellings;
2. sufficient amenity space and car parking is retained; and
3. adequate provision is made in the site for waste and recycling storage.

Supporting information

8.53 The creation of additional self-contained housing units by the sub-division of existing dwellings is often an effective way of providing lower-cost accommodation, but the usual standards for dwellings will still apply.

- When considering whether a satisfactory living environment can be created, matters such as internal space standards (see Policy HOU 8 'Space, accessibility and wheelchair housing standards'), outlook and privacy (see Policy HOU 13 'Residential standards'), noise and disturbance, and convenience and safety of access will be taken into account.
- Sufficient amenity space should be provided to allow for the usual domestic arrangements associated with the size and type of dwelling being created, such as hanging washing or providing



a reasonable sitting-out area (see Policy HOU 13 'Residential standards'. Car parking standards are set out in LPS Appendix C 'Parking standards'.

- Sufficient space should also be provided to store waste and recycling bins in a safe and convenient location where they can be transported to the kerbside for collection.

8.54 LPS Policy SE 1 'Design', Policy GEN 1 'Design principles', Policy HOU 8 'Space, accessibility and wheelchair housing standards', Policy HOU 12 'Amenity' and Policy HOU 13 'Residential standards' are likely to have particular relevance to proposals for the subdivision of dwellings. Any extensions or alterations must accord with the requirements of Policy HOU 11 'Extensions and alterations'. Further guidance is also available in the Cheshire East Borough Design Guide supplementary planning document.

Policy HOU 10

Backland development

Proposals for tandem or backland development will only be permitted where they:

1. demonstrate a satisfactory means of access to an existing public highway in accordance with Policy INF 3 'Highway safety and access', that has an appropriate relationship with existing residential properties;
2. do not cause unacceptable harm to the amenity of the residents of existing or proposed properties, in accordance with Policy HOU 12 'Amenity';
3. are equal or subordinate in scale to surrounding buildings, particularly those fronting the highway; and
4. are sympathetic to the character and appearance of the surrounding area through its form, layout, boundary treatments and other characteristics.

Supporting information

8.55 The council encourages the effective use of the finite land resource and recognises that land in the built framework of towns and villages can usefully contribute towards meeting housing need. However, badly planned backland development can create unsatisfactory living environments for existing and future residents. This policy seeks to avoid the undesirable cramming of new dwellings onto sites already occupied by existing buildings. Only where the site is large enough to accommodate additional dwellings without causing unacceptable harm to the amenities enjoyed by existing properties, and where an acceptable, separate means of access can be provided, would such a form of development be appropriate.

8.56 The relationship of the access with existing residential properties and the impacts on amenity will be considered with reference to Policy GEN 1 'Design principles' and Policy HOU 12 'Amenity'. Further guidance is also available in the Cheshire East Borough Design Guide supplementary planning document.



Policy HOU 11

Extensions and alterations

Extensions or alterations to existing dwellings and construction of ancillary outbuildings in residential curtilages should:

1. be consistent with the Cheshire East Borough Design Guide supplementary planning document;
2. be in keeping with the scale, character and appearance of their surroundings and the local area, and be subordinate to the existing dwelling;
3. not cause unacceptable harm to the amenity of nearby occupiers or the future occupiers of the dwelling, with Policy HOU 12 'Amenity'; and
4. include suitable provision for access, in line with Policy INF 3 'Highway safety and access', and parking, in line with the car parking standards set out in LPS Appendix C 'Parking standards', in a way that does not detract from the character and appearance of the area.

Supporting information

8.57 To meet the changing needs of occupiers, this policy allows for extensions and alterations to existing dwellings, providing they are appropriately designed and have regard to neighbouring properties. In the application of this policy, reference should also be made to Policy HOU 13 'Residential standards'.

8.58 The term 'existing dwelling' is classed as the dwelling at the time of the planning application.

8.59 The assessment of whether a development is in keeping with the scale, character and appearance of its surrounding and local area will have regard to the design, scale, height, massing, material finishes, visual appearance and character of buildings, and the prevailing layout and landscaping of the development.

Related documents

- Cheshire East Borough Design Guide supplementary planning document (2017, Cheshire East Council and e*SCAPE Urbanists)

Policy HOU 12

Amenity

With reference to the residential standards set out in Table 8.2 'Standards for space between buildings', the Cheshire East Borough Design Guide supplementary planning document and other policies where relevant, development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.



Supporting information

8.60 This policy intends to protect the amenities of residential occupiers or sensitive uses in the vicinity of any new development. Policy that reflects the agent of change principle can be found in Policy ENV 15 'New development and existing uses'.

8.61 Environmental disturbance includes the effects of noise, vibration, smells, fumes, smoke, dust or grit. Sensitive uses are those uses whose activities are particularly vulnerable to disturbance from noise, pollution, loss of privacy, or daylight and visual intrusion, such as schools, hospitals and homes.

Related documents

- Cheshire East Borough Design Guide supplementary planning document (2017, Cheshire East Council and e*SCAPE Urbanists)

Policy HOU 13

Residential standards

- Proposals for housing development should generally:
 - meet the standards for space between buildings as set out in Table 8.2 'Standards for space between buildings', unless the design and layout of the scheme and its relationship to the site and its characteristics provides an adequate degree of light and privacy between buildings; and
 - include an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development.
- In addition to the standards set out in Table 8.2 'Standards for space between buildings':
 - each building should normally be set back at least 1 metre from the side boundary; and
 - where it is necessary to provide a car parking space at the front of the dwelling, each dwelling should be set back at least 5.5 metres from the highway to provide car parking space off the highway.
- The distances in Table 8.2 'Standards for space between buildings' should be seen as a minimum where it impacts on existing property.

Supporting information

8.62 The Cheshire East Borough Design Guide supplementary planning document (2017) supports an innovative design led approach to new residential development and promotes opportunities for reduced distance standards through good design. The standards for space between buildings set out in Table 8.2 'Standards for space between buildings' are intended to provide an 'adequate' degree of light. The council also uses the 45-degree rule, which is a well-established rule of thumb that is used to make sure development does not have an unacceptable impact on outlook and light to principal and habitable room windows. This is in addition to and distinct from general spacing standards required to provide appropriate outlook, privacy, light and living standards.

Table 8.2 Standards for space between buildings

Position/height of building	Standards for space between buildings from the centre line of any window
1. Habitable room facing habitable room or facing non-residential buildings	
1 or 2 storeys	<ul style="list-style-type: none"> 18 metres front to front of buildings 21 metres back to back of buildings
3 storeys or upwards	<ul style="list-style-type: none"> 20 metres front to front of buildings 24 metres plus 2.5 metres per additional storey back to back of buildings
2. Habitable room facing non-habitable room	
1 or 2 storeys	<ul style="list-style-type: none"> 14 metres
3 storeys or upwards	<ul style="list-style-type: none"> 2.5 metres per additional storey
3. Allowance for differences in level between buildings	
All cases where 1 and 2 (above) are applied and difference in level exceeds 2 metres	<ul style="list-style-type: none"> Add 2.5 metres to distance
Each further 2 metres difference in level	<ul style="list-style-type: none"> Add additional 2.5 metres per 2 metres difference in level

8.63 A habitable room is any room in a house except the hall, stairs, landing, toilet, bathroom, and kitchen, unless the kitchen is a kitchen diner.

8.64 The space criteria apply where the sole or principal window in the habitable room faces:

- in the case of 1, another habitable room; or
- in the case of 2, a blank wall or a wall that contains obscure glazing only.

Related documents

- Cheshire East Borough Design Guide supplementary planning document (2017, Cheshire East Council and e*SCAPE Urbanists)



Policy HOU 14

Housing density

1. Residential development proposals will generally be expected to achieve a net density of at least 30 dwellings per hectare. Lower densities of less than 30 dwellings per hectare will only be supported where evidence is submitted with the application, which demonstrates this would be justified, taking account of the factors set out in Criterion 3 below.
2. Development proposals will be expected to achieve a higher density:
 - i. in the settlement boundaries of principal towns, key service centres and local service centres where sites are well served by public transport; and/or
 - ii. close to existing or proposed transport routes/nodes.
3. In determining an appropriate density, the following factors will also be taken into account:
 - i. the mix and type of housing proposed;
 - ii. the character of the surrounding area (recognising that there are some areas of the borough with an established low density character that should be protected) and their wider landscape and/or townscape setting;
 - iii. the nature, setting and scale of the proposal including site constraints and local context;
 - iv. the character of the site including its topography and biodiversity value;
 - v. local market conditions and viability;
 - vi. the need to preserve the amenity of existing or future residents;
 - vii. availability and capacity of local services, facilities and infrastructure; and
 - viii. the density analysis and advice contained in the Cheshire East Borough Design Guide supplementary planning document.
4. Higher densities will be supported where innovative design solutions are proposed and consistent with the Cheshire East Borough Design Guide supplementary planning document.

Supporting information

8.65 Proposals for housing developments should use land efficiently in line with LPS Policy SE 2 'Efficient use of land'. Policy HOU 14 'Housing density' sets out the council's expectations on the net density of sites in the borough. It does recognise that there will be sites where higher or lower densities will be more appropriate and sets out the factors that should be taken into account.

8.66 In the application of this policy, reference should also be made to Policy HOU 1 'Housing mix' as providing for a broad mix of dwelling types, particularly smaller dwellings, can achieve higher net densities and the more effective and efficient use of land.

8.67 The appreciation of landscape and townscape character, alongside well thought out and designed housing schemes, can assist in the efficient use of land when balanced with other design considerations. The efficient and effective use of land is important in contributing to regeneration, protecting greenfield sites, minimising Green Belt loss and supporting the achievement of sustainable development across the borough. There are, however, areas in the borough that have an established and important low density character that needs to be protected.

8.68 Net dwelling density is defined as including only those site areas that will be developed for housing and directly associated uses, including access roads in the site, private garden space, car parking areas, incidental open space and landscaping and children's play areas, where these are provided.



8.69 Where viability assessments are submitted, they will be evaluated independently with the cost being borne by the applicant.

Related documents

- Cheshire East Borough Design Guide supplementary planning document (2017, Cheshire East Council and e*SCAPE Urbanists)

Housing delivery

Policy HOU 15

Housing delivery

1. The council supports the use of masterplans, design codes and area-wide design assessments to help bring forward and co-ordinate the delivery of housing sites and infrastructure in the borough.
2. The council will support the sub-division of large sites, where this could help to speed up the delivery of homes, and does not conflict with their comprehensive planning and delivery when read alongside other policies in the local plan.
3. Modern methods of construction will be encouraged where their use supports the delivery of homes and does not conflict with other policies in the local plan.
4. To help make sure that proposals for housing development are implemented in a timely manner, the council will consider imposing planning condition(s) requiring development to begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability.

Supporting information

8.70 The council will work closely with key partners, developers and landowners to expedite the delivery of housing and to maintain at least a five year deliverable supply of housing land and meet the overall development requirements of the local plan.

8.71 The sub-division of larger sites to support the delivery of homes will only be supported where the delivery requirements of the larger site, for example by infrastructure delivery, public open space or the wider objectives of the site are not compromised.



Policy HOU 16

Small and medium-sized sites

The particular benefits of providing well-designed new homes on small and medium-sized sites, up to 30 homes, will be given positive weight in determining planning applications.

Supporting information

8.72 LPS Policy SC 4 'Residential mix' seeks to achieve a mix of housing types, tenures and sizes to address the wide range of needs of existing and future residents in the borough. The government wishes to diversify the housing market, opening it up further to small and medium sized builders and to make it easier for people who want to build their own homes⁽¹⁸⁾. The delivery of smaller sites plays an important role in meeting housing needs. Smaller sites offer a number of benefits, including providing a greater diversity of sources, locations, type and mix of housing supply, supporting smaller housebuilders and supporting those wishing to bring forward custom, self-build and community-led housing. The policy makes clear the council's ambition to see more homes built on appropriate smaller sites.

8.73 There is no universally accepted definition of what constitutes a small site. It may vary by reference to the characteristics of a particular area. In a joint report by the Local Government Information Unit and the Federation of Master Builders in December 2016,⁽¹⁹⁾ a small site was considered to be one that was unlikely to be developed by large volume house builders. In the absence of a better measure this was defined as a site with the capacity for 30 units or fewer, or 1.5 hectares or less in size. A figure of 20 homes has been highlighted by the Home Builders Federation⁽²⁰⁾ on the basis that it provides a more appropriate broader potential site base for small and medium sized builders than the broadly applied definition of small sites involving around 10 dwellings. The council's view is that a threshold of 30 homes is appropriate in Cheshire East, because it generally reflects a scale of development that would be brought forward by small and medium size builders.

18 For example see the Housing White Paper 'Fixing Our Broken Housing Market' (2017, DCLG)

19 Small is Beautiful: Delivering More Homes Through Small Sites (2016, Local Government Information Unit and Federation of Master Builders)

20 Reversing the Decline of Small Housebuilders: Reinvigorating Entrepreneurialism and Building More Homes (2017, Home Builders Federation)





9

Town centres and retail



9 Town centres and retail

9.1 Despite a period of dynamic change, town centres remain the focal point for much retailing, leisure and commerce. The plan seeks to support the role and function of town centres through this period of change, particularly by concentrating on core areas and activities. In recognition of their role as principal towns, more detailed policy is provided for Crewe and Macclesfield.

Retailing

Policy RET 1

Retail hierarchy

1. In line with LPS Policy EG 5 'Promoting a town centre first approach to retail and commerce', the hierarchy of retail centres in Cheshire East is set out in the three tables below. The boundaries for principal town centres, town centres and local centres are shown on the adopted policies map. Development proposals should reflect the role, function and character of the relevant retail centre in the hierarchy to promote their long term vitality and viability.

Role and tier in retail hierarchy	Centre name	Centres
Principal town	Principal town centres	Crewe and Macclesfield
Key service centres	Town centres	Alsager, Congleton, Handforth, Knutsford, Middlewich, Nantwich, Poynton, Sandbach and Wilmslow
Local service centres	Local centres	Alderley Edge, Audlem, Bollington, Chelford, Disley, Goostrey, Haslington, Holmes Chapel, Mobberley and Prestbury

2. Local centre boundaries are not proposed for Bunbury, Wrenbury and Shavington. As local service centres, any additional retail provision in these centres should focus on providing retailing of an appropriate scale, plus take opportunities for service users and small scale independent retailing of a function and character that meets the needs of the local community.
3. The following local urban centres are defined on the adopted policies map:

Role and tier in retail hierarchy	Centres
Local urban centres	Nantwich Road (Crewe), West Street (Crewe), West Heath Shopping Centre (Congleton), Welsh Row (Nantwich), Chapel Lane (Wilmslow) and Dean Row Road (Wilmslow)

4. The following neighbourhood parades of shops are defined on the adopted policies map:

Role and tier in retail hierarchy	Centres
Neighbourhood parade of shops	Crewe: Bramhall Road, Coronation Crescent, Coleridge Way, Kings Drive, Reasdale Avenue, Edleston Road; Macclesfield: Mill Lane, Tytherington Centre, Hurdsfield Green, Buxton Road, Park Lane, Thornton Square, Earlsway/Weston Square, Broken Cross, Kennedy Avenue, Westminster Road; Congleton: Hightown Biddulph Road; Handforth: Plumley Road; Knutsford: Longridge, Parkgate Lane, Woodlands Drive; Nantwich: Cronkinson Farm; Poynton: School Lane; Sandbach: Queens Drive; Wilmslow: Davenport Green, Twinnies Road; Alderley Edge: Wood Gardens; Bollington: Grimshaw Lane; Haslington: Crewe Road



Supporting information

9.2 LPS Policy EG 5 'Promoting a town centre first approach to retail and commerce' sets out the retail hierarchy in Cheshire East, using the settlement hierarchy set out in LPS Policy PG 2 'Settlement hierarchy' (principal towns, key service centres and local service centres).

9.3 Evidence from the individual settlement reports has led to the identification of local urban centres and neighbourhood parades of shops, which have been added to the retail hierarchy.

9.4 This policy therefore supplements LPS Policy EG 5 and confirms the retail hierarchy in Cheshire East. Reference should be made to the following retail policies that may apply to the different levels of the retail hierarchy, as shown in Table 9.1 'Retail policies'.

Table 9.1 Retail policies

Role and tier	Centre name	Related policy
Principal town	Principal town centres	<ul style="list-style-type: none"> • LPS Policy EG 5 'Promoting a town centre first approach to retail and commerce'; • Policy RET 2 'Planning for retail needs'; • Policy RET 7 'Supporting the vitality of town and retail centres'; • Policy RET 3 'Sequential and impact tests'; • Policy RET 8 'Residential accommodation in the town centre'; • Policy RET 9 'Environmental improvements, public realm and design in town centres'; • Policy RET 10 'Crewe town centre'; • Policy RET 11 'Macclesfield town centre and environs'.
Key service centre	Town centres	<ul style="list-style-type: none"> • LPS Policy EG 5 'Promoting a town centre first approach to retail and commerce'; • Policy RET 2 'Planning for retail needs'; • Policy RET 7 'Supporting the vitality of town and retail centres'; • Policy RET 3 'Sequential and impact tests'; • Policy RET 8 'Residential accommodation in the town centre'; • Policy RET 9 'Environmental improvements, public realm and design in town centres'.
Local service centre	Local centres	<ul style="list-style-type: none"> • LPS Policy EG 5 'Promoting a town centre first approach to retail and commerce'; • Policy RET 2 'Planning for retail needs'; • Policy RET 7 'Supporting the vitality of town and retail centres'; • Policy RET 3 'Sequential and impact tests'.
	Local urban centres	<ul style="list-style-type: none"> • LPS Policy EG 5 'Promoting a town centre first approach to retail and commerce'; • Policy RET 2 'Planning for retail needs'; • Policy RET 7 'Supporting the vitality of town and retail centres'; • Policy RET 3 'Sequential and impact tests'.
	Neighbourhood parades of shops	<ul style="list-style-type: none"> • LPS Policy EG 5 'Promoting a town centre first approach to retail and commerce'; • Policy RET 2 'Planning for retail needs'; • Policy RET 6 'Neighbourhood parades of shops'.

9.5 There is no discernible cluster of retail and town centre uses to enable a local centre boundary to be drawn in the case of Bunbury, Shavington and Wrenbury. However, they remain as local service centres in the retail hierarchy and any future additional proposed retail provision should take account of their role and function alongside other relevant local or neighbourhood plan policies.

9.6 Local urban centres support the sustainability of larger centres and provide access to local day to day shopping needs. Neighbourhood parades of shops serve localised day to day needs of residents



and are of purely neighbourhood significance. For the avoidance of doubt, neighbourhood parades of shops do not fall within the definition of town centres in the glossary of the NPPF.

9.7 Although planned new centres within the LPS strategic allocations do not currently form part of the retail hierarchy, in line with the approach in Policy RET 3 'Sequential and impact tests' and paragraph 90a of the NPPF, retail impact assessments for proposals on sites outside defined centres⁽²¹⁾, which are not in accordance with an up-to-date plan, should consider their impact on existing, committed and planned public and private investment on centre(s) in the catchment area of the proposal, including any relevant LPS allocations.

Related documents

- Settlement reports (2020, Cheshire East Council) [ED 21] to [ED 44]
- Cheshire East Retail Study Partial Update (2020, WYG) [ED 17]
- Cheshire East Retail Study Update (2016, WYG)

Policy RET 2

Planning for retail needs

Retail convenience and comparison floorspace need arising in the borough over the remaining plan period up to 2030 will be met principally through:

1. the delivery of sites allocated in the LPS that include an element of retailing to meet local needs;
2. further retail development in central Crewe and central Macclesfield, on sites in town centre boundaries; and
3. the delivery of allocated Site LPS 47 'Snow Hill, Nantwich'.

Supporting information

9.8 The Cheshire East Retail Partial Study Update (2020) identifies no need for additional comparison goods floorspace in the borough up to 2030. The study identifies the following need for convenience floorspace at a town level.

21 Principal town centres, town centres, local centres or local urban centres

Table 9.2 Need for convenience retail floorspace at a town level up to 2030

	Convenience goods floorspace capacity	
	Min sq.m	Max sq.m
Crewe	0	0
Macclesfield	2,300	2,700
Alsager	0	0
Congleton	1,300	1,600
Handforth	0	0
Knutsford	3,600	4,300
Middlewich	2,000	2,400
Nantwich	1,700	2,100
Poynton	0	0
Sandbach	100	200
Wilmslow	0	0

9.9 The Cheshire East Retail Study Partial Update (2020) recognises that expenditure growth forecasts in the longer term (and certainly beyond the next ten years) should be treated with caution given the inherent uncertainties in predicting the economy's performance over time and the pattern of future trading. Therefore, retail assessments will be reviewed on a regular basis in order to make sure that forecasts over the medium and long term are reflective of any changes to relevant available data.

9.10 The need is expected to be met principally through the incremental development of allocated sites in the LPS, where such sites will incorporate an element of retail floorspace as part of their mixed-use development. Site LPS 47 'Snow Hill, Nantwich' includes support for appropriate retailing, including opportunities for small, independent retailers in that allocation.

9.11 In line with their status as principal town centres, additional retail development will also be steered to the town centres of Crewe and Macclesfield. An example of this is the Royal Arcade scheme in Crewe town centre; a leisure-led, mixed use scheme that is expected to incorporate an element of retail use.

Related documents

- Cheshire East Retail Study Update (2016, WYG)
- Cheshire East Retail Study Partial Update (2020, WYG) [ED 17]





Policy RET 3

Sequential and impact tests

1. In accordance with LPS Policy EG 5 'Promoting a town centre first approach to retail and commerce', a sequential test will be applied to planning applications for main town centre uses that are neither in a defined centre⁽²¹⁾ nor in accordance with an up-to-date plan. Main town centre uses should be located in designated centres, and then in edge-of-centre locations, and only if suitable sites are not available or expected to become available within a reasonable period, should out of centre sites be considered. In terms of edge and out of centre proposals, preference will be given to accessible sites that are well connected to the town centre.
2. Development proposals for retail and leisure uses that are located on the edge or outside of a defined centre⁽²¹⁾, are not in accordance with an up-to-date plan and that exceed the floorspace thresholds set out in the table below, will have to demonstrate that they would not have a significant adverse impact on:
 - i. the delivery of existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - ii. the vitality and viability of any defined centre⁽²¹⁾, including local consumer choice and trade in the town centre and relevant wider retail catchment, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Centre	Impact test threshold (gross floorspace)
Principal town centres	500 sq.m
Town centres	300 sq.m
Local centres	200 sq.m
Local urban centres	See thresholds in Table 9.3 'Impact test thresholds for local urban centres'

3. All proposals to extend existing class E(a) stores in 'edge-of-centre' or 'out-of-centre' locations should also be accompanied by an impact assessment, where the additional floorspace proposed exceeds the relevant impact test threshold. Proposals to vary the range of goods permitted to be sold should also be accompanied by an impact assessment where the necessary impact test threshold has been exceeded.
4. Where any proposal fails to satisfy the sequential test and/or is likely to have a significant adverse impact on one or more of the considerations set out in Criterion 2 on a defined centre, it should be refused.

Supporting information

9.12 National planning policy promotes the role of town centres as the heart of communities and requires that their vitality and viability are protected and enhanced. In doing so, it requires applications for edge and out-of-centre development for retail and leisure uses that are not in accordance with an up-to-date development plan, to be supported by impact assessments, where their size exceeds the relevant threshold. The NPPF sets a national threshold of 2,500 sq.m; however, local planning authorities are able to set their own thresholds in the light of local evidence.

9.13 In accordance with guidance set out in Planning Practice Guidance, the Threshold Policy for Main Town Centres Uses Impact Test: Evidence and Justification Report (2018) and the Retail Study



Partial Update (2020) have analysed data from a number of sources in forming a view on the appropriateness of setting alternative threshold levels. Overall, the reports concluded that it is appropriate to set local thresholds for the borough to reflect the differing scale of defined retail centres. These are shown in the table within the policy. For local urban centres, the threshold for the town where the local urban centre is located will apply.

Table 9.3 Impact test thresholds for local urban centres

Local urban centre	Impact test threshold (gross floorspace)
<ul style="list-style-type: none"> • Nantwich Road (Crewe) • West Street (Crewe) 	500 sq.m.
<ul style="list-style-type: none"> • West Heath Shopping Centre (Congleton) • Welsh Row (Nantwich) • Chapel Lane (Wilmslow) • Dean Row Road (Wilmslow) 	300 sq.m.

9.14 Where a catchment area extends across a number of centres, the need or otherwise for an impact assessment must have regard to the thresholds for each centre. Applicants are encouraged to engage with the council at an early stage to discuss the implementation of the sequential and impact assessment.

9.15 The Town and Country Planning (use classes) (Amendment) (England) regulations 2020 (SI 2020 No.757) have established Class E (commercial, business and services), Class F1 (learning and non-residential institutions) and Class F2 (local community) use classes. Policy RET 3 'Sequential and impact tests' applies to new floorspace, but also to change of use (where appropriate) and variations of conditions to remove or amend restrictions on how units operate in practice. In considering proposals for variations of conditions, the threshold should apply to the whole of the unit in question, rather than just the quantity of floorspace subject to the condition.

9.16 In undertaking the sequential test, flexibility should be demonstrated on matters such as format and scale. In line with LPS Policy EG 5 'Promoting a town centre first approach to retail and commerce', the sequential test will not be applied to applications for small scale rural offices or other small scale rural development.

Related documents

- Threshold Policy for Main Town Centres Uses Impact Test: Evidence and Justification Report (2018, WYG) [ED 16]
- Cheshire East Retail Study Partial Update (2020, WYG) [ED 17]
- Settlement reports (2020, Cheshire East Council) [ED 21] to [ED 44]



Policy RET 4

Shop fronts and security

Shop Fronts

1. Proposals for new shop fronts or alterations to existing shops, including commercial premises, will be supported subject to meeting the following criteria:
 - i. the design and materials used must be of a high quality and must relate to the building as an entity and the character of the area;
 - ii. proposals should reflect the traditional character of shop fronts and include historically accurate detailing;
 - iii. new shopfronts in conservation areas should incorporate traditional design elements and materials; and
 - iv. the proposals should be designed to meet the needs of disabled people; and
 - v. any existing features of historic or architectural interest are retained.

Shutters

2. Shopfronts should present an active frontage to the street scene at all times. Where security is essential, preference will be given to internal open mesh grilles. Where it is demonstrated that additional security is necessary, following the consideration first of other measures such as security glazing, lighting, closed circuit TV and alarms, external open mesh grilles may be permitted. The housing for retractable open mesh grilles should be integrated into the shop front fascia. External solid shutters that obscure the shopfront will not be permitted.

Blinds and Canopies

3. Applications for blinds, canopies, awnings or any such similar device will be permitted subject to satisfying the following criteria:
 - i. the size, colours, design and materials are appropriate to the character and features of the building, and the character and appearance of the local area;
 - ii. proposals should not obscure features of architectural or historic interest or be uncharacteristic of a building's design;
 - iii. by reason of height or degree of projection the canopy must not interfere with free pedestrian or traffic movement; and
 - iv. where canopies are retractable, the canopy/blind box must be recessed in the plane of the shop front. Where this is physically impossible, projecting blind boxes must be inconspicuous and painted in a colour to match the shop front.

Supporting information

9.17 This policy supports LPS Policy SE 1 'Design', which seeks to make sure that development makes a positive contribution to its surroundings. Shopfronts affect the character and attractiveness of an area, and very particular attention should be given to the design and appearance of shop fronts in conservation areas. The council will seek to make sure that new shopfronts are of a high standard everywhere and are sensitive to the area in which they are located and of the building concerned to make sure that important existing historical/architectural features are retained. The policy also seeks to comply with legislation regarding access and facilities for disabled people. For further guidance on this matter, reference can be made to the Easy Access to Historic Buildings (2015) report.



9.18 Shop windows provide views into and out of premises and help bring activity and enhance feelings of security. External steel shutters, and particularly solid shutters, along shop fronts can create dead and hostile environments and can attract vandalism and graffiti. Opportunities to improve security that do not require obtrusive features on the exterior of buildings, such as security glazing and alarm systems, should always be explored first before open mesh external shutters are considered. Proposals for the installation of metal shutter boxes, external grilles or other obtrusive features will not be acceptable in conservation areas or on listed buildings.

Related documents

- Easy Access to Historic Buildings (2015, Historic England)

Policy RET 5

Restaurants, cafés, pubs and hot food takeaways

1. The building or change of use of establishments to restaurants and cafés, drinking establishments and hot food takeaways will be permitted provided they comply with other policies in the development plan and where there will be no adverse effect, either individually or cumulatively, on the character of the area, amenities of residential occupiers, community safety and/or highway safety.
2. Where permission is granted for such uses or for an extension of such use, conditions appropriate to the permitted use may be imposed relating to community safety, hours of opening, noise, odour and fumes, the disposal of refuse, and restricting the sale of hot food to be consumed off the premises.
3. Where hot food takeaways are located within the 'hot food take away restriction zone' in Crewe as shown on the adopted policies map, planning permission will be granted subject to a condition that the premises are not open to the public before 17:00 on weekdays and there is no over the counter sales before that time.
4. Where space allows and it is appropriate to the use, character of the area, and will not conflict with pedestrian movement or public safety, external dining and seating shall be encouraged. Measures to screen outdoor dining and seating areas and to provide shelter should be of a high quality and not detrimental to the character and appearance of the area.

Supporting information

9.19 This policy supports LPS Policy SC 3 'Health and well-being', which recognises the importance of safe and healthy lifestyles.

9.20 In the UK obesity is the greatest health issue for this generation. Hot food takeaways tend to sell food that is high in calories, fat, salt and sugar and low in fibre, fruit and vegetables. There is evidence that regular consumption of energy dense food from hot food takeaways is associated with weight gain and is appealing to children. It is recognised that the causes of obesity are complex and the result of a number of factors, but excess weight is known to be linked to wider determinants of health, including deprivation. A wide range of health experts recommend restricting the use of hot food takeaways, particularly around schools in order to create a healthier food environment. The Cheshire East Joint Strategic Needs Assessment Excess Weight Report (June 2019) identified that initiatives aimed at reducing adult excess weight should be targeted at Crewe, and particularly within the six wards which perform worst across a range of indicators when compared with all wards nationally. These six wards comprise Crewe South, Crewe West, Crewe Central, Crewe North, Crewe East and St Barnabas. The report found that these wards were particularly affected by excess weight amongst children and highlighted a need to consider the regulation of hot food takeaways in such areas. This policy therefore seeks to limit the availability of additional hot food takeaway facilities near to secondary schools and sixth form colleges in the 'Crewe 6' group of wards.



9.21 The most popular time for purchasing food from takeaways is after school. The proximity to primary schools is not addressed in this policy as secondary schools and sixth form college pupils are considered to have greater mobility and independence compared to primary school pupils. Although the 400 metre distance (as the crow flies) will be taken from the school's entrance, site specific factors such as physical barriers to pedestrian movement and the number and location of other takeaways along the school route will be taken into consideration. The 'hot food take away restriction zone' shown on the policies map identifies the area within 400m of a main entrance to a secondary school or sixth form college located within the 'Crewe 6' group of wards. The zone has been drawn to exclude any part of a defined centre.

9.22 Whilst restaurants, cafés, pubs, and takeaways add to the diversity of a town centre and can make a positive contribution to the vitality of the evening economy, there are also a number of undesirable impacts that can occur as a result of an over-concentration of such uses, including smell, noise, fumes, and antisocial behaviour.

9.23 Proposals for restaurants, cafés, pubs, and takeaways will need to show that they comply with Policy ENV 12 'Air quality'. Proposals must provide appropriate extraction systems to effectively disperse of odours. They must demonstrate that they have no adverse impacts on visual amenity, including location and external finish, and noise to nearby properties.

9.24 A waste management strategy should accompany planning applications, which should detail how proposals will acceptably manage their own waste on site, set their approach to recycling and address the impacts of customers' waste.

9.25 The council, when considering applications for such uses, will also take into account the location of the development, the nature of the proposal and the character of the surrounding area. The location of drinking establishments and hot food takeaways in residential areas will be very carefully assessed.

9.26 The impact of proposals on road safety will also be an important consideration when determining planning applications. Proposals will need to demonstrate that they will not adversely affect highway safety or the free flow of traffic on adjacent highways.

Related documents

- Restaurants, Cafés, Pubs and Hot Food Takeaways Background Report [ED 50] (2020, Cheshire East Council)
- Cheshire East Joint Strategic Needs Assessment Excess Weight Report (2019, Cheshire East Council)
- Using the Planning System to Control Hot Food Takeaways (2013, NHS London Healthy Urban Development Unit)



Policy RET 6

Neighbourhood parades of shops

1. The role of neighbourhood parades of shops, to provide facilities that serve a local catchment, will be supported.
2. Development proposals in neighbourhood parades of shops for additional use class E(a) and/or F2(a) uses will be supported where they are in keeping with the scale, local role and catchment of the parade.

Supporting information

9.27 In line with LPS Policy EG 5 'Promoting a town centre first approach to retail and commerce', small parades of shops will be protected. This policy reflects the important role that neighbourhood parades of shops have in providing for the day to day needs of people their local area. Neighbourhood parades of shops generally form at least four shops located closely together. They can generally be readily accessed on foot and by bicycle and are a focus for interaction by local people, supporting community vibrancy. The council therefore wants to support the continued provision of these small scale facilities, which include post offices, general stores and hairdressers.

9.28 Changes in lifestyles over the last 50 years, such as the increase in car ownership and the emergence of large superstores, mean that many people can now travel further and more easily to obtain food and services. However, local facilities continue to play an important role for day-to-day convenience and for those residents who have difficulty accessing superstores or the town centre. These centres also provide opportunities for more specialist retailers as well as other local facilities and services, avoiding the higher rents prevalent in larger centres.

9.29 Neighbourhood parades of shops are purely of neighbourhood significance and do not fall within the definition of a town centre, as set out in the NPPF.

9.30 Developments that support the retention and delivery of community services should also make reference to LPS Policy EG 2 'Rural economy' and Policy REC 5 'Community facilities'.

9.31 The Town and Country Planning (use classes) (Amendment) (England) regulations 2020 (SI 2020 No.757) have established Class E (commercial, business and services), Class F1 (learning and non-residential institutions) and Class F2 (local community) use classes. Class E(a) relates to shops and F2(a) relates to shops selling mostly essential goods defined as selling a range of dry goods and food to visiting members of the public where there are no commercial units within 1,000 metres, and the unit's area is under 280 square metres.

Related documents

- Settlement reports (2020, Cheshire East Council) [ED 21] to [ED 44].



Policy RET 7

Supporting the vitality of town and retail centres

1. In line with LPS Policy EG 5 'Promoting a town centre first approach to retail and commerce', town centre locations are the primary location for main town centre uses to support their long term vitality and viability.
2. Primary shopping areas are defined on the adopted policies map for principal town centres and town centres.
3. In a primary shopping area, local centre or local urban centre:
 - i. development proposals for use class E(a) retail development or investment to enhance existing use class E(a) retail provision will be supported in principle;
 - ii. development proposals involving the loss of main town centre uses will not be permitted unless it can be demonstrated that:
 - a. there is no reasonable prospect of the existing use of the premises, or another main town centre use, continuing in the premises or on the site in the foreseeable future because of market demand; and
 - b. for primary shopping areas, the proposal does not unacceptably undermine the predominant character of the primary shopping area where retail uses (use class E(a)) are concentrated.
4. In a local centre or local urban centre, in addition to Criterion 3(ii)(a) above, development proposals should be of a scale commensurate with the centre's role and function.

Supporting information

9.32 The policy is consistent with the introduction of Class E, F1 and F2 use classes which seek to respond to the rapid and changing retail environment. The primary shopping areas remain the focus of retail uses in town centres and the policy seeks to support their vitality and viability. The retail market is continuously changing and responding to societal change, particularly around internet shopping and changing technology. Therefore, it is recognised that the focus of town centres may change over time towards the introduction of leisure uses, the emphasis on the evening/night time economy, and increased flexibility in the wider town centre boundary. However, it will be important to retain a retail function in town centres, particularly in the primary shopping area where retail uses are concentrated, to support a diverse range of main town centres uses and enhance the overall attractiveness of centres in the borough.

9.33 There are a number of diverse retail centres in the borough, with a unique character and quality of place. It is important that town centres contribute to a sense and quality of place that is appropriate and locally distinctive in character in line with the design principles set out in Policy RET 9 'Environmental improvements, public realm and design in town centres'. Town centres should also be accessible, inclusive and easily understood to all users.

9.34 To demonstrate the absence of market demand under Criterion 3(ii) of the policy, the council will normally expect that the premises have been properly marketed through a commercial agent for at least 12 months, at a market value that reflects the use, condition, quality and location of the premises, and that no purchaser or tenant has come forward.

9.35 Town centre boundaries and primary shopping areas are shown on the adopted policies map where the retail policies of the SADPD will apply. Neighbourhood plans may include their own retail



and town centre policies, including the definition of town centre related boundaries and primary shopping areas, where relevant, in order to support the specific policy approach and objectives as stated and evidenced in the neighbourhood plan.

Related documents

- Settlement reports (2020, Cheshire East Council) [ED 21] to [ED 44]
- Cheshire East Retail Study Partial Update (2020, WYG) [ED 17]
- Cheshire East Retail Study Update (2016, WYG)

Policy RET 8

Residential accommodation in the town centre

1. The provision of additional residential accommodation in principal town centres and town centres, as defined on the adopted policies map, will be supported in principle, including through:
 - i. the conversion of under-utilised upper floors of commercial buildings into flats;
 - ii. the inclusion of new homes as part of town centre mixed-use development schemes; and
 - iii. the redevelopment of existing sites, including car parks, where the requirements of Policy INF 2 'Public car parks' are suitably addressed.
2. In line with Policy ENV 15 'New development and existing uses', proposals for new residential accommodation in the town centre should be integrated effectively with existing businesses and community facilities.
3. Proposals for residential accommodation in the town centre should ensure:
 - i. appropriate and safe access arrangements;
 - ii. secure, well designed and accessible cycle parking; and
 - iii. appropriate and well located waste and recycling facilities.

Supporting information

9.36 Town centre living can be beneficial to residents in terms of access to services and facilities. It also adds to the vitality of town centres, through providing additional surveillance and supporting the evening economy.

9.37 Proposals for new residential uses in town centre environments should be effectively integrated with existing business and community facilities in line with the agent of change principle set out in Policy ENV 15 'New development and existing uses'.

9.38 The council will support, where appropriate, the conversion of under utilised upper floors of commercial premises into flats where the proposal would provide an acceptable standard of accommodation with satisfactory access. Any alterations that are required to the front of the premises will be resisted where they would be detrimental to the appearance and character of the building, particularly where the proposed development is in a conservation area or affects a building of special architectural or historic interest.

9.39 Other policies in the development plan may also have relevance to the achievement of suitable residential development in the town centre; particularly relating to access, parking, design and amenity. Proposals for new residential uses in the primary shopping area, as defined on the adopted policies map, should also consider the requirements of Policy RET 7 'Supporting the vitality of town and retail



centres' to make sure that the primary shopping area remains the focus for retail uses in town centres to support their vitality and viability.

Policy RET 9

Environmental improvements, public realm and design in town centres

In line with LPS Policy SE 1 'Design', development proposals in principal town centres and town centres, as defined on the adopted policies map, will be permitted provided they make a positive contribution to their surroundings and reflect the following design principles:

1. Character - ensuring that the town centre has its own identity reinforced through new development. Development proposals should:
 - i. deliver high quality contemporary architecture that responds to the existing townscape character in terms of the width, character, massing, proportion, and rhythm of buildings;
 - ii. reinforce a sense of place in line with LPS Policy SE 1 'Design';
 - iii. integrate with its surroundings through its form, use of materials and landscape elements; and
 - iv. create distinctiveness through high quality architecture and detailing of buildings and the public realm.
2. High quality public realm - ensuring the town centre has attractive, accessible and vibrant outdoor streets and areas. Development proposals should:
 - i. include areas of attractive, thriving public spaces;
 - ii. include areas of green infrastructure;
 - iii. use high quality hard and soft landscaping detail to reinforce a sense of place and legibility;
 - iv. use a consistent palette of materials, relevant to the locality;
 - v. apply a consistent style of street furniture and signage, avoiding clutter;
 - vi. incorporate public art, where possible, including through the design of street furniture and making space for temporary art and performance;
 - vii. make creative use of lighting to add drama to the night time townscape, for example, by illuminating landmark buildings, whilst avoiding excessive light glow;
 - viii. evidence clear management and servicing regimes to maintain the quality of the public realm; and
 - ix. create spaces and routes that optimise safety and the sense of safety.
3. Ease of movement - ensuring that the town centre is easy to get to and move around. Development proposals should:
 - i. be permeable and well connected through a network of high quality routes and integrate with existing adjacent streets and public spaces;
 - ii. encourage and facilitate active travel and make provision for all forms of transport, giving priority to walking, cycling (including secure and convenient cycle parking) and public transport;
 - iii. address the accessibility needs of everyone in the design of buildings, public spaces and routes, especially those with pushchairs, people with disabilities and the elderly so that all users can use the development safely, easily and with dignity; and
 - iv. provide servicing arrangements for shops and other uses that do not conflict with shoppers and other town centre users.
4. Legibility - ensuring the town centre has a clear image and is easily understood. Development proposals should:



- i. provide landmarks and gateways through the design, positioning and architectural detailing of buildings;
 - ii. make use of public art where possible;
 - iii. establish vistas and views aligned to landmarks in and outside individual sites; and
 - iv. consider the needs of all members of society in clearly defining the functions of different parts of the town centre, including public and private environments, through the use of appropriate visual cues and signage.
5. Diversity and mix of uses - ensuring that development provides a range of uses in the town centre that creates street life and a vibrant daytime and evening economy. Development proposals should:
- i. have active ground floor uses facing the street and other areas of public realm;
 - ii. incorporate a vertical mix of uses in buildings, particularly residential uses over ground floor commercial uses; and
 - iii. address amenity issues, particularly where uses active into the later evening and residential uses are located close to one another in line with the requirements of Policy ENV 15 'New development and existing uses'.
6. Adaptability - ensuring that the use of buildings can change over time. Development proposals should:
- i. plan new buildings in perimeter blocks that can accommodate a range of uses;
 - ii. ensure appropriate access, servicing and delivery arrangements;
 - iii. design buildings and their interior spaces so that they are flexible and can be adapted to new uses over time; and
 - iv. give consideration to the practicality of use, safety and lifespan of the building and spaces in the town centre through the use of attractive, robust materials which weather and mature well.

Supporting information

9.40 Good design is at the heart of creating successful places, including town centres. The policy builds on LPS Policy SE 1 'Design' and sets out six principles that all town centre developments should follow. The council wants developers to invest in quality. This includes designing buildings and spaces that create a sense of identity, are adaptable, accessible, inclusive, easily understood, and enhance local character and where the public realm associated with new development positively integrates with that of the wider town centre.

9.41 Town centres play an important role in supporting independent living. This policy seeks to support design principles in making buildings and spaces feel safe, accessible and easily understood by all users of the town centre. The centre should be attractive with a variety of uses and provide for the needs of all and provide a positive experience both during the day and evening. Buildings and spaces should support and provide opportunities for active travel and access to green infrastructure and other public spaces to support wellbeing.

9.42 It is important that the practical and day to day activity of the town centre is considered in the design of buildings and spaces including ensuring that development proposals facilitate appropriate management, delivery and servicing arrangements.



Policy RET 10

Crewe town centre

The council will support opportunities for improving and regenerating Crewe town centre in the development areas defined in this policy and identified in Figure 9.1 'Crewe town centre development areas' and on the adopted policies map. To achieve this aim, alongside applying policies relevant to all town centres, the following considerations will also apply:

1. **Northern Edge Development Area (NEDA):** Proposals involving the redevelopment of existing buildings and other land uses in the NEDA will be supported where they provide:
 - i. larger floorplate retail units to meet modern retailer requirements;
 - ii. high quality pedestrian routes and public realm connecting them with Victoria Street through the Victoria Centre and the Market Shopping Centre;
 - iii. measures to improve pedestrian and cycle connectivity between the NEDA and the University Technical College (UTC) to the north of West Street, where appropriate.
2. **Royal Arcade Development Area (RADA):** A comprehensive, leisure-led mixed use regeneration scheme will be supported in principle in the RADA central core. The scheme should:
 - i. be anchored by a multiplex cinema;
 - ii. include leisure and retail units, and potentially other main town centre uses;
 - iii. be designed with open streets with active building frontages;
 - iv. include a new multi storey car park, available for all town centre visitors;
 - v. provide attractive and safe routes through the area for pedestrians and cyclists between Victoria Street, Queensway, Delamere Street and Charles Street;
 - vi. provide a new bus interchange to replace the existing bus station; and
 - vii. provide main gateway connections into the core of the town centre at the junction of Queensway and Victoria Street.
3. Proposals that are likely to prejudice the comprehensive redevelopment of the RADA will not be permitted.
4. **Southern Gateway Development Area (SGDA):** Recognising the significance of the SGDA as the arrival point into the town centre for pedestrians and vehicles from the railway station, the following considerations will apply:
 - i. the refurbishment of existing buildings along High Street to support a vibrant range of main town centre uses will be supported. This could include the development of existing gaps in the street frontages and the redevelopment or improvement of existing poorly designed buildings;
 - ii. development proposals should provide for, wherever possible, safe and attractive pedestrian connections, including through to the Civic and Cultural Quarter Development Area (CCQDA), thereby reinforcing and improving connectivity between the primary shopping area, the CCQDA and Crewe Railway Station;
 - iii. redevelopment or reconfiguration on the site currently occupied by the retail warehouse buildings on the eastern part of the SGDA should provide for new and improved pedestrian/cycling connections between that site and the rest of the SGDA and also between that site and the CCQDA.
5. **Civic and Cultural Quarter Development Area (CCQDA):** The following development schemes will be supported:
 - i. the re-use or redevelopment of the former library buildings for a range of civic, cultural, community and other town centre uses, including a potential history centre;



- ii. the flexible use of Crewe Market Hall, to remain functioning primarily as a market, but allowing for other appropriate uses, for example, for entertainment and community events; and
 - iii. the re-use of Christ Church for a cultural, leisure, entertainment, community or other town centre use (or uses), respecting its grade II listed status.
6. In addition to the above, the following principles will also apply across the town centre:
- i. **Town centre public realm improvements:** Proposals that improve the quality of the public spaces, including green spaces, enhance the setting of heritage assets and improve routes across the town centre for pedestrians and cyclists, and links between the town centre, UTC and Crewe Railway Station, will be supported.
 - ii. **Connectivity between the town centre and Grand Junction Retail Park:** The council will support and implement a range of measures to improve pedestrian and cycle connectivity between the town centre and Grand Junction Retail Park, including through developer contributions, where justified.
 - iii. **New residential accommodation in the town centre:** New high quality residential accommodation in the town centre will be supported in line with Policy RET 8 'Residential accommodation in the town centre'.

Supporting information

9.43 Crewe town centre has a large catchment area with over 500,000 people living within a 30 minute drive-time. Crewe is recognised as a great place to live. It is the largest settlement in Cheshire East and is accommodating the highest share of the housing and employment growth in the LPS.

9.44 The town centre suffers from a number of significant challenges including perception, the domination of key gateways into the town centre by car parks, poor quality connectivity through it by foot, vacant and underutilised buildings and, common to many other centres, an increasingly difficult retail market along with competition from out-of-centre retail and leisure destinations.

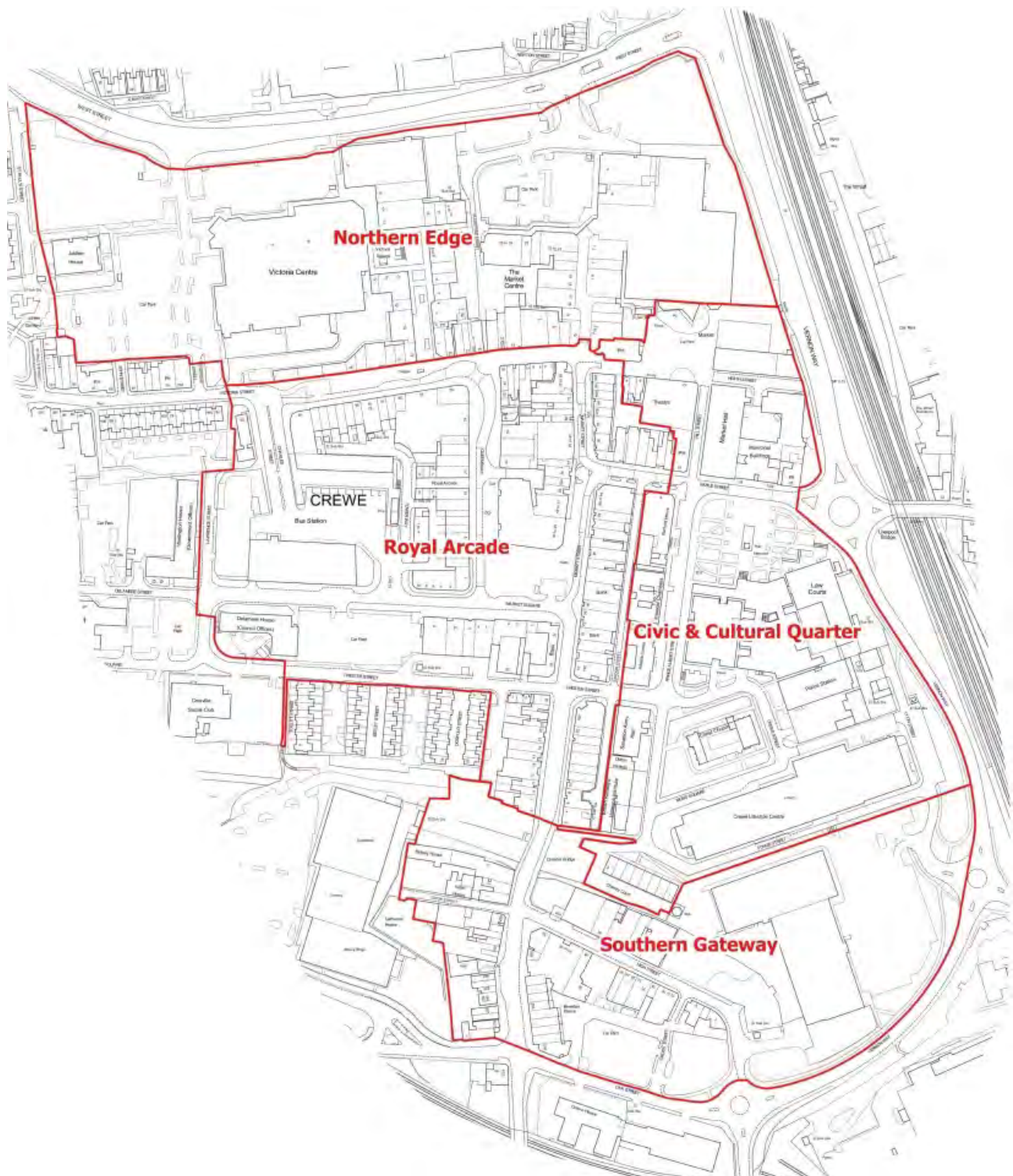
9.45 However, looking ahead, the town centre has great potential as a destination and the local plan needs to play its full part to make sure this is harnessed. The town centre needs to diversify its offer, to become a mixed-use destination that is attractive both during the day and in the evenings, for shopping and as a place of choice to spend leisure time.

9.46 A number of complementary strategies have been prepared (or are in preparation) for Crewe, including the Town Centre Regeneration Delivery Framework. The council will give consideration as to how proposed developments relate to these strategies and contribute towards a strategic approach for public realm improvements across the town centre.

9.47 The regeneration programme for the town centre, agreed by the council's cabinet in September 2017, established a number of priorities that this planning policy seeks to support, including:

- develop distinct areas of change adding a greater richness of experience and distinctiveness to the town centre - the Royal Arcade, the Civic and Cultural Quarter, the Northern Edge and Southern Gateway;
- the delivery of the Royal Arcade scheme as a new anchor leisure and retail attraction in the heart of the town centre, along with a new high quality bus interchange. This scheme is pivotal to the town centre's regeneration and future success;
- capitalise on the delivery of recent major developments, the UTC and Lifestyle Centre to reinforce shopping circuits and drive footfall;
- enhance the town centre's public realm, in pedestrian areas and at key gateways to the town centre, utilising high quality design and materials, street furniture and public art; and
- diversify and enhance the market offer.

Figure 9.1 Crewe town centre development areas



9.48 A better-connected arrangement of buildings is promoted in the Northern Edge Development Area, which would provide an enhanced sense of arrival and gateway into the town centre from the north and create better connections between the Victoria Centre, Market Shopping Centre, UTC and Lyceum Square.

9.49 The Royal Arcade site provides an opportunity for transformational regeneration within the central core of the town centre. Redevelopment of the existing Royal Arcade site would create a new cinema-anchored, leisure-led mixed-use scheme incorporating a new bus interchange, mixed leisure (including food and beverage) and retail uses. It is also expected to incorporate a new multi-storey public car park. This scheme will provide a focal point for visitors to the town centre, generating significant additional footfall and consumer expenditure alongside enhanced public realm and connections to other parts of the town centre.



9.50 The Civic and Cultural Quarter brings together a range of leisure, cultural and civic functions including the Lifestyle Centre and the Municipal Buildings, in addition to the area around Memorial Square and Christ Church. The vision for the quarter will look to remodel the civic hub, currently comprising the former library, police station, law courts and undercroft car parking. Key projects will bring about the enhanced use of the Crewe Indoor Market, including sympathetic remodelling of the grade II listed building and public realm investment in the existing market sheds and Lyceum Square area.

9.51 The Southern Gateway forms the entrance to the town centre from Mill Street and Crewe Railway Station. Investment in properties along Oak Street and High Street is encouraged for a mix of uses, consistent with the need to create a high quality connection between the station and town centre. This could include the potential for land assembly of properties in High Street, which are currently fragmented.

9.52 The council will work proactively to realise key development opportunities across the town centre and also important walking and cycling linkages within and around the town centre, including linkages with the Grand Junction Retail Park and Crewe Railway Station. This may involve the council assembling land and, where necessary and appropriate, using compulsory purchase powers to do so.

Related documents

- Crewe Town Centre Regeneration Delivery Framework for Growth (2015, Cushman and Wakefield)
- Cabinet paper: Crewe Town Centre Regeneration Programme: Major Investment Decisions (2017, Cheshire East Council)



Policy RET 11

Macclesfield town centre and environs

The council will, in principle, support opportunities for improving and regenerating Macclesfield town centre and environs as defined in Figure 9.2 'Macclesfield town centre and environs character areas' and on the adopted policies map. To achieve this aim, in addition to applying policies relevant to all town centres, the following considerations will also be taken into account in this area:

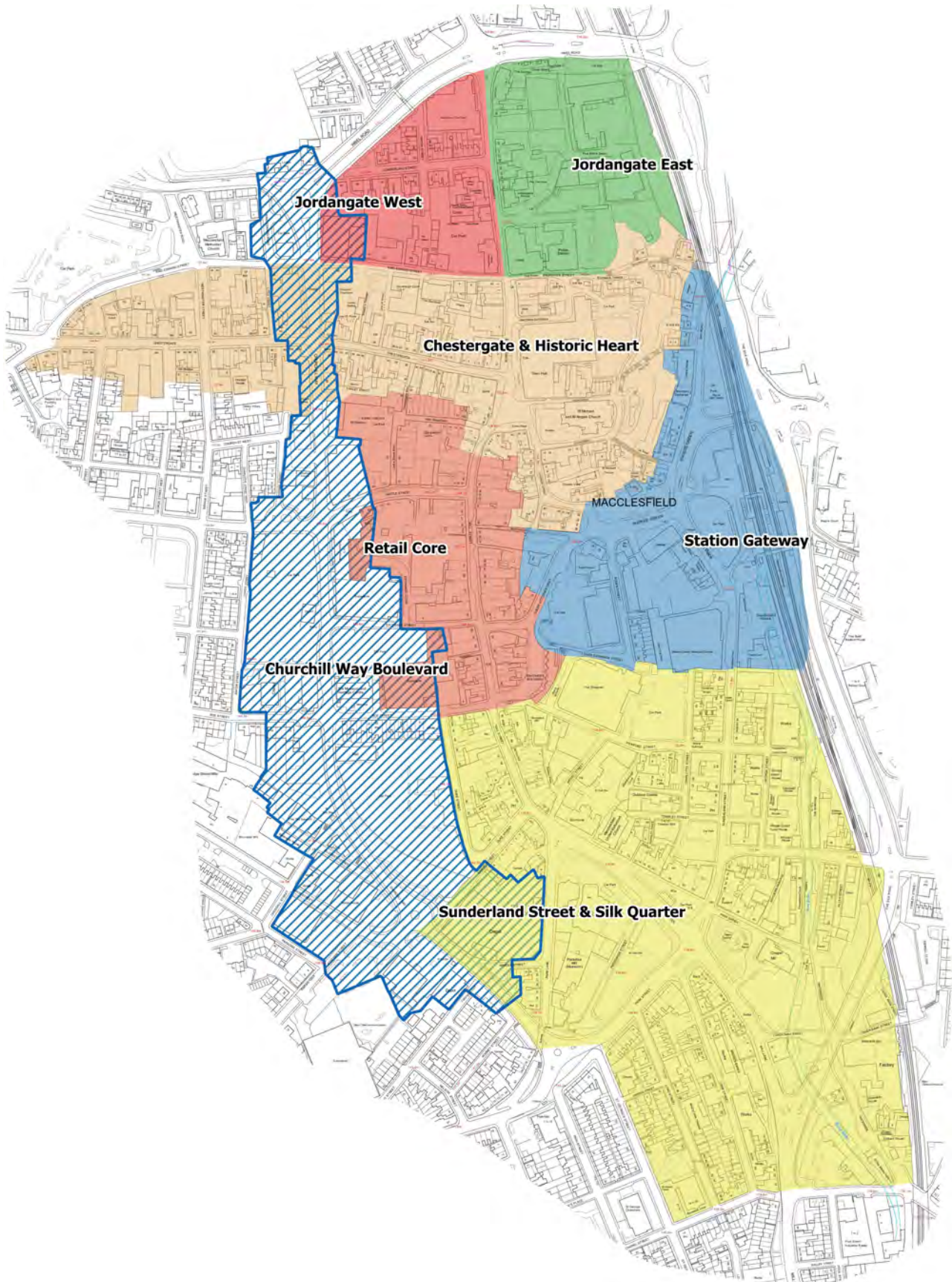
Public realm

1. The council will support enhancements to the public realm, particularly where they improve pedestrian experience and connectivity and reduce the dominance of motor vehicles in the town centre. Development proposals that would detract from this aim will not be permitted.
2. Where proposed new development would generate intensified use of the public realm in the town centre, or where necessary to provide a high quality setting for new development and ensure its positive integration within the urban form, planning obligations may be used to secure the improvement of the town centre public realm.

Character areas

3. **Chestergate and Historic Heart:** Along Chestergate and within the historic heart of the town centre, development proposals must reinforce and not dilute the traditional character and unique qualities of these areas characterised by independent and niche businesses, boutique retail outlets, café culture, restaurants, bars and alfresco activity. Development that does not respect the fine grain and historic character of these areas will not be permitted. Advertisements, shop fronts, and shutters should be of traditional style, materials and detailing, so as not to diminish the historic character of these localities.
4. **Retail Core:** In the retail core, larger format development for main town centre uses will be permitted subject to meeting other policy requirements.
5. **Station Sateway:** In the station gateway, development proposals that improve the appearance and amenities of this important gateway will be supported in principle. Subject to meeting other policy requirements, larger format developments will be permitted in this area, including on existing car parks, provided they are not proposed in a piecemeal fashion that undermines the overall character of the gateway area, and adequate alternative town centre parking is retained/provided.
6. **Sunderland Street and Silk Quarter:** Opportunities to encourage and develop a quarter with a strong residential element around the Sunderland Street area will be supported in principle, including residential conversions and new build, new uses and facilities complementary to a vibrant mixed use residential quarter, and schemes that enhance the appearance and pedestrian experience of the public realm. Where development adjacent to the River Bollin is proposed, opportunities to open it to public access should be pursued.
7. **Churchill Way Boulevard:** Development on sites fronting onto Churchill Way should seek to repair the existing 'broken' frontage and must have regard to the nearby heritage assets including Christ Church and its conservation area. Developments should seek to take all opportunities for 'greening' this route and providing greater pedestrian priority at key junctions across Churchill Way.
8. **Jordangate West and Jordangate East:** In Jordangate West, infill development that creates new employment floorspace will be encouraged. In Jordangate East, redevelopment proposals for residential development will be supported to take advantage of the central location and rural views to the east.

Figure 9.2 Macclesfield town centre and environs character areas





Supporting information

Public realm

9.53 National policy guidance highlights the importance of planning positively for the achievement of high quality and inclusive design for all development, including individual buildings, and public and private spaces.

9.54 The design and quality of the public realm is central to creating successful places, in terms of providing the space for movement, interaction and activity, and providing an appropriate setting for buildings. A high quality, well designed public realm can also serve to promote sustainable transport choices, by encouraging walking and cycling, and facilitating access to public transport hubs and services.

9.55 Given the importance consumers place on the quality of environment when choosing between comparable destinations for retailing and leisure, ensuring a quality public realm in town centres is in the interests of attracting visitors and supporting town centre vitality and viability. This policy should be read alongside the principles set out in Policy RET 9 'Environmental improvements, public realm and design in town centres'.

9.56 LPS Policy IN 2 'Developer contributions' states that developers contributions will be sought to make sure the necessary physical, social, public realm, economic and green infrastructure is in place to deliver development, and that contributions will be used to mitigate the adverse impacts of development (including cumulative impact).

9.57 Central Macclesfield is identified in the LPS as Strategic Location LPS 12 'Central Macclesfield', where the council will look to maximise opportunities for improvement and regeneration including through improvements to the public realm.

9.58 A public realm strategy for Macclesfield town centre was developed in 2007, which identified significant deficiencies in the current town centre public realm. The council wishes to see these addressed in order to boost the attractiveness of the centre to shoppers and other visitors and to support town centre vitality and regeneration ambitions.

9.59 This policy identifies that the council will negotiate with developers on a case-by-case basis to secure an appropriate scale of financial contribution towards the provision or improvement of public realm in the town centre, in line with LPS Policy IN 2 'Developer contributions', where it is justified, applying the relevant legal tests. In those parts of the town centre that are conservation areas, the council may seek to enter into planning obligations with developers to secure improvements to the public realm to make sure the overall impact of development on the area's character and appearance is positive. In all areas of the town centre, contributions will be sought where proposed development would generate intensified use of the public realm, or where improvement of the public realm is necessary to ensure the development's satisfactory integration with the urban form.

9.60 In 2017 the council commissioned concept designs for town centre public realm enhancements to identify high level costings for desirable public realm upgrades in the town centre.

9.61 No standard formula for calculating the scale of any public realm contribution that is required has been developed, given that this would vary on a site-specific basis depending on the scale and location of the development. Developers are encouraged to engage with the council at the pre-application stage, in order to determine whether a public realm contribution will be required, and the appropriate scale of any contribution.

9.62 Where a contribution towards the provision or improvement of public realm is secured, it will be important that a contribution towards its future maintenance is also obtained in order to make sure that the infrastructure can be managed to a high standard that ensures its longevity.

9.63 Policy requirements for individual character areas have been developed drawing from the evidence base and recommendations in the Macclesfield Town Centre Strategic Regeneration



Framework 2019. This document also shows plots/opportunity sites and gateways/arrival spaces that are in need of improvement. The council will work proactively to realise key development opportunities across the town centre and also important walking and cycling linkages within and around the town centre. This may involve the council assembling land and, where necessary and appropriate, using compulsory purchase powers to do so.

Chestergate and Historic Heart

9.64 These quarters contain significant heritage assets and traditional characters derived from their historic usage. Both are in large part designated conservation areas. The integrity of these areas is fragile and can be eroded by even small scale incremental insensitive changes. It is essential that new development makes a positive contribution to local character and distinctiveness. In particular shop fronts, advertisements and building exteriors should utilise traditional materials, designs and detailing and should respect the narrow plot widths and modest building proportions.

Station Gateway

9.65 Although this area is an important gateway to the town centre and adjacent to a key transport node, it is currently used inefficiently with much land given over to surface car parking. It is desirable to increase the density of land use in this area to encourage as many people as possible to use more sustainable forms of transport. Redevelopment of this area could also significantly enhance perceptions of the town centre. Prospective applicants are encouraged to consider how their proposals will support the guidance and framework set out in the Macclesfield Town Centre Strategic Regeneration Framework.

Sunderland Street and Silk Quarter

9.66 This area has a traditional character with many historic buildings associated with the town's silk industry. The aspiration for this area is for it to evolve into a vibrant urban mixed use area with converted former industrial buildings providing apartments and workspaces and a mix of uses that breathe life into the locality. It is important that areas of the town centre more peripheral to the retail core adapt to accommodate other appropriate uses such as residential. The area around Sunderland Street is already beginning to develop as a more residential quarter and this policy seeks to encourage and facilitate that incremental change without jeopardising the vibrancy of this locality, which stems from its varied mix of uses.

Churchill Way Boulevard

9.67 Churchill Way forms a primary route through the town centre but currently acts as a barrier between the heart of the town and residential and business areas to the west. A key aspiration for this area is to transform this key route to create a greener 'boulevard' to enhance first impressions of the town, improve legibility and wayfinding and reduce car dominance.

Related documents

- Macclesfield Public Realm Strategy (2007, LDA Design)
- Concept Designs for Macclesfield Town Centre Public Realm Enhancements (2017, BDP)
- Macclesfield Town Centre Strategic Regeneration Framework (2019, Cheshire East Council)





10

Transport and infrastructure



10 Transport and infrastructure

10.1 The borough covers both highly urbanised and deeply rural areas, with very different transport needs and opportunities. Manchester Airport, which traverses the borough boundary, necessitates a number of specific policy interventions. Elsewhere, there is an emphasis on improving facilities for non-car modes of transport and for protecting land for future transport and utility provision.

Transport

Policy INF 1

Cycleways, bridleways and footpaths

1. Development proposals that would lead to the loss or degradation of a public right of way (such as a footpath, cycleway or bridleway) or a permissive path (such as a canal towpath) will not be permitted.
2. Development proposals that involve the diversion of cycleways, footpaths or bridleways will only be permitted where the diversion is no less convenient than the existing route.
3. Development proposals should seek to contribute positively to:
 - i. the Cheshire East Cycling Strategy;
 - ii. the Cheshire East Rights of Way Improvement Plan Strategy and Implementation Plans; and
 - iii. the walking, cycling and public transport objectives of the Cheshire East Local Transport Plan.
4. Development proposals should seek, where feasible, to provide links to national cycle routes, long-distance footpaths, canal towpaths and rights of way networks.
5. Design and access statements must be accompanied by maps showing links to community facilities and existing public rights of way as per the Active Design guide principle in the Cheshire East Borough Design Guide supplementary planning document.

Supporting information

10.2 National planning policy highlights that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. It also says that planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks, including national trails. Maximising sustainable transport opportunities supports active lifestyles, well-being and, therefore, good health.

10.3 The diversion or stopping up of a public footpath, bridleway or other public road in association with a planning application must be considered before the granting of planning permission.

Related documents

- Cheshire East Cycling Strategy 2017-2027 (2017, Cheshire East Council)
- Cheshire East Rights of Way Improvement Plan Strategy and Implementation Plans (2011, Cheshire East Council)
- Cheshire East Local Transport Plan 2019-2024 (2019, Cheshire East Council)
- Cheshire East Borough Design Guide supplementary planning document (2017, Cheshire East Council and e*SCAPE Urbanists)
- Active Design Guide (2015, Sport England and Public Health England)



Policy INF 2

Public car parks

Existing public car parks should be retained in use as such. Development proposals involving the loss of public car parking spaces will only be permitted where:

1. the spaces are adequately replaced either on the site or nearby; or
2. it is satisfactorily evidenced through a car parking survey and/or travel plan that the spaces lost are surplus to demand; or
3. their loss can be acceptably offset through improvements to other nearby transport facilities and these improvements are provided or funded by the developer.

Supporting information

10.4 Car parks serving town centres, local shopping areas, housing, commercial areas and transport facilities are essential to its residents, workers and visitors and to the proper functioning and attractiveness of these places.

Policy INF 3

Highway safety and access

1. Development proposals should:
 - i. comply with the relevant Highway Authority's and other highway design guidance;
 - ii. provide safe access to and from the site for all highway users and incorporate safe internal movement in the site to meet the requirements of servicing and emergency vehicles;
 - iii. make sure that development traffic can be satisfactorily assimilated into the operation of the existing highway network so that it would not have an unacceptable impact on highway safety, or result in severe residual cumulative impacts on the road network;
 - iv. incorporate measures to assist access to, from and within the site by pedestrians, cyclists and public transport users and meets the needs of people with disabilities; and
 - v. not generate movements of heavy goods vehicles on unsuitable roads, or on roads without suitable access to the classified highway network.
2. In accordance with the council's local validation requirements and LPS Policy CO 4 'Travel plans and transport assessments', all development proposals that generate a significant amount of movement should be supported by a travel plan and either a transport statement or transport assessment, both of which should be submitted alongside the planning application.

Supporting information

10.5 This policy complements LPS Policy SE 1 'Design', which seeks development proposals to make a positive contribution to their surroundings, which includes ensuring that places are designed around the needs and comfort of people and not vehicles; LPS Policy CO 1 'Sustainable travel and transport', which seeks to deliver a safe, sustainable, high quality, integrated transport system; and LPS Policy CO 4 'Travel plans and transport assessments', which contains information on when travel plans and transport assessments are required and what they need to address.



10.6 Planning applicants should be aware that Part S in Schedule 1 to the Building Regulations sets out requirements for electric vehicle charging points within new residential and non-residential development schemes. These requirements should be considered early in the design process.

10.7 It is important to make sure that highway problems are not created as a result of allowing new development. The council will therefore continue to make sure that regard is given to the environmental and road safety implications of traffic generation from proposed developments. In assessing individual proposals, advice will be sought from Highways England and the Highways Authority as appropriate.

Related documents

- Cheshire East Local Transport Plan 2019-2024 (2019, Cheshire East Council)
- Infrastructure Delivery Plan Update (2016, Cheshire East Council)
- Cheshire East Travel Planning Guidance Notes (Cheshire East Council)
- Manual for Streets (2007, DCLG and DfT)
- Manual for Streets 2: Wider Application of the Principles (2010, Chartered Institute of Highways and Transportation)
- Design Manual for Roads and Bridges (2018, Highways England, Transport Scotland, Welsh Government and Northern Ireland Department for Infrastructure)
- The 6C's Design Guide: Delivering Streets and Places (2017, Cheshire East Council, Derby City Council, Derbyshire County Council, Leicester City Council, Nottingham City Council and Nottinghamshire County Council)

Manchester Airport

Policy INF 4

Manchester Airport

The Manchester Airport operational area is shown on the adopted policies map. In the operational area, development and uses that are necessary for the operational efficiency and amenity of the airport, including operational facilities and infrastructure, passenger facilities, cargo facilities, airport ancillary infrastructure, landscaping works, and internal highways and transport infrastructure will be permitted where they accord with other policies in the development plan and provided that any adverse impacts of development have been appropriately assessed, minimised and mitigated.

Supporting information

10.8 The majority of the airport operational area lies in the City of Manchester but part is in Cheshire East including the second runway area, the satellite fire station and land at Moss Lane, Styal.

10.9 The airfield and runways (in the City of Manchester and in Cheshire East) are in the Green Belt but the main areas of buildings (such as terminal buildings, piers, transport interchange and hotels) are located outside of the Green Belt in the City of Manchester.

10.10 The National Aviation Policy Framework (2013) recommends that land outside existing airports that may be required for airport development in the future needs to be protected against incompatible development. The definition of an airport operational area allows development to be concentrated in the most appropriate location. Development within the Green Belt outside of the operational area would not be allowed, except in very special circumstances as set out in LPS Policy PG 3 'Green Belt'.



Policy INF 5

Off-airport car parking

1. Outside of the Manchester Airport operational area, proposals for airport car parking will not be permitted, unless it can be clearly demonstrated that:
 - i. the capacity of existing lawful airport car parks (including those located on and off-airport, operated by Manchester Airport and by third parties) is insufficient to meet the needs of the airport and demand regularly exceeds supply (or is forecast to do so in the near future); and
 - ii. the proposal accords with other policies in the development plan.
2. Where proposals accord with Criterion 1 above, preference will be given to locations identified for off-airport car parking in the 'Manchester Airport Sustainable Development Plan: economy and surface access', or replacement guidance.
3. In line with LPS Policy PG 3 'Green Belt', proposals for off-airport car parking will be considered to be inappropriate development in the Green Belt unless they can demonstrate a clear requirement for a Green Belt location; there are no other suitable locations outside of the Green Belt; and that the proposals preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
4. Proposals should make maximum use of permeable materials in parking areas and incorporate on-site attenuation to reduce runoff rates and increase infiltration.

Supporting information

10.11 LPS Policy CO 1 'Sustainable travel and transport' seeks to deliver a safe, sustainable, high quality, integrated transport system that encourages a modal shift away from car travel to public transport, cycling and walking. The Manchester Airport Economy and Surface Access Plan forms part of its Sustainable Development Plan (2016). This seeks to guide the development and management of surface access to the airport and sets targets for future surface access capacity to meet projected annual passenger throughputs.

10.12 Car parking is a fundamental element of the surface access strategy and requires careful management and integration with public transport mode-share targets.

10.13 Authorised off-airport car parks, including those run by third party operators, are an important part of the overall parking provision for the airport, but have the potential to conflict with the aims of the airport's sustainable development plan, particularly in respect of the targets for increasing the use of public transport.

10.14 Permeable materials can assist in having a positive effect on water and soil sustainability through reducing runoff rates and increasing filtration, thereby preventing increased flood risk.

Related documents

- Manchester Airport Sustainable Development Plan: economy and surface access (2016, Manchester Airport)



Other infrastructure

Policy INF 6

Protection of existing and proposed infrastructure

1. To assist in supporting existing development and securing planned growth, development will only be permitted where it is unlikely to adversely impact on existing infrastructure or the delivery of proposals for new and improved infrastructure in the borough, as identified in the strategies or plans of the council and other statutory infrastructure providers.
2. The land required for the construction of the following highway and public transport schemes as shown on the adopted policies map, is safeguarded:
 - i. Middlewich Eastern Bypass;
 - ii. A500 Barthomley Link Road;
 - iii. North West Crewe Package; and
 - iv. Middlewich Railway Station.
3. Development proposals that would prejudice or undermine the delivery of these schemes will not be permitted.

Supporting information

10.15 This policy complements LPS Policy IN 1 'Infrastructure', which sets out the integrated approach that will be taken towards land use and infrastructure planning and delivery. Policy INF 6 adds further detail to ensure that existing, important infrastructure is suitably protected and that the opportunity to either improve existing or provide new infrastructure that will support sustainable development in the borough is safeguarded.

10.16 Examples of the strategies and plans where infrastructure is identified include:

- the South East Manchester Multi Modal Study (SEMMMS);
- the council's infrastructure delivery plan;
- the council's local transport plan;
- the council's green infrastructure plan; and
- the investment plans of the council, utility and other infrastructure providers

10.17 The policy lists a number of important highways and transportation infrastructure schemes that are integral to the successful achievement of planned growth set out in the LPS and seeks to safeguard the land required for their delivery. Each of them features in the Infrastructure Delivery Plan Update (2016) that accompanied the LPS.

- **Middlewich Eastern Bypass:** A priority scheme in the Cheshire East Infrastructure Delivery Plan Update and proposed to unlock the planned growth at Middlewich in the LPS including the Midpoint 18 (Ma6nitude) strategic employment site as well as addressing traffic congestion and removing heavy through-traffic from the narrow streets of Middlewich town centre. The anticipated scheme cost is £74 million of which £48.2 million will be funded through the Department for Transport's Large Local Scheme programme. The balance is to be met from the council's capital budget and developer contributions. Planning permission was granted for the scheme by Cheshire East Council in July 2019 and by Cheshire West and Chester Council in September 2019. Main works are expected to start in late 2022 with an estimated 22 month construction period.
- **A500 Barthomley Link Road:** A priority scheme in the Cheshire East Infrastructure Delivery Plan Update, comprising an upgrade of the section of the A500 between Meremoor Moss roundabout and M6 junction 16 to dual carriageway standard. The scheme is aimed at addressing existing congestion issues at peak times, increasing resilience and improving safety, as well as



supporting economic growth in and around Crewe. It will also assist the construction and operation of HS2. The estimated cost of the scheme is £68.7m which is anticipated to be met through a requested £55.1m grant from the Department for Transport and a local contribution (developer contributions and from the council's capital budget) of £13.6m. Planning permission was originally granted for the scheme in April 2019 and granted for a revised scheme in August 2020. In May 2020 the council's Cabinet resolved to take further steps to acquire the land necessary for the scheme including through the making of a compulsory purchase order. Subject to DfT final funding approval, the main works are expected start in 2022, with an estimated construction period of 27 months.

- **North West Crewe Package:** A priority scheme in the Cheshire East Infrastructure Delivery Plan Update, which includes a new spine road and junction improvements to unlock key sites for business, jobs and housing in north-west Crewe; particularly the strategic sites LPS 4 'Leighton West' and LPS 5 'Leighton'. A further key feature of the scheme is the delivery of improved access to Leighton Hospital for emergency vehicles, staff and visitors. The council has been awarded £5m of the National Productivity Fund (Local Roads element) and secured a £10m Housing Infrastructure Fund grant towards the estimated scheme cost of £36.5m. The remainder of the cost (£21.5m) will be met through developer contributions and the council's capital budget. Planning permission was granted for the scheme in July 2019. In May 2020 the council's Cabinet resolved to take further steps to acquire the land necessary for the scheme including through the making of a compulsory purchase order. Main works are expected to start during 2021, with an estimated 24-month construction period.
- **Middlewich railway station:** A priority scheme in the Cheshire East Infrastructure Delivery Plan Update. The safeguarding of land for the provision of a new railway station at Middlewich builds upon and adds detail to the LPS promotion of this scheme. LPS Figure 15.49 identifies a broad area in which a future railway station will be sited. Policies for the strategic allocations to either side of the rail line in this area, LPS 43 'Brooks Lane' and LPS 44 'Midpoint 18', seek the provision of land for a new station. There is strong support locally to re-open the Sandbach-Middlewich-Northwich rail line for passenger services, which would also involve the construction of new rail stations in Middlewich and Gadbrook Park in Northwich. A Strategic Outline Business Case (SOBC) has been requested by the Department for Transport with a view to identifying government funding to progress the project. As a precursor to the SOBC, the Cheshire and Warrington Local Enterprise Partnership commissioned consultants WSP to carry out a feasibility study into the re-opening of the line for passenger services and the provision of the two new stations. The report was published in 2019 and the more detailed area now safeguarded on the adopted policies map linked with this policy is drawn from that work.

10.18 The Authority Monitoring Report summarises progress made on the priority infrastructure needed to deliver the policies and proposals of the LPS. The council is also preparing an Infrastructure Funding Statement, which will identify infrastructure needs, the total cost of this infrastructure, anticipated funding from developer contributions, and the choices the council has made about how these contributions will be used.

Related documents

- Infrastructure Delivery Plan Update (2016, Cheshire East Council)
- Cheshire East Local Transport Plan 2019-2024 (2020, Cheshire East Council)
- Mid Cheshire and Middlewich Rail Study Strategic Case Report (2019, WSP for Cheshire and Warrington LEP)



Policy INF 7

Hazardous installations

1. Proposals that would create a new hazardous installation or extend an existing hazardous installation will only be permitted if they do not:
 - i. introduce unacceptable hazards or risks to people in the surrounding area; or
 - ii. impose significant development restrictions upon surrounding land that could frustrate the sustainable development or regeneration of the area.
2. Where development is proposed in the vicinity of a hazardous installation, planning permission will only be granted where it would not give rise to an unacceptable safety risk to the occupiers of the proposed development and not result in additional land uses that would potentially curtail the normal operation of the facility/equipment.

Supporting information

10.19 Hazardous substances consent is required for the presence of certain quantities of hazardous substances, in accordance with the Planning (Hazardous Substances) Regulations 2015. Cheshire East is the Hazardous Substances Authority (HSA) and responsible for determining applications for Hazardous Substance Consents, in consultation with the Health and Safety Executive (HSE). The HSE will consider the hazards and risks that the hazardous substance may present to people in the surrounding area, and take account of existing and potential developments, in advising the HSA on whether or not consent should be granted. Planning permission may also be required for new development associated with the presence of hazardous materials.

10.20 HSE sets a consultation distance around major hazard sites and major accident hazard pipelines after assessing the risks and likely effects of major accidents at the major hazard. Major hazards comprise a wide range of chemical process sites, fuel and chemical storage sites, and pipelines. Cheshire East Council has a statutory duty to consult HSE on certain proposed developments in these consultation zones and take into account the HSE's recommendation when deciding planning applications.

Related documents

- HSE's Land Use Planning Methodology (Health and Safety Executive)
- The Planning (Hazardous Substances) Regulations 2015



Policy INF 8

Telecommunications infrastructure

1. Development for new or upgraded telecommunications infrastructure will be permitted where:
 - i. it has been demonstrated that the installation(s) have been kept to a minimum, consistent with the efficient operation of the network;
 - ii. it has been demonstrated that all feasible alternatives have been explored, including opportunities for the sharing or clustering of facilities and siting equipment on existing buildings;
 - iii. there will be no significant adverse impact on visual and residential amenity, or on the character of any building or the wider area; and
 - iv. there will be no detrimental impact on air traffic safety.
2. All new properties (residential and non-residential) should be developed with fibre to the premises enabling them to have a superfast broadband network connection.

Supporting information

10.21 This policy supplements LPS Policy CO 3 'Digital connections'. It recognises the need to support the development of telecommunications infrastructure whilst ensuring any adverse impacts are acceptably reduced.

10.22 Our lives are more digitally connected every day. Access to fibre-optic, superfast broadband is becoming increasingly vital for residents and businesses. It is key to growing a sustainable local economy. Occupiers of new residential or commercial premises expect a high quality broadband connection as a utility similar to the provision of electricity or gas.

10.23 Policy GEN 5 'Aerodrome safeguarding' explains how the impact of proposals for telecommunications infrastructure on air traffic safety will be assessed.

Policy INF 9

Utilities

1. All development proposals should demonstrate that the infrastructure capacity for surface water disposal, water supply, wastewater treatment, gas and electricity will be sufficient to meet forecast demands arising from them and that appropriate connections can be made. For major schemes this will require a site wide utilities master plan to establish principles during the construction process and early liaison with infrastructure providers.
2. The utility network should be protected and development proposals that would unacceptably encroach on or compromise existing utilities infrastructure will be refused. Opportunities should be sought to safeguard the provision of utilities.

Supporting information

10.24 Utility networks consist of water, waste, electricity, gas, and telecommunication systems. These are also covered in other related SADPD policies:

- Policy ENV 16 'Surface water management and flood risk';



- Policy INF 8 'Telecommunications infrastructure'; and
- Policy ENV 8 'District heating network priority areas'.

10.25 This policy supplements LPS Policy IN 1 'Infrastructure'. The provision of adequate utilities infrastructure is essential to deliver the planned sustainable growth set out in the LPS.

10.26 Utilities provision and connections on large sites, which will take several years to build out, should be planned in a comprehensive way between phases and developers. For example, developers should have a comprehensive and joined up approach towards foul and surface water drainage on both early and later phases across a larger site, and aim to avoid a proliferation of pumping stations.

Policy INF 10

Canals and mooring facilities

1. Development proposals affecting the borough's canals must:
 - i. seek to provide an active frontage and positive connection with the waterway;
 - ii. be designed to make a positive contribution to the visual appearance of the canal corridor through high standards of design, materials, external appearance, layout, boundary treatments and landscaping;
 - iii. safeguard or enhance the canal's role as a biodiversity, heritage, recreational and tourism asset, and landscape feature;
 - iv. not harm the structural and operational integrity of the canal or its related infrastructure assets;
 - v. safeguard and, where possible, enhance public access to, and the recreational use of, the canal corridor;
 - vi. integrate the waterway, towpath and canal environment into the public realm in terms of design and management of the development; and
 - vii. optimise views to and from the waterway and generate natural surveillance of water space through the siting, configuration and orientation of buildings, recognising that appropriate boundary treatments and access issues may differ between the towpath and the offside of the canal.
2. Proposals for new moorings will be permitted where they satisfy the requirements of Criterion 1, and:
 - i. do not have an unacceptable impact on recreational users and other waterway users;
 - ii. do not have an unacceptable impact on water resources and navigational safety; and
 - iii. the built development is of an appropriate scale and ancillary to the mooring facilities.
3. In addition to satisfying the requirements of criteria 1 and 2, new moorings for permanent residential use will only be permitted within settlement boundaries and infill boundaries.
4. Development proposals must be consistent with LPS Policy PG 3 'Green Belt', where relevant.

Supporting information

10.27 The borough has over 115 km of canals running through it: the Macclesfield, Peak Forest, Shropshire Union (including the Llangollen and Middlewich branches), and Trent and Mersey canals. They support recreation, health and well-being and the visitor economy. The patchwork of built development and green space along the canal is important, for amenity and well-being and also ecology. It will be important that new development along the route of the canal is sympathetic to its character, recognising these sensitive locations and maximising opportunities to provide a positive interrelationship with the canal and the waterside setting it provides. Such relationships should secure



the use of positive layout and design of new development, which seek to maintain and re-instate the characteristics and distinctiveness of local canal architecture and waterscape.

10.28 New development should investigate opportunities to preserve and enhance the distinctive industrial heritage of the canal and the wide range of historical assets that are associated, including bridges, tunnels, locks, wharfs, lock keepers cottages and mile markers, all of which contribute to the unique character of the waterway.

10.29 New waterside developments place extra liabilities and burdens on waterway infrastructure and also provide opportunities for new infrastructure to be provided, in particular improvements to canal towpaths as sustainable routes for cyclists and pedestrians. When considering proposals for new development alongside the canal the council will work with the Canal & River Trust to make sure that any necessary improvements to the canal infrastructure arising directly from needs generated from new development are met by developer contributions. Such contributions, where necessary and viable, could comprise improvements to the canal towpath, including surface improvements for wheelchair and pushchair users; access to the canal; signage; or improvements to adjacent areas. LPS Policy SE 6 'Green infrastructure' encourages the improvement and protection of the canal as crucial green infrastructure.

10.30 In line with Policy ENV 7 'Climate change', proposals should also consider whether there are opportunities to reduce carbon emissions and building resilience, in particular investigating the potential for using the canal in relation to heating and cooling within new development.

10.31 The policy seeks to make sure that development adjacent to canals is of a high standard, does not undermine its important attributes and, where possible, seeks to enhance them. The canals in the borough have a wide variety of permanent mooring facilities available and demand may result in pressure for further development of new linear or lay-by mooring facilities, new marina developments, or extensions to existing facilities. The policy allows for the development of these, providing the impacts on users, the waterway and the local environment is acceptable. Any marina development would need the Canal & River Trust's separate agreement to connect and gain access to the waterway network. In order to gain the Trust's agreement, proposers must complete its off-line mooring and marina developments application process.

10.32 Additional controls will apply to new built development in the Green Belt, in line with national policy and LPS Policy PG 3 'Green Belt'.

10.33 Proposals for tourist accommodation will also be subject to Policy RUR 8 'Visitor accommodation outside of settlement boundaries'.

Related documents

- Code of Practice for Works Affecting the Canal and River Trust (2018, Canal and River Trust)
- Off-line mooring and marina developments application process (2018, Canal & River Trust)
- HS2 Design Principles for Waterway Crossings (2015, Canal & River Trust)





11

Recreation and community facilities



11 Recreation and community facilities

11.1 Good green space and other public amenities are central to creating strong and thriving communities. The plan seeks to maintain and enhance open space and recreational provision, ensuring a high level of accessibility for those living and working locally. The plan also provides policies on the provision of vital community facilities, including places for the care and nurturing of younger children.

Policy REC 1

Open space protection

1. Development proposals that involve the loss of open space, as defined in Criterion 2 below, will not be permitted unless:
 - i. an assessment has been undertaken that has clearly shown the open space is surplus to requirements; or
 - ii. it would be replaced by equivalent or better open space in terms of quantity and quality and it is in a suitable location; or
 - iii. the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss.
2. The types of open space to which this policy applies includes: existing areas of open space shown on the adopted policies map, such as formal town parks, playing fields, pitches and courts, play areas, allotments and amenity open space; other incidental open spaces, which are too small to be shown on the adopted policies map, but which are of public value for informal recreation or visual amenity; and open spaces provided through new development yet to be shown on the adopted policies map.

Supporting information

11.2 The adopted policies map identifies the majority of areas of open space that should be protected from other forms of development. The council maintains a GIS layer of open space and a database, which covers a number of categories ranging from formal town parks and playing fields to play areas, allotments and amenity open space. As development takes place across the borough, further open spaces will be created and added to this GIS layer and the database. Local green spaces can also be designated in neighbourhood plans.

11.3 Made neighbourhood plans are part of the development plan and can show areas of valuable open space plus local green spaces. There is no need for the council to repeat this information in the local plan but, to ensure consistency across the rural areas, strategic areas of open space such as playing fields and play areas, and large amenity areas such as village greens, will be shown on the adopted policies map. Strategic/important areas of open space will therefore be reflected for all parishes, regardless of whether they have a neighbourhood plan in place.

11.4 The policy reflects paragraph 99 of the NPPF (2021), which sets out the criteria to be satisfied should development of an open space be considered.

11.5 The policy links with LPS Policy SE 6 'Green infrastructure', which deals with the protection and enhancement of green infrastructure assets. Criterion 4(i) of that policy states: "Protect and enhance existing open spaces and sport and recreation facilities".

Related documents

- Green Space Strategy Update (2020, Cheshire East Council) [ED 18]



- Cheshire East Playing Pitch Strategy and Action Plan (2019, Knight, Kavanagh & Page) [ED 19]
- Playing Pitch Strategy Assessment Report Update (2019, Knight, Kavanagh & Page) [ED 19a]
- Cheshire East Indoor Built Facilities Strategy (2017, Knight, Kavanagh & Page) [ED 20]
- Indoor Built Facilities Strategy Progress and Evidence Review (2019, Cheshire East Council) [ED 20a]

Policy REC 2

Indoor sport and recreation implementation

1. LPS Policy SC 2 'Indoor and outdoor sports facilities' requires all major housing developments to contribute towards indoor sport and recreation facilities where necessary. Developer contributions should be provided where new development will increase the demand for such facilities on the basis set out in the table below and taking account of the assessment of any deficits or surpluses in the provision of sports facilities in the council's Indoor Built Facilities Strategy.

Facility	Calculation
For the provision of new swimming pools and sports halls	The Sport England facility calculator model or its subsequent alternative
Health and fitness including gym stations and studio space or similar appropriate physical activity space	This will be based on a calculation of the level of additional demand generated by the proposed development (each dwelling equating to 1.61 residents), using the Sport England active people survey data for Cheshire East or equivalent assessment tool.

2. Contributions should be directed to the nearest accessible facility to the development. Where there is no leisure centre provision nearby, say in more rural locations, the contribution will be directed to the nearest community facility (for example village hall) that provides recreation activities.

Supporting information

11.6 In order to assist in improving the health and well-being of its residents, the council is looking to make sure that there is a high quality of provision of indoor sport and recreation facilities across Cheshire East. In line with LPS Policy SC 2 'Indoor and outdoor sports facilities', all major housing development that increases the demand for indoor sports facilities will be required to provide a contribution towards them.

11.7 Where development proposals are of a particularly large scale, or where they would involve the loss of existing indoor sports and recreation facilities, a specific sports needs assessment will be required.

11.8 The settlement action plan in the council's Indoor Built Facilities Strategy provides demand/supply information and recommendations on what additional facilities are required to meet demand. Where appropriate, consideration will be given towards the pooling of contributions, provided a specific leisure or community facility project has been identified.

Related documents

- Cheshire East Indoor Built Facilities Strategy (2017, Knight, Kavanagh & Page) [ED 20]
- Indoor Built Facilities Strategy Progress and Evidence Review (2019, Cheshire East Council) [ED 20a]



Policy REC 3

Open space implementation

1. All major employment and other non-residential developments should provide open space as a matter of good design and to support health and well-being. The provision of open space will be sought on a site-by-site basis, taking account of the location, type and scale of the development.
2. The presumption will be that open space provision associated with residential and non-residential development schemes will be provided on site. Off-site provision may be acceptable in limited instances, where this meets the needs of the development and achieves a better outcome in terms of open space delivery. This would involve the payment of a commuted sum to the council.
3. Applicants will need to demonstrate how the management and maintenance of additional open space provision will be provided for in perpetuity. All areas of open space that are of strategic significance, for example because they will form part of a wider, connected network of open space, should be conveyed to the council along with a commuted sum for a minimum period of 20 years maintenance.
4. The provision of, or contribution to, outdoor playing pitch sports facilities will be informed by the Playing Pitch Strategy and Sport England Sport Pitch Calculator. Other outdoor sports provision not covered by the Playing Pitch Strategy will be sought on a site by site basis using 10 sq.m per family home as a benchmark figure.

Supporting information

11.9 Housing development proposals should provide for open space in accordance with LPS Policy SE 6 'Green infrastructure' and associated Table 13.1.

11.10 As well as housing developments, all major employment and non-residential development should include open space facilities as a matter of good design and to support the health and wellbeing of the people who occupy the buildings by enabling outdoor exercise and lunchtime breaks.

11.11 The policy builds upon LPS Policy SE 6. Table 13.1 associated with that policy sets out specific open space standards that development proposals should provide, with the exception of outdoor sports facilities against which it says that a developer contribution will be sought. Through the SADPD, this requirement is now clarified. The council's Green Space Strategy sets a benchmark figure for outdoor sport of 1.6 hectares per 1,000 population or 40 sq.m per family dwelling. This figure is also in line with 'Guidance for outdoor sport and play' (2015, Fields in Trust) and their benchmark standards for outdoor sport: 1.6 ha per 1,000 population for all outdoor sports and 1.2 ha per 1,000 population for playing pitch sports. The outdoor sports provision needs to be split into two parts. The playing pitch sports provision is informed by the needs and issues set out in the Playing Pitch Strategy and through the use of the Sport England Sport Pitch Calculator. The balance of 0.4 ha per 1,000 population, which relates to other outdoor sports, such as bowls, tennis, athletics and other outdoor sports areas such as trim trails and jogging tracks, can be quantified with a benchmark figure of 10 sq.m per family home. The council may seek provision on-site in the case of larger schemes, or through developer contributions where this will achieve a better outcome in terms of outdoor sports provision, whilst still meeting the needs of the development. In the case of smaller schemes, the council will normally seek a developer contribution towards off-site provision.

11.12 The future maintenance of open space is very important, to make sure that it is able to fulfil its function and continue to have a positive impact on the locality. Consideration of the most appropriate option for longer-term maintenance will be made on a site-by-site basis. Control and management arrangements will need to be established to safeguard the open space for the community and its users. Areas of open space that are of strategic significance, for example new open space that will form part of a strategic open space network, open space with important nature conservation value



or the provision of playing fields, will normally be expected to be transferred to the council with a minimum of a 20-year commuted sum. In deciding which areas are strategic for the purposes of clause 3 of the policy, the council will have regard to the Cheshire East Green Infrastructure Plan. The council will generally seek 20 years maintenance; however there will be some instances where a maintenance period in excess of 20 years may be sought specifically for securing the creation of new habitats, which may take longer to achieve their target condition.

Related documents

- Green Space Strategy (2013, Cheshire East Council)
- Green Space Strategy Update (2020, Cheshire East Council) [ED 18]
- Cheshire East Playing Pitch Strategy and Action Plan (2019, Knight, Kavanagh & Page) [ED 19]
- Playing Pitch Strategy Assessment Report Update (2019, Knight, Kavanagh & Page) [ED 19a]
- Cheshire East Indoor Built Facilities Strategy (2017, Knight, Kavanagh & Page) [ED 20]
- Indoor Built Facilities Strategy Progress and Evidence Review (2019, Cheshire East Council) [ED 20a]
- Cheshire East Green Infrastructure Plan (2019, The Environment Partnership) [ED 47]
- Green Infrastructure Assessment of Cheshire East (2018, The Mersey Forest) [ED 55]

Policy REC 4

Day nurseries

Proposals for the development of new, or the extension or intensification of use of existing day nurseries and play groups should meet all of the following criteria:

1. the development provides for an adequately sized and well screened garden for outdoor play;
2. the proposals are of a scale appropriate to the locality and will not unacceptably harm the amenity of local residents by virtue of noise, loss of privacy and traffic generation;
3. adequate car parking is provided in accordance with the car parking standards set out in LPS Appendix C 'Parking standards'; and
4. there are satisfactory vehicular arrangements for the dropping off and collection of children without causing a highway danger.

Supporting information

11.13 The policy supports the provision of day nurseries and play groups in the borough whilst seeking to make sure that they are well planned, maintain the amenity of surrounding residents and do not undermine highway safety.



Policy REC 5

Community facilities

1. Development proposals should seek to retain, enhance and maintain community facilities that make a positive contribution to the social or cultural life of a community. The particular benefits of any proposal that secures the long-term retention of a community facility will be given positive weight in determining planning applications.
2. Any community facility that makes a positive contribution to the social or cultural life of a community should be retained unless suitable alternative provision is made.
3. Proposals for new community facilities will be supported where they are in accordance with policies in the development plan.

Supporting information

11.14 LPS Policy SD 1 'Sustainable development in Cheshire East' requires development to, wherever possible, provide appropriate infrastructure to meet the needs of the local community, including community facilities. LPS Policy EG 2 'Rural economy' seeks to support the rural economy and promotes the retention and delivery of community services such as shops, public houses and village halls.

11.15 Facilities such as public houses; places of worship; village halls and other meeting places; schools; and local shops are important to the communities that they serve and they improve the sustainability of towns, villages and rural areas.

11.16 Proposals should avoid the loss of such facilities and in deciding planning applications, positive weight will be given to the benefit of securing the long-term future of community facilities through a development proposal.

11.17 The Localism Act 2011 also allows community groups to assemble bids for assets considered to be of community value and included in the 'list of assets of community value' held by the council. This policy applies to all community facilities that make a positive contribution to the social or cultural life of a community and not just those on the list.

Related documents

- List of Assets of Community Value in Cheshire East (Cheshire East Council)



12

Site allocations



12 Site allocations

12.1 The LPS identifies a number of strategic sites and strategic locations. Together with development that has already been completed and schemes with planning permission (commitments), these sites will accommodate the majority of new development requirements during the plan period 2010 to 2030.

12.2 The LPS focuses on identifying sites in and around the principal towns and key service centres, leaving the consideration of sites in and around the local service centres to the SADPD. However, the overall level of housing development for the local service centres, as identified in LPS Policy PG 7 'Spatial distribution of development', can now largely be met from developments already completed during the plan period as well as proposed developments with planning permission. As a result, the SADPD does not allocate any sites for housing development in the local service centres. There remains a small requirement for employment land in the local service centres, which is addressed through a further site allocation at Holmes Chapel.

12.3 Through the SADPD, further sites are allocated in some of the key service centres. This is so that the overall level of development in each centre over the plan period is in accordance with LPS Policy PG 7 'Spatial distribution of development'. The key service centres with further site allocations in the SADPD are Congleton, Middlewich and Poynton.

12.4 Two further employment sites are also identified in Crewe. Whilst these are not strictly required to meet the employment land requirements for Crewe, they are well-related to the urban area and are needed to support the continued economic growth of the town by providing land for some of the town's key employers.

12.5 In addition, the SADPD identifies a number of employment sites brought forwards from employment allocations in previous local plans. These sites are identified in Policy EMP 2 'Employment allocations'.

12.6 Finally, the SADPD identifies sites for Gypsies, Travellers and Travelling Showpeople, so that the requirements for pitches/plots identified in Policy HOU 5 'Gypsy and Traveller site provision' and Policy HOU 6 'Travelling Showperson site provision' can be met.

Development proposals

12.7 Allocation of a site in the plan establishes the principle of a particular land use, but it does not grant planning permission for development on that site.

12.8 Planning applications for development on allocated sites will be determined in accordance with the policy for that site, as well as all other policies in the development plan and any other material considerations. The site-specific policies in this section do not repeat LPS policies or SADPD policies but these policies apply to all sites including those allocated in the plan.

12.9 Each allocated site is shown on the adopted policies map.

Safeguarded land

12.10 Safeguarded land is identified in Green Belt areas and may be required to meet longer-term development needs. In line with LPS Policy PG 4 'Safeguarded land', it is not allocated for development at the present time and policies related to development in the open countryside will apply.

12.11 The LPS identifies safeguarded land around the principal towns and key service centres, leaving the identification of safeguarded land around local service centres to the SADPD.

12.12 The SADPD identifies safeguarded land around Alderley Edge, Bollington, Chelford, Disley and Prestbury. Sites identified as safeguarded land are listed in Policy PG 11 'Green Belt and safeguarded land boundaries'.



Related documents

- The Provision of Housing and Employment Land and the Approach to Spatial Distribution (2020, Cheshire East Council) [ED 05]
- Site Selection Methodology Report (2020, Cheshire East Council) [ED 07]
- Employment Allocations Review (2020, Cheshire East Council) [ED 12]
- Gypsy, Traveller and Travelling Showpeople Site Selection Report (2020, Cheshire East Council) [ED 14]
- Settlement reports (2020, Cheshire East Council) [ED 21] to [ED 44]
- Heritage Impact Assessments of Sites in Local Plan Site Selection [ED 48]
- LSCs Safeguarded Land Distribution Report (2020, Cheshire East Council) [ED 53]

Crewe

Site CRE 1

Land at Bentley Motors

Land at Bentley Motors, Pym's Lane is allocated for employment purposes to support further investment by Bentley Motors in design, research and development, engineering and production facilities. Development proposals for the site should:

1. retain the existing sports facility, playing field and associated area of existing open space unless they are proven to be surplus to need, or suitable improved provision is created having regard to the requirements of LPS Policy SC 2 'Indoor and outdoor sports facilities';
2. as part of a travel plan, improve walking and cycling routes through the site and seek to maximise connections for pedestrians and cyclists to and from the site including, for cyclists, the Connect2 Crewe to Nantwich Greenway;
3. be sensitively designed to make sure that the amenity of residents in the vicinity of the site is not unacceptably affected; and
4. avoid any harm to heritage assets and their setting in accordance with LPS Policy SE 7 'The historic environment' and Policy HER 7 'Non-designated heritage assets' and having regard to the advice on mitigation measures contained in the Heritage Impact Assessment for the site submitted with the SADPD.

Supporting information

12.13 Bentley Motors is an iconic and internationally recognised British brand that has been based at its headquarters in Crewe for more than 70 years. Bentley's headquarters is an advanced manufacturing site that is home to Bentley's lifecycle of operations, including design, research and development, engineering and production. The Crewe site employs more than 4,000 people and is Crewe's largest single employer. Moreover, as a leader in UK luxury car manufacturing, it is a site of much wider, strategic significance to the North West. The allocation of the site recognises the need for Bentley to have the certainty and flexibility to develop its Crewe site and thereby maintain a global competitive edge, realising Bentley's vision to design and build new model lines and meet the needs of a modern integrated advanced manufacturing business.

12.14 The allocated site is covered by the existing approved Bentley Motors Development Framework and Masterplan (BDFM). The BDFM extends beyond the allocated site to land within the southern part of Site LPS 4 'Leighton West'. The BDFM sets out the vision for Bentley Motors Ltd, to create a 'campus' in Crewe to safeguard and support its future growth. The BDFM provides additional, detailed guidance over and above this site allocation policy and is a material planning consideration in the determination of applications. In particular, the BDFM sets out more detailed design and development principles.



12.15 Planning permission was granted for additional production and manufacturing facilities and an engine test bed facility, amongst other things, at the Bentley site in January 2019.

12.16 The allocated site includes the 'Legends' leisure facility, playing field and associated open space. These facilities should be retained unless it can be demonstrated that they are surplus to need or improved alternative provision is made in a location that is well related to the functional requirements of the relocated use and its existing and future users. Proposals that involve the loss of the existing leisure facility, playing field and associated open space will be assessed having full regard to LPS Policy SC 2 'Indoor and outdoor sports facilities'.

12.17 Development proposals should make provision for improved pedestrian and cycling routes and consider opportunities to connect to Site LPS 4 'Leighton West' to the north and also to the Connect2 Crewe to Nantwich Greenway.

12.18 Residential uses are located to the south and east of the site and any employment proposals should be designed to make sure that the amenity of existing residents within the vicinity of the site are not unacceptably affected.

12.19 The main office/showroom is a non-designated heritage asset. Any future development proposals should avoid any harm to the heritage asset including its setting, having regard to LPS Policy SE 7 'The historic environment' and SADPD Policy HER 7 'Non-designated heritage assets' and the advice on mitigation measures contained in the Heritage Impact Assessment for the site submitted with the SADPD.

12.20 There is a high potential for contamination (landfill, depot, works). A phase 1 and 2 contaminated land assessment will therefore be required in support of any application.

12.21 Development proposals will need to take account of, as relevant, existing utilities infrastructure crossing the site including the two existing 132kV double circuit overhead lines and water/ wastewater pipelines.



Site CRE 2

Land off Gresty Road

Land off Gresty Road is allocated for employment development (use classes E(g) and B8) on 5.69 ha of land. Development proposals for the site must:

1. not result in an unacceptable rise in noise and disturbance for any residents living around or in close proximity to the site;
2. include measures to conserve, restore and enhance any priority habitat identified on the site;
3. maintain the area of existing woodland, unless it can be demonstrated that there are clear overriding reasons for any loss and provision is made for net environmental gain by appropriate mitigation, compensation or offsetting in line with LPS Policy SE 5 'Trees, hedgerows and woodland'. This may include essential drainage infrastructure, where this is justified and complies with the biodiversity mitigation hierarchy in the NPPF;
4. provide a landscape buffer to separate and screen new development from existing residential properties along Crewe Road and Gresty Green Road;
5. have regard to the setting of Yew Tree Farm, a non-designated heritage asset, providing an open undeveloped buffer zone to the north of this dwelling;
6. provide unobstructed access to Gresty Brook and an undeveloped 8 metre buffer zone for maintenance and emergency purposes, except for possible sustainable drainage infrastructure within the buffer area where this is compatible with ensuring access for maintenance and emergency purposes;
7. provide satisfactory details of proposed foul and surface water drainage; and
8. include measures to improve walking and cycling routes to the site.

Supporting information

12.22 The site is an agricultural field located to the south of Crewe and presents the opportunity for an established and important local company, Morning Foods, to invest in and expand their business.

12.23 The site is bounded by railway lines, industrial and residential development. Crewe Road (B5071) runs along the eastern boundary of the site, beyond which is the allocated Site LPS 3 'Basford West'. Residential properties lie to the south. Gresty Green Road runs along the western boundary, beyond which is residential development and a storage depot.

12.24 Because the site is adjacent to residential properties to the southern, eastern and western boundary, any development proposal should make sure that there will be no adverse impact on the amenity of nearby residents. A detailed BS4142 noise assessment should be submitted to support any application. A landscaped buffer should also be provided to screen new development from existing residential properties on Crewe Road and Gresty Green Road.

12.25 A traditional orchard is located to the south of the site and is a priority habitat listed under Section 41 the Natural Environment and Rural Communities (NERC) Act 2006. Any priority habitat that occurs on site should be conserved, retained and enhanced.

12.26 Proposals should also seek to maintain the area of existing woodland on the site, unless it can be demonstrated that there are clear overriding reasons for any loss. This may include the provision of essential drainage infrastructure provided that this is justified and complies with the biodiversity mitigation hierarchy in paragraph 180(a) of the NPPF. If it can be demonstrated that there are overriding reasons for any loss, appropriate mitigation, compensation or offsetting will be required in line with LPS Policy SE 5 'Trees, hedgerows and woodland'.



12.27 To the southeastern corner of the site is Yew Tree Farm. Yew Tree Farm and its barn are non-designated heritage assets (locally listed buildings). It is important that the proposals consider the impact of development on the significance of the asset and its agricultural setting. An open buffer to Yew Tree Farm is required in order to protect the setting of this heritage asset.

12.28 The site is greenfield and Gresty Brook runs along its northern boundary. The majority of the site is in flood zone 1, although there is a small area of the site in the northeast corner that is in flood zone 2. Any proposed development should have regard to this area of flood risk. An undeveloped buffer of 8 metres should be maintained along Gresty Brook for access and maintenance purposes but also to make sure that disturbance to the brook and its environs is minimised for ecological reasons. As an exception, sustainable drainage infrastructure may be justified in the buffer area provided that this is compatible with the need to ensure access for maintenance and emergency purposes.

12.29 Development proposals will need to take account of (as relevant) existing utilities infrastructure crossing the site, including any water/wastewater pipelines, together with provision for foul and surface water drainage.

12.30 Access to the site from Gresty Road may require the relocation/alteration of the existing bus stop facility. Measures to improve walking and cycling routes to the site should be provided.

12.31 As the site is adjacent to a railway boundary and freight lease site, proposals for development should also be discussed with Network Rail's Asset Protection Team prior to the submission of an application. Proposals should not impact upon the safe operation of the railway and should consider the impacts on any level crossings in the area.

Congleton

Site CNG 1

Land off Alexandria Way

Land off Alexandria Way is allocated for employment development for 0.95 ha of employment land. Development proposals for the site must:

1. retain and enhance areas of landscape quality, connectivity and achieve high quality design in line with the principles of the North Congleton Masterplan; and
2. undertake a Mineral Resource Assessment for sand and gravel, including silica sand.

Supporting information

12.32 This site forms a prominent location into Site LPS 27 'Congleton Business Park Extension'. Development should follow the site specific principles of development of site LPS 27, particularly 'the need for high quality design reflecting the prominent landscape location and creating a vibrant destination and attractive public realm.'

12.33 Reference should also be made to the North Congleton Masterplan. The masterplan and policy wording for Site LPS 27 sets out the importance of:

- connectivity and highway linkages, particularly cycling and walking;
- the retention and enhancement of areas of landscape quality including hedgerows; and
- the achievement of high quality design at key nodes.

12.34 A botanical survey will be needed to consider the ecological value of grassland present on the site. This should be prepared in accordance with LPS Policy SE 3 'Biodiversity and geodiversity'.



12.35 The council is aware from BGS mineral resource mapping that the site is likely to contain sand and gravel, and silica sand resources, as well as being part of a wider adjoining sand resource. As sand is a finite resource essential to support economic growth, it is considered to be of local and national importance in planning policy terms. In line with LPS Policy SE 10 'Sustainable provision of minerals' and national guidance on mineral safeguarding, the council will require the applicant to submit a Mineral Resource Assessment as part of any application to provide information on the feasibility of prior extraction of the mineral resource before the proposed development proceeds and the sterilisation potential that the proposed development will have on any future extraction of the wider resource. The Mineral Resource Assessment should be of a standard acceptable to the council, as the minerals planning authority, and undertaken by a suitably competent person with appropriate qualifications or professional background, such as a minerals surveyor. The findings of the Mineral Resource Assessment will be an important planning consideration in the determination of any planning application for the development of this site.

12.36 Further information on Mineral Resource Assessments can be found in the Minerals Safeguarding Practice Guidance v1.4 (2019, The Mineral Products Association & The Planning Officers Society).

Middlewich

Site MID 1

East and west of Croxton Lane

Land east and west of Croxton Lane is allocated for residential development for around 50 new homes. Development proposals for the site must:

1. safeguard and protect, through an undeveloped and open landscaped buffer zone, the existing Trent and Mersey Canal Conservation Area;
2. provide an offset from the existing recycling centre and achieve an acceptable level of residential amenity for prospective residents including in terms of noise and disturbance;
3. retain existing mature hedgerows around the boundaries of the site as far as possible; and
4. provide for improvements to the surface of the canal towpath to encourage its use as a traffic-free route for pedestrians and cyclists between the site and town centre, where this meets the test for planning obligations as set out in the NPPF and CIL Regulations.

Supporting information

12.37 This 2.91ha site lies on the northern edge of Middlewich. The site is split into two halves sitting either side of Croxton Lane (A530).

12.38 The part of the site located to the west of Croxton Lane has residential development to the south and a recycling centre to the northwest. Any development would need to make sure that prospective occupiers would enjoy an acceptable level of residential amenity, including in terms of noise and odour. It is expected that noise mitigation measures will be required. Any application for this part of the site and its access proposals would need to take account of the existence of the layby to its eastern side on Croxton Lane and make sure that appropriate visibility splays can be achieved.

12.39 The Trent and Mersey Canal runs along the northern and eastern boundary of the site. Any development would need to preserve and enhance the Trent and Mersey Canal Conservation Area by retaining undeveloped and open landscaped buffer zones adjacent to it.

12.40 Improvements to the surface of the canal towpath should be included in any future planning application to encourage its route for pedestrians and cyclists, provided that any such requirement meets the tests set out in paragraph 57 of the NPPF and Regulation 122 of the CIL Regulations 2010.



12.41 There is a high potential for contamination issues. The western boundary of the site is formed by a landfill and sewage disposal works. A phase 1 and 2 contaminated land assessment will therefore be required in support of any application.

12.42 A gravity sewer runs through the central part of the western site and this should be taken into account in the detailed design of any development proposals.

Site MID 2

Centurion Way

Land at Centurion Way is allocated for residential development of around 75 new homes. Development proposals must:

1. seek to retain as much of the existing boundary hedges as possible as part of a comprehensive landscaping scheme, which should be designed to mitigate any impact of the development upon the wider landscape;
2. include a strategy for the provision and long term management of off-site habitat for ground nesting farmland birds;
3. make a contribution towards the delivery of the Middlewich Eastern Bypass; and
4. undertake a Mineral Resource Assessment for sand and gravel.

Supporting information

12.43 This 2.49 ha greenfield site is located to the northeast of Middlewich between Centurion Way to the west, Holmes Chapel Road to the south and Byley Lane to the north. Surrounding land uses include residential, a public house and open countryside. The site has been identified to deliver around 75 new homes and presents an opportunity to deliver a sustainable residential development, whilst supporting the delivery of key infrastructure through financial contributions to the Middlewich Eastern Bypass.

12.44 Development proposals should seek to retain as much of the existing boundary hedges as possible and include a comprehensive landscaping scheme, in order to integrate the site into the wider landscape.

12.45 Priority bird species have been identified on the site, including Skylark and Wagtails. An ecological assessment should be submitted with any planning application and mitigation, in the form of an offsite habitat creation scheme to address any potential impact, should be provided.

12.46 The site lies just beyond Middlewich's Area of Archaeological Potential. There have been Roman finds within the site and an archaeological assessment should be submitted with any planning application.

12.47 The council is aware from BGS mineral resource mapping that the site is likely to contain sand and gravel resources as well as being part of a wider adjoining sand resource. As sand is a finite resource essential to support economic growth, it is considered to be of local and national importance in planning policy terms. In line with LPS Policy SE 10 'Sustainable provision of minerals' and national guidance on mineral safeguarding, the council will require the applicant to submit a Mineral Resource Assessment as part of any application to provide information on the feasibility of prior extraction of the mineral resource before the proposed development proceeds and the sterilisation potential that the proposed development will have on any future extraction of the wider resource. The Mineral Resource Assessment should be of a standard acceptable to the council, as the minerals planning authority, and undertaken by a suitably competent person with appropriate qualifications or professional background, such as a minerals surveyor. The findings of the Mineral Resource Assessment will be an important planning consideration in the determination of any planning application for the development of this site.

12.48 Further information on Mineral Resource Assessments can be found in the Minerals Safeguarding Practice Guidance v1.4 (2019, The Mineral Products Association & The Planning Officers Society).



Poynton

Site PYT 1

Poynton Sports Club

The Poynton Sports Club site is allocated for residential development for around 80 new homes. Development proposals for the site must:

1. retain and protect the woodland to the north/east of the site, through a buffer of no less than 10 metres at any point;
2. safeguard and protect the ordinary watercourse, through a buffer of no less than 8 metres at any point;
3. demonstrate how the sports facilities will be replaced locally, and that it is an enhanced facility in line with the recommendations made in the Cheshire East Indoor Built Facilities Strategy and the Cheshire East Playing Pitch Strategy and Action Plan, and that the relocated facility is fully brought into use in advance of the loss of any existing facilities to ensure continuity of provision;
4. satisfactorily address surface water risk/overland flow and out of bank flow from the ordinary watercourse; and
5. demonstrate through a noise impact assessment that prospective residents on the site would not be unacceptably affected by transportation noise.

Supporting information

12.49 The Poynton Sports Club site presents the opportunity for a sustainably located, high quality residential scheme, facilitating the relocation of the sports club and enabling the provision of improved quality sporting facilities in a suitable location. The site abuts the town centre boundary to the southeast, whilst surrounding land uses include residential.

12.50 A suitable site has been identified for the relocation of Poynton Sports Club at Site PYT 2 'Land north of Glastonbury Drive'.

12.51 The deciduous woodland is a priority habitat listed under Section 41 of the NERC Act 2006 and hence of national importance.

12.52 The applicant will need to work closely with the Lead Local Flood Authority with regards to addressing risks arising from the ordinary watercourse and surface water risk/overland flow.



Site PYT 2

Land north of Glastonbury Drive

The land north of Glastonbury Drive site is allocated for sports and leisure development (for 10 ha). Development will only be permitted subject to a planning obligation governing the relocation and redevelopment of existing facilities at the Poynton Sports Club site to make sure that there is continuity of sports and recreation provision. Development proposals for the site must:

1. retain and protect, through an undeveloped 15 metres wide buffer to either side of the bank tops, Poynton Brook and its associated wet ditches, and woodland;
2. retain and protect, through an appropriate buffer and/or mitigation, any protected species;
3. demonstrate through a noise impact assessment that existing residential areas would not be unacceptably affected by noise from the sport and leisure use;
4. make sure that any building is an appropriate facility for outdoor sport and/or recreation and is located and designed utilising the landform of the site in order to acceptably minimise its visual impact and its impact on the Green Belt;
5. seek to avoid the discharging of surface water to the gravity sewer crossing the site;
6. include details of any proposed external lighting (for example of pitches), which should be designed in a way so as not to cause unacceptable nuisance to residents living around the site, give rise to unacceptable highway safety, ecological or landscape impacts, or result in excessive sky glow;
7. make sure that the layout and design of development, including all boundary treatments and related infrastructure preserves the openness of the Green Belt; and
8. undertake a Mineral Resource Assessment for sand and gravel.

Supporting information

12.53 The site is a field located to the north of the town and presents the opportunity for the development of good quality sports facilities through the relocation of Poynton Sports Club. Surrounding land uses include residential and open countryside.

12.54 For the avoidance of doubt, this site remains in the Green Belt.

12.55 The allocation of the site and the relocation of the sports club will enable the redevelopment of the sports club's existing site for residential redevelopment; a separate allocation in the plan (Site PYT 1 'Poynton Sports Club'). The two allocations are therefore linked and a planning obligation will be required to govern the mutual development of each site, specifically to make sure that the new sports and recreation facilities on the Glastonbury Drive site are constructed and fully open and operational before the sport and recreational use of the current Poynton Sports Club site is ceased and the redevelopment of it is commenced.

12.56 The allocation of the site allows for a new building to be constructed on the site, which will support its outdoor sport use. The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds, and allotments is appropriate development in the Green Belt as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The design, scale and massing of the clubhouse therefore needs careful consideration to make sure it remains appropriate and proportionate to its Green Belt location.

12.57 Bringing forward development on the two sites in the way proposed enables Poynton's housing needs to be addressed without the need to remove further land from the Green Belt. At the same time it enables a significant investment to be made in local sports facilities. If these two sites did not come forward in the way proposed, there would be pressure for the release of additional Green Belt land around the town for housing development.



12.58 Any replacement and/or new sports provision should take account of the Cheshire East Playing Pitch Strategy and Action Plan [ED 19], the Cheshire East Indoor Built Facilities Strategy [ED 20] and LPS Policy SC 2 'Indoor and outdoor sports facilities'. Sport England should also be engaged in developing the sports/leisure proposals for the site.

12.59 Planning applicants will need to demonstrate, through a noise impact assessment, that the development of the site will not give rise to unacceptable disturbance for surrounding residents. There are various noise mitigation measures that could be applied, if needed, for example restricting the hours of certain activities close to residential areas, or the provision of a buffer zone.

12.60 Details of external lighting must also be included with any planning application for the development of the site. These details will be very carefully assessed and must demonstrate how unacceptable impacts will be avoided in terms of residential amenity, highway safety, ecology and landscape and also sky glow.

12.61 Poynton Sports Club would need to be fully operational from this site prior to the commencement of development on Site PYT 1 'Poynton Sports Club'.

12.62 A gravity sewer runs through the site from the southwest corner to the northwest of the site; the discharging of surface water to the sewer should be avoided given the availability of Poynton Brook to the north.

12.63 The site lies within the Green Belt in an important open gap between Poynton and adjacent areas of Greater Manchester. This area has already been affected by the building of the A6-Manchester Airport Relief Road and so is vulnerable to further erosion of its open character. Careful design is required to minimise and mitigate the impact of development-including important views into the site from the A532 road and other vantage points, as well as the wider character of the countryside in the sensitive gap between Poynton and Bramhall/Hazel Grove.

12.64 The council is aware from BGS mineral resource mapping that the site is likely to contain sand and gravel resources, as well as being part of a wider adjoining sand resource. As sand is a finite resource essential to support economic growth, it is considered to be of local and national importance in planning policy terms. In line with LPS Policy SE 10 'Sustainable provision of minerals' and national guidance on mineral safeguarding, the council will require the applicant to submit a Mineral Resource Assessment as part of any application to provide information on the feasibility of prior extraction of the mineral resource before the proposed development proceeds and the sterilisation potential that the proposed development will have on any future extraction of the wider resource. The Mineral Resource Assessment should be of a standard acceptable to the council, as the minerals planning authority, and undertaken by a suitably competent person with appropriate qualifications or professional background, such as a minerals surveyor. The findings of the Mineral Resource Assessment will be an important planning consideration in the determination of any planning application for the development of this site.

12.65 Further information on Mineral Resource Assessments can be found in the Minerals Safeguarding Practice Guidance v1.4 (2019, The Mineral Products Association & The Planning Officers Society).



Site PYT 3

Land at Poynton High School

Land at Poynton High School is allocated for residential development for around 20 new homes. Development proposals for the site must:

1. replace the lost playing field to an equivalent or better quality, in a suitable location;
2. provide an 80m buffer zone to protect the proposed dwellings from the risk of ball strike from the adjacent playing field. If this cannot be accommodated, a full ball strike risk assessment should be carried out and any required mitigation provided;
3. demonstrate that the sports facility is an enhanced facility in line with recommendations made in the Cheshire East Indoor Built Facilities Strategy and the Cheshire East Playing Pitch Strategy and Action Plan;
4. make sure that any proposed housing layout does not have a direct impact that would result in an adverse effect on the functionality or capacity of the playing field; and
5. not erect or plant any obstructions within 8m of the edge of the culverted watercourse.

Supporting information

12.66 The site (0.76ha) lies off Dickens Lane to the east of Poynton and includes an area of playing field belonging to Poynton High School, which runs between residential properties along Dickens Lane. Surrounding land uses include residential.

12.67 The intention would be to mitigate the loss of the playing field through measures including qualitative improvements to the remaining playing field area at Poynton High School. The Cheshire East Local Football Facility Plan (December 2018) also highlights a new floodlit 11v11 3G football turf pitch at Poynton High School as a priority project for potential investment.

12.68 Replacement sports facilities should be provided in accordance with LPS Policy SC 2 'Indoor and outdoor sports facilities' and take account of the most up to date playing pitch strategy. Proposals put forward to replace the playing field should be agreed with Sport England. In line with the Cheshire East Playing Pitch Strategy and Action Plan [ED 19], if the replacement playing field includes a 3G pitch, a sinking fund would need to be in place for the long-term sustainability of the 3G pitch, and Football Association testing should be administered so that it can host competitive matches.

12.69 If there are not adequate safety margins then the proposed development is at risk of ball strike, therefore a full ball strike risk assessment should be carried out. Satisfactory mitigation measures could include ball stop fencing or netting and reconfiguration of the cricket pitch.

12.70 A water main easement is located on the south-western boundary of the site and a large gravity sewer runs through the south-eastern part of the site.

12.71 There is a section of culverted watercourse crossing through the eastern area of the site. The culvert should be located and a condition survey carried out in order to assess its current condition/location and any maintenance/upgrading that may be needed. Development proposals should be carried out in line with the requirements of the Cheshire East Land Drainage Byelaws⁽²²⁾ and in consultation with the Lead Local Flood Authority.

12.72 The council is aware from BGS mineral resource mapping that the site is likely to contain shallow coal resources as well as being part of a wider adjoining coal resource. The Coal Authority should be consulted on any planning application for the development of this site.



Site PYT 4

Former Vernon Infants School

The former Vernon Infants School site is allocated for residential development for around 50 new homes. Development proposals for the site must:

1. mitigate the loss of playing field land by its replacement to an equivalent or better quality, in a suitable location, along with qualitative improvements to the remaining playing field;
2. provide an 80m buffer zone to protect the proposed dwellings from the risk of ball strike from the adjacent playing field. If this cannot be accommodated, a full ball strike risk assessment should be carried out and any required mitigation provided;
3. make sure that any proposed housing layout does not have a direct impact that would result in an adverse effect on the functionality or capacity of the playing field;
4. retain the vegetation to the existing building's frontage; and
5. provide a bat survey in support of any planning application.

Supporting information

12.73 The former Vernon Infants School site (0.76ha) presents the opportunity for a sustainably located, high quality residential scheme, and is particularly suitable for retirement homes. It is situated very close to the town centre, with surrounding land uses including residential.

12.74 The intention would be to reconfigure and improve drainage of the playing field and provide a changing room.

12.75 If there aren't adequate safety margins then the proposed development is at risk of ball strike, therefore a full ball strike risk assessment should be carried out. Satisfactory mitigation measures could include ball stop fencing or netting.

Holmes Chapel

Site HCH 1

Land east of London Road

Land east of London Road (6 ha) is allocated for employment development. Development proposals for the site must:

1. retain the River Croco and provide an undeveloped 15 metres wide buffer zone to either side of the bank tops;
2. provide an undeveloped landscape buffer on the northern section of the site, and appropriate buffers to the eastern and southern boundaries;
3. retain and protect any mature trees;
4. not prejudice the council's objectives to deliver a cycling route on the A50, which could link the site to the village centre;
5. demonstrate through a noise impact assessment that residents in the vicinity of the site would not be unacceptably affected by noise from the proposed use; and
6. undertake a Mineral Resource Assessment for sand and gravel, including silica sand.



Supporting information

12.76 This site, located to the southeast of Holmes Chapel, presents the opportunity for the delivery of a high quality employment site, with an emphasis on the manufacturing of pharmaceuticals, and could include the expansion of the adjacent Recipharm pharmaceutical business enterprise.

12.77 There is potential for commonly encountered protected species to be present.

12.78 The site extends over the River Croco, providing additional connectivity between the proposed and existing site; an appropriate landscape buffer should be provided around this area as the boundary does not follow any identifiable features on the ground. Appropriate buffers should also be provided to the eastern and southern boundaries to help filter views of the site.

12.79 The cycling route could be a cycle lane or a shared use footway/cycleway.

12.80 The council is aware from BGS mineral resource mapping that the site is likely to contain sand and gravel, and silica sand resources, as well as being part of a wider adjoining sand resource. As sand is a finite resource essential to support economic growth, it is considered to be of local and national importance in planning policy terms. In line with LPS Policy SE 10 'Sustainable provision of minerals' and national guidance on mineral safeguarding, the council will require the applicant to submit a Mineral Resource Assessment as part of any application to provide information on the feasibility of prior extraction of the mineral resource before the proposed development proceeds and the sterilisation potential that the proposed development will have on any future extraction of the wider resource. The Mineral Resource Assessment should be of a standard acceptable to the council, as the minerals planning authority, and undertaken by a suitably competent person with appropriate qualifications or professional background, such as a minerals surveyor. The findings of the Mineral Resource Assessment will be an important planning consideration in the determination of any planning application for the development of this site.

12.81 Further information on Mineral Resource Assessments can be found in the Minerals Safeguarding Practice Guidance v1.4 (2019, The Mineral Products Association & The Planning Officers Society).

Gypsy, Traveller and Travelling Showpersons sites

Site G&T 1

Land east of Railway Cottages, Nantwich (Baddington Park)

The land east of Railway Cottages (Baddington Park) is allocated for two additional permanent Gypsy and Traveller pitches. Development proposals for the site must:

1. retain hedgerows and incorporate a comprehensive landscaping scheme that provides for appropriate boundary treatments;
2. use permeable materials as hardstanding and provide a drainage strategy to prevent surface run-off from the site into the adjacent pond; and
3. provide for and maintain an appropriate visibility splay and access arrangements from Baddington Lane (A530).

Supporting information

12.82 The site has planning permission for six permanent Gypsy and Traveller Pitches (reference 19/5261N). This allocation would support the intensification of use on the site through the provision of two additional permanent pitches.



12.83 A contaminated land phase 1 preliminary risk assessment, phase 2 ground investigation and risk assessment report has been requested, by condition, for planning application 19/5261N. This should be completed, alongside a remediation strategy, if determined through an update to the phase 1 and 2 assessments that a remediation strategy is required.

12.84 The site is allocated to address the identified need for pitches for Gypsies and Travellers. Conditions will be imposed to permanently govern the occupation of the site.

12.85 For the purposes of the policy, a pitch includes one chalet/mobile home and one touring caravan and is generally home to one household. There is an expectation of a minimum spacing of 6 metres between caravans and adequate on-site essential services and utilities provided, in line with the principles set out in SADPD Policy HOU 7 'Gypsy and Traveller and Travelling Showperson site principles' and LPS Policy SC 7 'Gypsies and Travellers and Travelling Showpeople'.

12.86 In line with Policy HOU 7 'Gypsy and Traveller and Travelling Showperson site principles', the site should ensure and maintain an appropriate water supply, sewer connection and disposal of surface water in a sustainable way. This should include engagement, where appropriate, with the relevant water undertaker.

12.87 There is potential for protected species to be present. Conditions attached to the planning permission on the site for six pitches (ref 19/5261N) requests that a method statement of Great Crested Newt reasonable avoidance measures is completed. This should be updated to reflect any additional pitches on the site.

Site G&T 2

Land at Coppenhall Moss, Crewe

Land at Coppenhall Moss is allocated for seven permanent Gypsy and Traveller pitches. Development proposals for the site must:

1. retain hedgerows and incorporate a comprehensive landscaping scheme that provides for appropriate boundary treatments;
2. provide for an appropriate visibility splay and access arrangements from Parkers Road/Kent's Lane;
3. demonstrate through a noise impact assessment that external and internal noise impacts can be acceptably minimised through appropriate mitigation; and
4. undertake a phase 1 and 2 contaminated land assessment.

Supporting information

12.88 The site is allocated to address the identified need for pitches for Gypsies and Travellers. Conditions will be imposed to permanently govern the occupation of the site.

12.89 For the purposes of the policy, a pitch includes one chalet/mobile home and one touring caravan and is generally home to one household. There is an expectation of a minimum spacing of 6 metres between caravans and adequate on-site essential services and utilities provided, in line with the principles set out in SADPD Policy HOU 7 'Gypsy and Traveller and Travelling Showperson site principles' and LPS Policy SC 7 'Gypsies and Travellers and Travelling Showpeople'.

12.90 There is potential for contamination and noise impacts in relation to an adjacent garage, which will need to be carefully assessed to inform future mitigation measures, where necessary.

12.91 There is potential for protected species to be present. A habitats survey will be required to support any future planning application and inform mitigation measures where necessary.



12.92 A botanical survey will be needed to consider the ecological value of grassland present of the site. This should be prepared in accordance with LPS Policy SE 3 'Biodiversity and geodiversity'.

Site G&T 3

New Start Park, Wettenhall Road, Nantwich

Land at New Start Park is allocated for eight permanent Gypsy and Traveller pitches. Development proposals for this site must:

1. retain hedgerows and incorporate a comprehensive landscaping scheme that provides for appropriate boundary treatments;
2. use permeable materials as hardstanding and provide a drainage strategy to prevent surface run-off from the site; and
3. provide for and maintain appropriate access arrangements from Wettenhall Road.

Supporting information

12.93 The site is allocated to address the identified need for pitches for Gypsies and Travellers. Conditions will be imposed to permanently govern the occupation of the site.

12.94 For the purposes of the policy, a pitch includes one chalet/mobile home and one touring caravan and is generally home to one household. There is an expectation of a minimum spacing of 6 metres between caravans and adequate on-site essential services and utilities provided, in line with the principles set out in SADPD Policy HOU 7 'Gypsy and Traveller and Travelling Showperson site principles' and LPS Policy SC 7 'Gypsies and Travellers and Travelling Showpeople'.

12.95 Further assessment, in line with LPS Policy SE 3 'Biodiversity and geodiversity', would be required to consider the long term management of habitat creation measures on the site.

12.96 In line with Policy HOU 7 'Gypsy and Traveller and Travelling Showperson site principles', the site should ensure and maintain an appropriate water supply, sewer connection and disposal of surface water in a sustainable way. This should include engagement, where appropriate, with the relevant water undertaker.

Site G&T 4

Three Oakes Site, Booth Lane, Middlewich

Land at Three Oakes, Booth Lane is allocated for 24 permanent Gypsy and Traveller Pitches. Development proposals for this site must:

1. retain hedgerows and incorporate a comprehensive landscaping scheme that provides for appropriate boundary treatments in accordance with the recommendations of the Heritage Impact Assessment (CEC 2019) prepared for the site;
2. provide for an appropriate visibility splay and access arrangements from Booth Lane; and
3. use permeable materials as hardstanding and provide a drainage strategy to prevent surface run-off from the site.

Supporting information

12.97 The site is allocated to address the identified need for pitches for Gypsies and Travellers and would be an extension to an existing caravan park on Booth Lane, Middlewich. Conditions will be imposed to permanently govern the occupation of the site.



12.98 The Trent and Mersey Canal Conservation Area is close to the site. Development should retain existing and provide for additional landscaping, with the planting of indigenous species of trees and shrubs to preserve and enhance the conservation area, particularly along the eastern boundary in line with the recommendations from the Heritage Impact Assessment prepared for the site.

12.99 The site is located close to Sandbach Flashes SSSI, which is notified for its physiographical and biological importance. It consists of a series of pools and has triggered the impact risk zone for development. An application should be supported with appropriate evidence regarding any impacts on Sandbach Flashes SSSI, in line with LPS Policy SE 3 'Biodiversity and geodiversity' along with appropriate mitigation measures, where required.

12.100 For the purposes of the policy, a pitch includes one chalet/mobile home and one touring caravan and is generally home to one household. There is an expectation of a minimum spacing of 6 metres between caravans and adequate on-site essential services and utilities provided, in line with the principles set out in SADPD Policy HOU 7 'Gypsy and Traveller and Travelling Showperson site principles' and LPS Policy SC 7 'Gypsies and Travellers and Travelling Showpeople'.

12.101 In line with Policy HOU 7 'Gypsy and Traveller and Travelling Showperson site principles', the site should ensure and maintain an appropriate water supply, sewer connection and disposal of surface water in a sustainable way. This should include engagement, where appropriate, with the relevant water undertaker.

Site G&T 5

Cledford Hall, Cledford Lane, Middlewich

Land at Cledford Hall, Cledford Lane is allocated for 10 Gypsy and Traveller transit pitches. Development proposals for this site must:

1. retain hedgerows and incorporate a comprehensive landscaping scheme that provides for appropriate boundary treatments;
2. provide for an appropriate visibility splay and access arrangements from Cledford Lane;
3. demonstrate through a noise impact assessment that external and internal noise impacts can be acceptably minimised through appropriate mitigation including a noise management plan; and
4. use permeable materials as hardstanding and provide a drainage strategy to prevent surface run-off from the site.

Supporting information

12.102 The site is allocated to address the identified need for transit pitches for Gypsies and Travellers. Occupation of any development will be restricted to persons complying with the definition of Gypsies and Travellers, and conditions will be imposed to secure the transit nature and govern the occupation of the site. This will include governing the maximum duration of a single stay on the site to make sure that the site continues to provide for transit accommodation for Gypsies and Travellers in perpetuity.

12.103 For the purposes of the policy, there shall be no more than 10 pitches on the site and on each of the 10 pitches, no more than two caravans. There is an expectation of a minimum spacing of 6 metres between caravans and adequate on-site essential services and utilities provided, in line with the principles set out in SADPD Policy HOU 7 'Gypsy and Traveller and Travelling Showperson site principles' and LPS Policy SC 7 'Gypsies and Travellers and Travelling Showpeople'.

12.104 It is expected that all internal roads and parking facilities are provided for prior to first occupation.



12.105 The Middlewich Eastern Bypass, now with planning permission, will provide for highway improvements along Cledford Lane including improvements to footpath and cycle provision and an alternative access to junction 18 of the M6. Any visual, noise and pollution assessment of development should be undertaken with the assumption that the Middlewich Eastern Bypass is in situ and suitable screening/mitigation provided accordingly.

12.106 The gateposts at the site entrance should be retained as a physical record of the previous heritage assets on the site.

12.107 There is potential for protected species to be present. A habitats survey will be required to support any future planning application and inform mitigation measures, where necessary.

Site G&T 6

The Oakes, Mill Lane, Smallwood

Land at The Oakes, Mill Lane is allocated for four additional permanent Gypsy and Traveller pitches. Development proposals for this site must:

1. retain hedgerows and incorporate a comprehensive landscaping scheme that provides for appropriate boundary treatments;
2. provide for and maintain an appropriate visibility splay and access arrangements from Mill Lane; and
3. use permeable materials as hardstanding and provide a drainage strategy to prevent surface run-off from the site.

Supporting information

12.108 Part of the site has planning permission for four permanent Gypsy and Traveller Pitches (reference 14/2590C). This allocation would extend the footprint and support the provision of four additional permanent pitches on a wider allocated site.

12.109 There is potential for protected species to be present. A habitats survey will be required to support any future planning application and inform mitigation measures, where necessary. A botanical survey will be needed to consider the ecological value of semi-natural habitat and grassland on the site. This should be prepared in accordance with LPS Policy SE 3 'Biodiversity and geodiversity'.

12.110 The site is allocated to address the identified need for pitches for Gypsies and Travellers. Conditions will be imposed to permanently govern the occupation of the site.

12.111 For the purposes of the policy, a pitch includes one chalet/mobile home and one touring caravan and is generally home to one household. There is an expectation of a minimum spacing of 6 metres between caravans and adequate on-site essential services and utilities provided, in line with the principles set out in SADPD Policy HOU 7 'Gypsy and Traveller and Travelling Showperson site principles' and LPS Policy SC 7 'Gypsies and Travellers and Travelling Showpeople'.

12.112 In line with Policy HOU 7 'Gypsy and Traveller and Travelling Showperson site principles', the site should ensure and maintain an appropriate water supply, sewer connection and disposal of surface water in a sustainable way. This should include engagement, where appropriate, with the relevant water undertaker.



Site TS 1

Lorry park, off Mobberley Road, Knutsford

The lorry park, off Mobberley Road, is allocated for three Travelling Showperson plots. Development proposals for the site must:

1. retain the existing hedgerows and incorporate a comprehensive landscaping scheme that provides for appropriate boundary treatments;
2. demonstrate through a noise impact assessment that external and internal noise impacts can be acceptably minimised through appropriate mitigation;
3. undertake a phase 1 and 2 contaminated land assessment;
4. provide a buffer from the existing recycling centre to achieve an acceptable level of residential amenity for prospective residents, including in terms of noise and disturbance; and
5. use permeable materials as replacement hardstanding, where required, and provide a drainage strategy to manage surface run-off from the site.

Supporting information

12.113 The site is allocated to meet the accommodation needs of Travelling Showpeople. Occupation of any development will be restricted to persons complying with the definition of Travelling Showpeople, and conditions will be imposed to permanently govern the occupation of the site.

12.114 A noise impact assessment should be prepared to consider the impact from aircraft noise and the adjacent waste recycling centre. A phase 1 and 2 contaminated land assessment is required due to its proximity to Shaw Heath Landfill site.

12.115 The site should provide appropriate contributions to local health facilities, where identified as necessary by the local clinical commissioning group.

12.116 No commercial activities shall take place on the land, including the storage and sorting of materials, other than as necessary for the use as a Travelling Showpersons site. Travelling Showperson plots should avoid conflict between vehicles and residents through an appropriate layout of the site.

12.117 Any development would need to make sure that prospective occupiers would enjoy an acceptable level of residential amenity, including in terms of noise and odour. Amenity issues in respect of the maintenance of equipment and other matters should be suitably addressed through planning conditions.

12.118 There is an expectation of adequate on-site essential services and utilities being provided, in line with the principles set out in SADPD Policy HOU 7 'Gypsy and Traveller and Travelling Showperson site principles' and LPS Policy SC 7 'Gypsies and Travellers and Travelling Showpeople'.



Site TS 2

Land at Fir Farm, Brereton

Land at Fir Farm is allocated for 10 Travelling Showperson plots. Development proposals for this site must:

1. retain the existing hedgerows and incorporate a comprehensive landscaping scheme that provides for appropriate boundary treatments in accordance with the recommendations of the Heritage Impact Assessment (CEC 2019) prepared for the site;
2. secure and maintain appropriate visibility splays and access arrangements onto the A50, including the implementation of a new vehicular access into the site from the A50; and
3. avoid any obstructions to the surface water flow path that runs along the western boundary of the site. Any proposed alternations or obstructions to the flow path should be modelled and managed appropriately.

Supporting information

12.119 The site is allocated to meet the accommodation needs of Travelling Showpeople. Occupation of any development will be restricted to persons complying with the definition of Travelling Showpeople, and conditions will be imposed to permanently govern the occupation of the site.

12.120 Any landscaping scheme should consider the retention and provision of native hedgerows and trees. Urbanising features such as walls, gates and the design of ancillary outbuildings should maintain the rural setting of listed buildings at Tudor Cottage and Holly Cottage in line with the recommendations from the Heritage Impact Assessment prepared for the site.

12.121 There is potential for protected species to be present. A habitats survey will be required to support any future planning application and inform the mitigation measures. Development proposals on grassland habitats should be supported by a botanical survey.

12.122 A new highways access would be required into the site. Planning approval was granted, on 09 November 2018 (ref 18/2961C) for a new vehicular access from the A50 to serve land to the rear of Firs Farm and this should be implemented prior to the delivery of the allocation.

12.123 The site is within 50 metres of a landfill site at Arclid. There is potential for issues for permanent structures that would require additional assessment and/or mitigation including a phase 1 contaminated land assessment.

12.124 No commercial activities shall take place on the allocated land, including the storage and sorting of materials, other than as necessary for the use as a Travelling Showpersons site. Travelling Showperson plots should avoid conflict between vehicles and residents through an appropriate layout of the site.

12.125 Amenity issues in respect of the maintenance of equipment and other matters should be suitably addressed through planning conditions.

12.126 There is an expectation of adequate on-site essential services and utilities being provided, in line with the principles set out in SADPD Policy HOU 7 'Gypsy and Traveller and Travelling Showperson site principles' and LPS Policy SC 7 'Gypsies and Travellers and Travelling Showpeople'.



Site TS 3

Land at former brickworks, A50 Newcastle Road

Land at the former brickworks, A50 Newcastle Road is allocated for two additional Travelling Showperson plots. Development proposals for this site must:

1. retain the existing hedgerows and incorporate a comprehensive landscaping scheme that provides for appropriate boundary treatments;
2. secure and maintain appropriate visibility splays and access arrangements onto the A50;
3. demonstrate through a noise impact assessment that external and internal noise impacts can be acceptably minimised through appropriate mitigation;
4. use permeable materials as hardstanding and provide a drainage strategy to prevent surface run-off from the site; and
5. undertake a phase 1 and 2 contaminated land assessment.

Supporting information

12.127 The intensification of use is supported on this site to meet the accommodation needs of Travelling Showpeople. Occupation of any development will be restricted to persons complying with the definition of Travelling Showpeople, and conditions will be imposed to permanently govern the occupation of the site.

12.128 A noise impact assessment should be prepared to consider the impact from the A50. No commercial activities shall take place on the land, including the storage and sorting of materials, other than as necessary for the use as a Travelling Showpersons site. Travelling Showperson plots should avoid conflict between vehicles and residents through an appropriate layout of the site.

12.129 There is an expectation of adequate on-site essential services and utilities being provided, in line with the principles set out in SADPD Policy HOU 7 'Gypsy and Traveller and Travelling Showperson site principles' and LPS Policy SC 7 'Gypsies and Travellers and Travelling Showpeople'.





13

Monitoring and implementation



13 Monitoring and implementation

13.1 A monitoring framework (SADPD MF) has been developed, which is set out in Table 13.1 'SADPD monitoring framework', to effectively monitor the policies of the SADPD. It lists the core monitoring indicators that will appear in the council's yearly Authority Monitoring Report (AMR) in relation to policies set out in the SADPD and adds to the monitoring framework contained in Table 16.1 of the LPS.

13.2 The SADPD MF includes, where appropriate, targets to be achieved, triggers and proposed actions. Where it would appear through monitoring that targets are not being met, it may be necessary to:

- review the policies in the local plan⁽²³⁾ to see if they need to be amended in order to deliver the Strategic Priorities of the LPS
- consider alternative strategies
- take appropriate management action to remedy the cause of under-performance.

13.3 The need to update policies or take appropriate management action will consider evidence on likely future delivery, for example information on granting of planning permissions and feedback from developers on the prospects for the implementation of schemes. Any recommended actions will be set out in the AMR.

Table 13.1 SADPD monitoring framework

Indicator No.	Indicator	Target	Trigger ^(A)	Proposed action for target not being met
MF19	Employment land supply.	Maintain a continuous supply to support growth of the local economy.	Inability to maintain a continuous employment land supply to support growth of the local economy.	Consider as part of five-year plan review.
MF20	Town centre use floorspace completions - amount and sequential location.	Majority of completions to be located in town centres.	Majority of completions for town centre uses not located in a town centre. Approval of large format retail outside of town centre boundary on an unallocated site.	Review reasons for decision. Consider as part of five-year plan review.
MF21	Number of vacant retail units in town centres.	CE average yearly vacancy rate to be below the national vacancy rate.	CEC average yearly vacancy rate persistently above the national average.	Examine reasons for decline in performance of town centre. Consider as part of five-year plan review.
MF22	Primary shopping area units - use class breakdown.	Maintain the majority of primary shopping areas in E(a) use.	Majority of primary shopping areas not in E(a) use.	Consider as part of five-year plan review.

23 The NPPF (2021) paragraph 33 states 'Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.'



Indicator No.	Indicator	Target	Trigger ^(A)	Proposed action for target not being met
MF23	Breakdown of categories of buildings in town centres.	Maintain most of the town centre in convenience and comparison uses.	Most of the town centre not in convenience or comparison use.	Consider as part of five-year plan review.
MF24	Neighbourhood parades of shops - use class breakdown.	Maintain the role of the Neighbourhood Parades of shops in line with Policy RET 6 'Neighbourhood parades of shops'.	Persistent loss of E(a) and/or F2(a) use.	Consider as part of five-year plan review.
MF25	Progress on major regeneration schemes.	Description of progress of schemes to completion, and inclusion of any new schemes.	Stalled regeneration schemes.	Discuss with the Economic Development Team. Consider as part of five-year plan review.
MF26	Housing completions by location from 2010.	For completions to meet the spatial distribution outlined in LPS Policy PG 7'Spatial distribution of development'.	Completions persistently not meeting the spatial distribution.	Consider as part of five-year plan review.
MF27	Types of dwelling completed.	To meet the requirements identified in the Residential Mix Assessment.	Requirements of the Residential Mix Assessment not met.	Consider as part of five-year plan review.
MF28	Sizes of dwelling completed, by number of bedrooms.	To meet the requirements identified in the Residential Mix Assessment.	Requirements of the Residential Mix Assessment not met.	Consider as part of five-year plan review.
MF29	Self-build and custom-build homes permissions.	Within 3 years, meet the demand established by reference to the number of entries added to the council's Part 1 register during each (yearly) base period.	Demand not being met.	Consider as part of five-year plan review.
MF30	Density of new housing developments (dwellings per hectare).	Residential development proposals are generally expected to achieve a net density of at least 30 dwellings per hectare.	Majority of proposals below 30 dwellings per hectare.	Consider as part of five-year plan review.
MF31	Number of designated heritage assets.	No reduction in the number of designated heritage assets.	Reduction in number of heritage assets.	Discuss with the Environmental Planning Team. Consider as part of five-year plan review.
MF32	Number of designated heritage assets at risk.	To seek an on-going reduction in the number of heritage assets at risk during the plan period so that the overall number is less in 2030 than it was at the start of the plan	The number of heritage assets at risk is over 30 at 2030.	Discuss with the Environmental Planning Team. Consider as part of five-year plan review.



Indicator No.	Indicator	Target	Trigger ^(A)	Proposed action for target not being met
		period, where there were 30 designated heritage assets at risk.		
MF33	Number of planning applications approved contrary to EA advice on water quality grounds.	Zero applications.	Planning application approved contrary to EA advice on water quality grounds.	Review reasons for decision. Consider as part of five-year plan review if necessary.
MF34	Number of planning applications approved contrary to EA advice on flood risk.	Zero applications.	Planning application approved contrary to EA advice on flood risk.	Review reasons for decision. Consider as part of five-year plan review if necessary.
MF35	Ecological and chemical river quality.	To achieve good status for all water bodies.	Water body status persistently below good.	Consider as part of five-year plan review.
MF36	Highest, lowest and average air quality in Air Quality Management Areas.	Reduction of specific pollutants through the lifetime of the plan.	Increase in specific pollutants.	Discuss with Environmental Protection Team to identify mitigation measures to address impacts of air quality. Consider as part of five-year plan review.

- A. 51% is considered to be a majority. To indicate a trend (or change in trend), and hence to determine persistency, there needs to be at least five years of an increase/decrease in figures.



14

Glossary



14 Glossary

Affordable housing	<p>Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:</p> <ol style="list-style-type: none"> Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the government's rent policy for social rent or affordable rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a build to rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For build to rent schemes, affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as affordable private rent). Starter homes: is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used. Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households. Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to government or the relevant authority specified in the funding agreement.
Amenity	A positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the interrelationship between them, or less tangible factors such as tranquillity.
Backland and tandem development	Backland development is the development of a site behind existing buildings with no (or very limited) street frontage, usually surrounded by existing development curtilages. Tandem development is usually the placing of one dwelling behind another within a single plot.
Best and most versatile agricultural land	Land in grades 1, 2 and 3a of the Agricultural Land Classification.
Blue infrastructure	A network of water that supports native species, maintains natural ecological processes, prevents flooding, sustains air and water resources and contributes to the health and quality of life of local communities.



Brownfield land	Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.
Built-up frontage	A built-up frontage is considered to be a substantial line of buildings fronting a road with a fairly dense and uniform pattern of development. Loose groupings of buildings in substantial grounds or with other spaces between them are not considered to be built-up frontages.
Community Infrastructure Levy	A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their area.
Conservation	The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.
Conservation area	Areas of special architectural or historic interest.
Designated heritage asset	A world heritage site, scheduled monument, listed building, protected wreck site, registered park and garden, registered battlefield or conservation area designated under the relevant legislation.
Development plan	Is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force. Neighbourhood plans that have been approved at referendum are also part of the development plan, unless the local planning authority decides that the neighbourhood plan should not be made.
Edge of centre	For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.
Employment land	Land identified for development for: offices to carry out any operational or administrative functions; the research and development of products or processes; any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit; general industrial; and storage and distribution uses as defined by use classes E(g)(i), E(g)(ii), E(g)(iii), B2 and B8. It does not include land for retail development.
Geodiversity	The range of rocks, minerals, fossils, soils and landforms.
Green Belt	A designation for land around certain cities and large built-up areas, which aims to keep this land permanently open or largely undeveloped. The purposes of the Green Belt are to: check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns from merging into one another; safeguard the countryside from encroachment; preserve the setting and special character of historic towns; and assist urban regeneration by encouraging the recycling of derelict and other urban land. Green Belts are defined in a local planning authority's development plan.



Greenfield	Land, or a defined site, usually farmland, that has not previously been developed.
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.
Heritage asset	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).
Historic environment	All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.
Infrastructure	Basic services necessary for development to take place, for example, roads, electricity, sewerage, water, education, sport/recreation and health facilities.
Infrastructure delivery plan	National planning policy formally requires local authorities to demonstrate sufficient infrastructure exists, or will be provided, to support their strategies for new development as set out in their local plan documents.
Infill development	Infill development is generally the development of a relatively small gap between existing buildings. The scale of infill development will depend upon the location of the site. Several local plan policies refer to infill development and set out what scale is appropriate. These policies include LPS Policy PG 3 'Green Belt'; LPS Policy PG 6 'Open countryside'; and SADPD Policy PG 10 'Infill villages'.
Infill village	Infill villages are settlements within the 'other settlements and rural areas' tier of the settlement hierarchy. They do not have a settlement boundary and are within the open countryside, but they do have a defined infill boundary, in which limited infilling can be allowed.
Intermediate housing	A form of affordable housing at prices and rents above those of social rent, but below market price or rents, and which meets the criteria for affordable housing in the NPPF. These include shared equity products, other low-cost home ownership products and housing at intermediate rent.
Key service centre (KSC)	Towns with a range of employment, retail and education opportunities and services, with good public transport. The KSCs are Alsager, Congleton, Handforth, Knutsford, Middlewich, Nantwich, Poynton, Sandbach and Wilmslow.
Listed building	A building or structure of special architectural or historic interest. Listed buildings are graded I, II* or II, with grade I being the highest. Listing includes the interior as well as the exterior of the building, and includes any buildings or permanent structures in its curtilage that have formed part of the land since before 01 July 1948. Historic England is responsible for designating buildings for listing in England.
Local green gap	An area of land designated to maintain and enhance the character and separate identities of the borough's towns and villages. The purpose of local green gaps is to provide long-term protection against coalescence, protecting the setting and separation of settlements and retaining the existing settlement pattern by maintaining the openness of land. Local green gaps are designated through neighbourhood plans.



Local landscape designations	Non-statutory and locally designated areas outside the national landscape designations, which are considered by the local planning authority to be of particular landscape value to the local area.
Local plan	A plan for the future development of a 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. A local plan can consist of either strategic or non-strategic policies, or a combination of the two.
Local Plan Strategy (LPS)	A development plan document and the first part of the council's local plan, the LPS was adopted in July 2017. It sets out the overall planning framework for the area. It includes strategic policies and allocations to achieve sustainable development.
Local planning authority	The local authority or council that is empowered by law to exercise planning functions. Often the local borough or district council. National park authorities and the Broads Authority are also considered to be local planning authorities.
Local service centre (LSC)	The third tier of settlements in the local plan's settlement hierarchy after principal towns and key service centres. They are planned to accommodate a lower level of development generally reflective of the range of services and facilities that they offer. The LSCs are Alderley Edge, Audlem, Bollington, Bunbury, Chelford, Disley, Goostrey, Haslington, Holmes Chapel, Mobberley, Prestbury, Shavington and Wrenbury.
Local urban centre	Defined area comprising of a range of shops and services that generally function to meet local, day-to-day shopping needs, sometimes including small supermarkets. Local urban centres fall within the definition of town centres.
Local wildlife sites/site of biological importance	Locally important sites of nature conservation adopted by local authorities for planning purposes.
Main town centre uses	Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).
Major development	Major development is defined as: residential developments of 10 or more dwellings or a site area of more than 0.5ha; retail, commercial or industrial or other developments with a floorspace of more than 1,000 square metres or a site area of more than 1ha.
Masterplan	A means of expressing a vision for how a development opportunity site could be designed. Often these are illustrative rather than detailed.
National Planning Policy Framework (NPPF)	Sets out the government's planning policies for England and how these are expected to be applied.
Neighbourhood parade of shops	Defined area comprising a small group of shops and other facilities serving the day to day needs of residents generally within a very localised catchment. Neighbourhood parades of shops do not fall within the definition of town centres.


Neighbourhood plan

A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004.

Non-designated heritage asset

Locally important heritage assets identified by the local planning authority, where there is often a strong local affinity or association:

- Areas of local archaeological interest (including the areas of archaeological potential and sites of archaeological importance identified in local plans)
- Buildings of local architectural or historic interest (local list)
- Locally important built assets not on the local list
- Locally significant historic parks and gardens
- Other locally important historic landscapes

Older people

People over or approaching retirement age, including the active, newly retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialist housing for those with support or care needs.

Open countryside

The area outside of any settlement with a defined settlement boundary (including principal towns, key service centres, local service centres and any other settlements with a settlement boundary identified in a made neighbourhood plan).

Open space

All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

Out of centre

A location which is not in or on the edge of a centre but not necessarily outside the urban area.

Outdoor sports facilities

Sports facilities with natural or artificial surfaces (and either publicly or privately owned) – including tennis courts, bowling greens, sports pitches, golf courses, athletics tracks, school and other institutional playing fields and other outdoor sports areas-these facilities may have ancillary infrastructure such as changing accommodation or pavilions.

Pitch/plot

A pitch is an area of land generally home to one household on a Gypsy and Traveller Site. A plot means a pitch on a Travelling Showperson site (often called a 'yard'). This terminology differentiates between residential pitches for Gypsies and Travellers and mixed-use plots for Travelling Showpeople, which may/will need to incorporate space or to be split to allow for the storage of equipment. For the purposes of the allocations included in the SADPD: a pitch is made up of one chalet or mobile home and one touring caravan for a single household; there will usually be a separate amenity block, which will include a toilet, and washing and cooking facilities; and plots for Travelling Showpeople are likely to require a larger area, due to the additional space needed for the storage of equipment.

Planning obligation

A legal agreement entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.

Pollution

Anything that affects the quality of land, air, water or soils, which might lead to an adverse impact on human health, the natural environment or general amenity. Pollution can arise from a range of emissions, including smoke, fumes, gases, dust, steam, odour, noise and light.

Previously developed land

See 'Brownfield land'.



Primary shopping area	Defined area where retail development is concentrated.
Principal town	The largest towns with a wide range of employment, retail and education opportunities and services, serving a large catchment area with a high level of accessibility and public transport. The principal towns are Crewe and Macclesfield.
Priority habitats and species	Species and habitats of principal importance included in the England Biodiversity List published by the Secretary of State under Section 41 of the Natural Environment and Rural Communities Act 2006.
Ramsar sites	Wetlands of international importance, designated under the 1971 Ramsar Convention.
Registered battlefield	The Historic England Register of Historic Battlefields identifies 43 important English battlefields. Its purpose is to offer them protection and to promote a better understanding of their significance.
Registered parks and gardens	Historic England compiles a register of historic parks and gardens. Historic parks and gardens are a fragile and finite resource; they can easily be damaged beyond repair or lost forever. From town gardens and public parks to the great country estates, such places are an important, distinctive, and much cherished part of our inheritance.
Renewable and low carbon energy	Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment-from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).
Safeguarded land	Safeguarded land is land between the urban area and the Green Belt. It aims to protect Green Belt in the longer term by reserving land which may be required to meet longer-term development needs.
Settlement hierarchy	The local plan settlement hierarchy is set out in LPS Policy PG 2. It categorises settlements into four tiers: principal towns, key service centres, local service centres and other settlements and rural areas.
Scheduled monument	A nationally-important site or monument which is given legal protection against disturbance or change.
Self build and custom build housing	Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.
Site of special scientific interest (SSSI)	Sites designated by Natural England under the Wildlife and Countryside Act 1981.
Special areas of conservation (SAC)	Areas defined by regulation 3 of the Conservation of Habitats and Species Regulations 2017 which have been given special protection as important conservation sites.
Special protection areas (SPA)	Areas classified under regulation 15 of the Conservation of Habitats and Species Regulations 2017 which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds.



Stepping stones	Pockets of habitat that, while not necessarily connected, facilitate the movement of species across otherwise inhospitable landscapes.
Strategic green gap	An area of land designated to maintain and enhance the character and separate identities of the borough's towns and villages. LPS Policy PG 5 designates four strategic green gaps between Crewe and Nantwich and between Crewe and its surrounding villages. The purpose of these strategic green gaps is to provide long-term protection against coalescence, protecting the setting and separation of settlements and retaining the existing settlement pattern by maintaining the openness of land.
Strategic site/location	An important or essential site/area in relation to achieving the vision and strategic priorities of the local plan and which contributes to accommodating the sustainable development planned for over the local plan period.
Supplementary planning documents	Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.
Sustainability appraisal	An appraisal of the economic, environmental and social effects of potential policies and proposals to inform the development of the plan.
Sustainable development	<p>A widely used definition drawn up by the World Commission on Environment and Development in 1987: "Development that meets the needs of the present without compromising the ability of future generations to meet their own needs." The government has set out four aims for sustainable development in its strategy 'A Better Quality of Life, a Strategy for Sustainable Development in the UK'. The four aims, to be achieved simultaneously are:</p> <ul style="list-style-type: none"> • Social progress that recognises the needs of everyone; • Effective protection of the environment; • Prudent use of natural resources; and • Maintenance of high and stable levels of economic growth and employment.
Sylvan	Wooded, or consisting of or associated with woods.
Town centres	Area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.
Wheelchair accessible dwelling	Defined in Building Regulations Approved Document M as Category 3 dwelling constructed to be suitable for immediate occupation by a wheelchair user where the planning authority specifies that optional requirement M4(3)(2)(b) applies.
Wheelchair adaptable dwelling	Defined in Building Regulations Approved Document M as Category 3 dwelling constructed with the potential to be adapted for occupation by a wheelchair user where optional requirement M4(3)(2)(a) applies.
Wildlife corridor	Areas of habitat connecting wildlife populations.
World heritage site	A place that is listed by the United Nations Educational, Scientific and Cultural Organisation as of special cultural or physical significance, which the World Heritage Committee considers as having outstanding universal value.



Appendices



Appendix A Related documents and links

A.1 Documents published to support the SADPD are all available to download from the SADPD webpage: <https://www.cheshireeast.gov.uk/sadpd>

- Revised Publication Draft SADPD Sustainability Appraisal (2020, Cheshire East Council) [ED 03]
- Revised Publication Draft SADPD Sustainability Appraisal Non-technical Summary (2020, Cheshire East Council) [ED 03a]
- SADPD Habitats Regulations Assessment (Revised Publication version) (2020, JBA Consulting) [ED 04]
- The Provision of Housing and Employment Land and the Approach to Spatial Distribution (2020, Cheshire East Council) [ED 05]
- Settlement and Infill Boundaries Review (2020, Cheshire East Council) [ED 06]
- Site Selection Methodology Report (2020, Cheshire East Council) [ED 07]
- Strategic Green Gaps Boundary Definition Review (2020, Cheshire East Council) [ED 08]
- Ecological Network for Cheshire East (2017, Total Environment) [ED 09]
- Cheshire East Landscape Character Assessment (2018, LUC) [ED 10]
- Cheshire East Local Landscape Designation Review (2018, LUC) [ED 11]
- Employment Allocations Review (2020, Cheshire East Council) [ED 12]
- Cheshire East, Cheshire West and Chester, Halton and Warrington Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (2018, Opinion Research Services) [ED 13]
- Gypsy, Traveller and Travelling Showpeople Site Selection Report (2020, Cheshire East Council) [ED 14]
- Aircraft Noise Policy Background Report (2020, Jacobs) [ED 15]
- Threshold Policy for Main Town Centres Uses Impact Test: Evidence and Justification Report (2018, WYG) [ED 16]
- Cheshire East Retail Study Partial Update (2020, WYG) [ED 17]
- Green Space Strategy Update (2020, Cheshire East Council) [ED 18]
- Cheshire East Playing Pitch Strategy and Action Plan (2019, Knight, Kavanagh & Page) [ED 19]
- Playing Pitch Strategy Assessment Report Update (2019, Knight, Kavanagh & Page) [ED 19a]
- Cheshire East Indoor Built Facilities Strategy (2017, Knight, Kavanagh & Page) [ED 20]
- Indoor Built Facilities Strategy Progress and Evidence Review (2019, Cheshire East Council) [ED 20a]
- Alderley Edge Settlement Report (2020, Cheshire East Council) [ED 21]
- Alsager Settlement Report (2020, Cheshire East Council) [ED 22]
- Audlem Settlement Report (2020, Cheshire East Council) [ED 23]
- Bollington Settlement Report (2020, Cheshire East Council) [ED 24]
- Bunbury Settlement Report (2020, Cheshire East Council) [ED 25]
- Chelford Settlement Report (2020, Cheshire East Council) [ED 26]
- Congleton Settlement Report (2020, Cheshire East Council) [ED 27]
- Crewe Settlement Report (2020, Cheshire East Council) [ED 28]
- Disley Settlement Report (2020, Cheshire East Council) [ED 29]
- Goostrey Settlement Report (2020, Cheshire East Council) [ED 30]
- Handforth Settlement Report (2020, Cheshire East Council) [ED 31]
- Haslington Settlement Report (2020, Cheshire East Council) [ED 32]
- Holmes Chapel Settlement Report (2020, Cheshire East Council) [ED 33]
- Knutsford Settlement Report (2020, Cheshire East Council) [ED 34]
- Macclesfield Settlement Report (2020, Cheshire East Council) [ED 35]
- Middlewich Settlement Report (2020, Cheshire East Council) [ED 36]
- Mobberley Settlement Report (2020, Cheshire East Council) [ED 37]
- Nantwich Settlement Report (2020, Cheshire East Council) [ED 38]



- Poynton Settlement Report (2020, Cheshire East Council) [ED 39]
- Prestbury Settlement Report (2020, Cheshire East Council) [ED 40]
- Sandbach Settlement Report (2020, Cheshire East Council) [ED 41]
- Shavington Settlement Report (2020, Cheshire East Council) [ED 42]
- Wilmslow Settlement Report (2020, Cheshire East Council) [ED 43]
- Wrenbury Settlement Report (2020, Cheshire East Council) [ED 44]
- Call for Sites Report (2020, Cheshire East Council) [ED 45]
- Other Settlements and Rural Areas Report (2020, Cheshire East Council) [ED 46]
- Cheshire East Green Infrastructure Plan (2019, The Environment Partnership) [ED 47]
- Heritage Impact Assessments of Sites in Local Plan Site Selection (2019, Hinchliffe Heritage) [ED 48]
- Cheshire East Residential Mix Assessment (2019, Opinion Research Services) [ED 49]
- Restaurants, Cafés, Pubs and Hot Food Takeaways Background Report (2020, Cheshire East Council) [ED 50]
- SADPD Duty to Co-operate Statement of Common Ground (2019, Cheshire East Council) [ED 51]
- Local Plan Site Allocations and Development Policies Viability Assessment (2020, HDH Planning and Development) [ED 52]
- Local Service Centres Safeguarded Land Distribution Report (2020, Cheshire East Council) [ED 53]
- Local Plan Monitoring Framework (2020, Cheshire East Council) [ED 54]
- Green Infrastructure Assessment of Cheshire East (2018, The Mersey Forest) [ED 55]
- SADPD Consultation Statement (2020, Cheshire East Council) [ED 56]
- Nationally Described Space Standards (2020, Cheshire East Council) [ED 57]
- The Approach to Small Sites (2020, Cheshire East Council) [ED 58]

A.2 Additional documents from the LPS examination library may also be relevant in support of SADPD policies. These can be viewed via the LPS webpage at <https://www.cheshireeast.gov.uk/localplanstrategy>.

Other related documents

- A Green Future: Our 25 Year Plan to Improve the Environment (2018, HM Government). Available at www.gov.uk/government/publications/25-year-environment-plan
- Acoustics Ventilation and Overheating Residential Design Guide, Version 1.1 (2020, Association of Noise Consultants). Available at <https://www.association-of-noise-consultants.co.uk/avo-guide/>
- Active Design Guide (2015, Sport England and Public Health England). Available at www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design
- Amenity and Facilities Standards in Houses in Multiple Occupation (2020, Cheshire East Council). Available at <https://www.cheshireeast.gov.uk/pdf/housing/hmo-amenities-guide.pdf>
- Ancient Woodland, Ancient Trees and Veteran Trees: Protecting them from Development (2018, Natural England and the Forestry Commission). Available at www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences
- Bentley Motors Development Framework and Masterplan (2017, Cheshire East Council and HOW Planning). Available at <https://www.cheshireeast.gov.uk/pdf/planning/spatial-planning/bentley-motors-development-framework-and-masterplan.pdf>
- Biodiversity Net Gain: Good Practice Principles for Development (2017, CIEEM, CIRIA and IEMA). Available at <https://cieem.net/biodiversity-net-gain-guidance-published/>
- BS 5837 Trees in relation to design, demolition and construction - Recommendations (2012, British Standards Institute). Available at <https://shop.bsigroup.com/ProductDetail?pid=000000000030213642>
- BS 8233 Guidance on sound insulation and noise reduction for buildings (2014, British Standards Institute). Available at <https://shop.bsigroup.com/ProductDetail?pid=000000000030241579>
- BS EN 16798-1 Energy performance of buildings – ventilation for buildings part 1: Indoor environmental input parameters for design and assessment of energy performance of buildings addressing indoor air quality, thermal environment, lighting and acoustics - Module M1 (2019,



British Standards Institute). Available at

<https://shop.bsigroup.com/ProductDetail?pid=000000000030297474>

- BB93: Acoustic design of schools - performance standards (2015, Department for Education). Available at www.gov.uk/government/publications/bb93-acoustic-design-of-schools-performance-standards
- Building for a Healthy Life (2021, Birkbeck & Kruczkowski with Jones, McGlynn & Singleton). Available at <https://www.designforhomes.org/wp-content/uploads/2020/11/BFL-2020-Brochure.pdf>
- Cabinet paper: Crewe Town Centre Regeneration Programme: Major Investment Decisions (2017, Cheshire East Council). Available at <http://moderngov.cheshireeast.gov.uk/ecminutes/documents/s58073/Crewe%20Town%20Centre%20Regeneration%20-%20report%20final.pdf>
- Catchment Flood Management Plans (2009, The Environment Agency). Available at www.gov.uk/government/collections/catchment-flood-management-plans
- Cheshire East Air Quality Action Plan 2020-2025 (2021, Cheshire East Council). Available at <https://www.cheshireeast.gov.uk/pdf/environment/air-quality/aqap-final-aug-2021.pdf>
- Cheshire East Air Quality Annual Status Report (2021, Cheshire East Council). Available at https://www.cheshireeast.gov.uk/business/environmental_health/local_air_quality/review_and_assessment/review_and_assessment.aspx
- Cheshire East Air Quality Management Areas Maps (Cheshire East Council). Available at https://www.cheshireeast.gov.uk/business/environmental_health/local_air_quality/aqma_area_maps.aspx
- Cheshire East Borough Design Guide supplementary planning document (2017, Cheshire East Council and e*SCAPE Urbanists). Available at https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire_east_local_plan/supplementary_plan_documents/design-guide-supplementary-planning-document.aspx
- Cheshire East Community Infrastructure Levy Charging Schedule (2019, Cheshire East Council). Available at https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire_east_local_plan/community-infrastructure-levy/community-infrastructure-levy.aspx
- Cheshire East Council Carbon Neutrality Action Plan 2020-2025 (2020, Cheshire East Council). Available at www.cheshireeast.gov.uk/environment/carbon-neutral-council/carbon-neutral-council.aspx
- Cheshire East Council Environment Strategy 2020-2024 (2020, Cheshire East Council). Available at www.cheshireeast.gov.uk/environment/carbon-neutral-council/environment-strategy.aspx
- Cheshire East Custom and Self Build Register (Cheshire East Council). Information at <https://www.cheshireeast.gov.uk/housing/self-build-and-custom-build-housing.aspx>
- Cheshire East Cycling Strategy 2017-2027 (2017, Cheshire East Council). Available at www.cheshireeast.gov.uk/highways_and_roads/cycling_in_cheshire_east/
- Cheshire East Energy Framework (2015, Cheshire East Council). Available at <http://moderngov.cheshireeast.gov.uk/ecminutes/documents/s38893/Cheshire%20East%20Energy%20Framework%20-%20Appendix.pdf>
- Cheshire East Housing Development Study (2015, Opinion Research Services). Available at https://www.cheshireeast.gov.uk/planning/spatial-planning/research_and_evidence/housing-needs.aspx
- Cheshire East Housing Strategy 2018-2023 (2018, Cheshire East Council). Available at www.cheshireeast.gov.uk/housing/strategic_housing/housing-strategies-and-policies.aspx
- Cheshire East Joint Strategic Needs Assessment (Health and Wellbeing Board). Available at www.cheshireeast.gov.uk/council_and_democracy/council_information/jsna/
- Cheshire East Joint Strategic Needs Assessment Excess Weight Report (2019, Cheshire East Council). Available at <https://www.cheshireeast.gov.uk/pdf/social-care-and-health/excess-weight-jsna.pdf>
- Cheshire East Local Air Quality Strategy (2018, Cheshire East Council). Available at https://www.cheshireeast.gov.uk/business/environmental_health/local_air_quality/local_air_quality.aspx
- Cheshire East Local Football Facility Plan (2018, The Football Foundation and Cheshire County FA). Available at <https://localplans.footballfoundation.org.uk/local-authorities-index/cheshire-east/cheshire-east-local-football-facility-plan/>



- Cheshire East Local Transport Plan 2019-2024 (2019, Cheshire East Council). Available at www.cheshireeast.gov.uk/public_transport/local_transport_plan/
- Cheshire East Medium Term Financial Strategy 2022-26 (2022, Cheshire East Council). Available at https://www.cheshireeast.gov.uk/council_and_democracy/your_council/council_finance_and_governance/cheshire_east_budget/cheshire-east-budget.aspx
- Cheshire East Retail Study Update (2016, WYG). Available at https://www.cheshireeast.gov.uk/planning/spatial-planning/research_and_evidence/retail-study.aspx
- Cheshire East Rights of Way Improvement Plan Strategy and Implementation Plans (2011, Cheshire East Council). Available at https://www.cheshireeast.gov.uk/leisure_culture_and_tourism/public_rights_of_way/improving_public_rights_of_way.aspx
- Cheshire East Rural Housing Needs Surveys (Cheshire East Council). Available at www.cheshireeast.gov.uk/housing/affordable_housing/rural_housing/
- Cheshire East Strategic Flood Risk Assessment (2013, JBA Consulting). Available at https://www.cheshireeast.gov.uk/planning/spatial-planning/research_and_evidence/strategic_flood_risk_assmnt/strategic_flood_risk_assmnt.aspx
- Cheshire East Travel Planning Guidance Notes (Cheshire East Council), Available at www.cheshireeast.gov.uk/public_transport/travel_plans/
- Cheshire Historic Environment Record (Cheshire Archaeology Planning Advisory Service). Available at www.cheshirearchaeology.org.uk/?page_id=154
- Cheshire Historic Towns Survey (2003, Cheshire County Council and English Heritage). Available at www.cheshirearchaeology.org.uk/?page_id=217
- Cheshire Homechoice Common Allocation Policy (2018, Cheshire Homechoice). Available at <https://www.cheshirehomechoice.org.uk/choice/uploads/POLICY%20V4%20FINAL.pdf>
- Circular 1/2003 - Advice to Local Planning Authorities on Safeguarding Aerodromes and Military Explosives Storage Areas (2003, DfT and ODPM). Available at www.gov.uk/government/publications/safeguarding-aerodromes-technical-sites-and-military-explosives-storage-areas
- Climate Change and Sustainable Energy Planning Research (2011, LDA Design). Available at https://www.cheshireeast.gov.uk/planning/spatial-planning/research_and_evidence/research_and_evidence.aspx
- Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids (2017, DEFRA). Available at www.gov.uk/government/publications/code-of-practice-for-the-welfare-of-horses-ponies-donkeys-and-their-hybrids
- Code of Practice for Works Affecting the Canal and River Trust (2018, Canal and River Trust). Available at <https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>
- Concept Designs for Macclesfield Town Centre Public Realm Enhancements (2017, BDP). Available at www.cheshireeast.gov.uk/business/major_regeneration_projects/town_centre_vision/town-centre-public-realm-works.aspx
- Conservation Area Appraisal, Designation and Management: Historic England Advice Note 1 (2019, Historic England). Available at <https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/>
- Conservation area character appraisals (Cheshire East Council). Available at www.cheshireeast.gov.uk/environment/heritage_natural_environment/conservation_listed_buildings/conservation_areas/conservation_areas_appraisals/
- Control of Development in Airport Public Safety Zones (2021, Department for Transport). Available at <https://www.gov.uk/government/publications/control-of-development-in-airport-public-safety-zones>
- Crewe Town Centre Detailed Feasibility Study (Heat Mapping and Masterplanning) (2015, AECOM). Available at www.cheshireeast.gov.uk/business/major_regeneration_projects/low-carbon-heat-networks.aspx
- Crewe Town Centre Regeneration Delivery Framework for Growth (2015, Cushman and Wakefield). Available at https://www.cheshireeast.gov.uk/business/major_regeneration_projects/crewe-town-centre-regeneration-programme/crewe-town-centre-regeneration-programme.aspx



- Crowded Places Guidance (2017, National Counter Terrorism Security Office). Available at www.gov.uk/government/publications/crowded-places-guidance
- Decisions Adopted During the 43rd Session of the World Heritage Committee (2019, UNESCO). Available at <https://whc.unesco.org/en/sessions/43com/>
- Design Manual for Roads and Bridges (2018, Highways England, Transport Scotland, Welsh Government and Northern Ireland Department for Infrastructure). Available at www.standardsforhighways.co.uk/ha/standards/dmr/index.htm
- Easy Access to Historic Buildings (2015, Historic England). Available at www.historicengland.org.uk/images-books/publications/easy-access-to-historic-buildings/
- Green Space Strategy (2013, Cheshire East Council). Available at https://www.cheshireeast.gov.uk/planning/spatial-planning/research_and_evidence/green_space_strategy.aspx
- Groundwater protection guidance documents (The Environment Agency and DEFRA). Available at www.gov.uk/government/collections/groundwater-protection
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Report to Cheshire East Council

by Mike Hayden BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Date: 17 October 2022

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Cheshire East Local Plan Site Allocations and Development Policies Document

The Plan was submitted for examination on 29 April 2021

The Examination Hearing was held between 12 October and 4 November 2021

File Ref: PINS/R0660/429/5

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Abbreviations used in this report

AA	Appropriate Assessment
AMR	Annual Monitoring Report
CBLP	Congleton Borough Local Plan First Review (2005)
CNLP	Borough of Crewe and Nantwich Local Plan (2005)
dpa	dwellings per annum
dph	dwellings per hectare
DtC	Duty to Co-operate
EA	Environment Agency
GB	Green Belt
GTTSA	Gypsy, Traveller & Travelling Showpeople Accommodation Assessment
ha	hectares
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
KSC	Key Service Centre
LC	Local Centre
LDS	Local Development Scheme
LGG	Local Green Gap
LHN	Local Housing Need
LLD	Local Landscape Designation
LOAEL	Lowest Observed Adverse Effect Level
LPA	Local Planning Authority
LPS	Local Plan Strategy
LSC	Local Service Centre
LUC	Local Urban Centre
MBLP	Macclesfield Borough Local Plan (2004)
MM	Main Modification
MPA	Minerals Planning Authority
MRA	Mineral Resource Assessment
MWDPD	Minerals and Waste Development Plan Document
NCGB	North Cheshire Green Belt
NDSS	Nationally Defined Space Standards
NE	Natural England
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework, July 2021
NPS	Neighbourhood Parade of Shops
OSA	Open Spaces Assessment
OSRA	Other Settlements and Rural Areas
PDNP	Peak District National Park
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites 2015
PSA	Primary Shopping Area
PT	Principal Town
PTC	Principal Town Centre
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SACBH	Self and Custom Build Housing
SADPD	Site Allocations and Development Policies Document
SCI	Statement of Community Involvement

SEA	Strategic Environmental Assessment
SGG	Strategic Green Gap
SL	Safeguarded Land
SoCG	Statement of Common Ground
SOAEL	Significant Observed Adverse Effect Level
SPD	Supplementary Planning Document
SSM	Site Selection Methodology
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Drainage System
TC	Town Centre
UCO	Use Classes Order
VA	Viability Assessment
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the Cheshire East Local Plan Site Allocations and Development Policies Document (the SADPD) provides an appropriate basis for the planning of the Borough, provided that a number of Main Modifications [MMs] are made to it. Cheshire East Council has specifically requested that I recommend any MMs necessary to enable the SADPD to be adopted.

Following the hearings, the Council prepared a schedule of the proposed MMs and, where necessary, carried out Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) of them. The MMs were subject to public consultation over a six-week period. In some cases I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering the SA and HRA and all the representations made in response to consultation on them.

The MMs can be summarised as follows:

- Revisions to Policy PG 9 to clarify the relationship between settlement boundaries defined in the SADPD and neighbourhood plans;
- Alterations to the policies for housing allocations at Middlewich, Site MID 2, and Poynton, Sites PYT 3 and PYT 4, to ensure the measures to improve walking and cycling routes and mitigate the loss of playing fields, respectively, are justified, effective and consistent with national policy;
- Changes to Policies HOU 5a and HOU 5c to ensure the SADPD is positively prepared, justified, effective and consistent with national policy in providing for the accommodation needs of Gypsies, Travellers and Travelling Showpeople in Cheshire East;
- A number of amendments to the other Housing policies in the SADPD, amongst other things, to ensure the provision of specialist housing for older people, self and custom build dwellings, and accessible and adaptable housing in the Borough is justified, effective and consistent with national policy;
- Modifications to policies for employment allocations, to ensure they are effective, justified and consistent with national policy in mitigating the impacts of the development on mineral resources, heritage assets, biodiversity, drainage, and sustainable transport;
- Alterations to the policies for retail and town centre development, amongst other things, to ensure that the application of the sequential and impact tests is consistent with national policy; restrictions on the hours of opening of hot food takeaways near to schools and colleges on health grounds are limited to Crewe, where it is justified by evidence; and that the SADPD effectively supports the vitality and viability town centres in the Borough and safeguards planned investment in new local centres;
- Modifications to policies on the natural environment, climate change and resources, including those for the enhancement of the ecological network (ENV 1), the definition of local landscape designations (ENV 3), the protection and provision of trees in development (ENV 6), the identification of suitable areas for wind energy development (ENV 9), and the mitigation of aircraft noise in development (ENV 13), to ensure they are justified, effective and consistent with national policy;

- Amendments to policies for the historic environment to ensure they are effective and consistent with national policy, including Policy HER 9 for the protection of the outstanding universal value of the Jodrell Bank Observatory World Heritage Site;
- Revisions to the suite of policies for Rural Areas to ensure they are positively prepared, justified, effective and consistent with national policy in supporting LPS Policy PG 6 in managing development in the Open Countryside;
- Alterations to Policies REC 1, REC 2 and REC 3 to ensure the designation and protection of open space, and the provision of new indoor sports facilities and open space to support development are justified, effective and consistent with national policy;
- Redrafting of Policy GEN 1 on Design to ensure it is consistent with national policy on design and to avoid duplication of the Local Plan Strategy (LPS);
- Changes to Policy GEN 4 and its supporting text to incorporate the mechanism for calculating contributions to forward funded infrastructure schemes, and identify the schemes and costs to be funded;
- Amendments to Policies GEN 5 and GEN 6 to enable aerodrome safeguarding zones and airport public safety zones to be designated on the Policies Map;
- Alterations to policies for transport and infrastructure, including the deletion of the requirement for electric vehicle charging points in new development in Policy INF 3, which is now in national policy, and to ensure the effects of operational development at Manchester Airport on surrounding communities are minimised and mitigated in Policy INF 4;
- Changes to the monitoring framework to include it within the SADPD, and ensure it is effective and consistent with the LPS.

Introduction

1. This Report contains my assessment of the Cheshire East Local Plan Site Allocations and Development Policies Document (the SADPD) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the SADPD's preparation has complied with the duty to co-operate (DtC). It then considers whether the SADPD is compliant with the other legal requirements and whether it is sound. Paragraph 35 of the National Planning Policy Framework 2021 (NPPF) makes it clear that in order to be sound, a local plan should be positively prepared, justified, effective and consistent with national policy.
2. The NPPF was updated in July 2021, after the SADPD was submitted for examination. This included changes to national policies on sustainable development, the tests of soundness for local plans, design, flood risk and biodiversity. These changes applied with immediate effect for the purposes of examining the SADPD and, accordingly, I have taken them into account in preparing this Report. Unless stated otherwise, references in this Report are to the 2021 revised version of the NPPF.
3. The starting point for the Examination is the assumption that the local planning authority (LPA) has submitted what it considers to be a sound and legally compliant plan. The Revised Publication Draft of the Cheshire East Local Plan SADPD, dated September 2020 and submitted in April 2021, is the basis for my Examination. It is the same document as was published for consultation in October 2020.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the SADPD unsound and/or not legally compliant and thus incapable of being adopted. My Report explains why the recommended MMs are necessary. The MMs are referenced in bold in the Report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
5. Following the Examination Hearing, the Council prepared a Schedule of Proposed MMs to the SADPD and, where necessary, carried out Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) of them. The MMs Schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this Report. I have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. Where necessary I have highlighted these amendments in the Report. None of the amendments significantly alters the substance of the MMs as published for consultation nor undermines the participatory processes nor the SA and HRA that have been undertaken on them.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted plan. In this case, the submission Policies Map comprises the set of plans identified as the Cheshire East Local Plan Draft Adopted Policies Map (Revised Publication Draft SADPD Version), September 2020, including both online interactive and booklet versions¹.
7. The Policies Map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, a number of the published MMs to the SADPD's policies require further corresponding changes to be made to the Policies Map. In addition, there are some instances where the geographic illustration of policies on the submission Policies Map is not justified and changes to it are needed to ensure that the relevant policies are effective.
8. These further changes to the Policies Map were published for consultation alongside the MMs in the Schedule of Proposed Modifications to the Draft Policies Map, April 2022. In this Report I identify any amendments that are needed to those further changes in the light of the consultation responses.
9. When the SADPD is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted Policies Map to include all the changes proposed in the Cheshire East Local Plan Draft Adopted Policies Map (Revised Publication Draft SADPD Version), September 2020 and the further changes published alongside the MMs, incorporating any necessary amendments identified in this Report.

Context of the Plan

10. Cheshire East is a large and diverse Borough, covering one half of the former county of Cheshire. It is bounded to the north by Greater Manchester, encompasses the western fringe of the Peak District National Park (PDNP) on its eastern side, and extends across the Cheshire Plain to the Staffordshire conurbation of Stoke-on-Trent and Newcastle-under-Lyme in the south-east, and almost to the border of Wales to the south-west. The Local Plan area covers the Borough, with the exception of the area of the PDNP that lies within its boundary, for which the PDNP Authority is the local planning authority.
11. There is significant pressure for both housing and employment growth in Cheshire East. In part this is due to the quality of its environment and access to the Peak District, but also the strength of its economy, availability of skilled employment and excellent transport connections. The driving forces for economic growth in the area include its proximity and easy access to Manchester city centre; the presence of Manchester airport on its doorstep; a significant concentration of knowledge economy

¹ Core Documents ED 02a and 02b

jobs and businesses, with nationally important research establishments, such as Jodrell Bank, and key employers in chemical, pharmaceutical and financial services sectors, located in the north of the Borough; and strategic rail and automotive engineering facilities in Crewe. All of these factors serve to make Cheshire East attractive as a location for business and hence as a place to live and work.

12. At the same time, the opportunities for development in Cheshire East are constrained by its natural and built environmental assets, which are important both for their intrinsic value and their contribution to the Borough's quality of life. They include the landscape of the Peak District to the east, historic parks and gardens such as Tatton Park to the north-west of Knutsford, and the Jodrell Bank World Heritage Site (WHS) and buffer zone covering a broad arc of land in the centre of the Borough, as well as locally important landscapes and protected habitat sites dispersed across the Borough. The northern half of the Borough also lies within the Greater Manchester Green Belt and a swathe of land between Congleton and Alsager along the south-eastern boundary forms part of the Green Belt north of the Stoke-on-Trent and Newcastle-under-Lyme conurbation, wherein national policies of development restraint apply.
13. The challenge for the Local Plan is to manage these competing pressures for growth and restraint in a way that sustains the economy, environment and quality of life in Cheshire East. The SADPD forms the second part of the Local Plan, alongside the Cheshire East Local Plan Strategy (LPS), which was adopted in 2017. The LPS sets out the vision, spatial strategy and strategic policies for Cheshire East for the period 2010-2030, including the development requirements and their spatial distribution across the settlement hierarchy. It provides for significant housing and employment requirements over the plan period, including at least 36,000 new homes and 380 hectares (ha) of employment land, focused mainly at the principal towns of Crewe and Macclesfield and a number of Key Service Centres (KSCs), which are the largest settlements in the hierarchy. The LPS allocates over 50 strategic sites for development in and around the principal towns and KSCs, and sets strategic policies to protect landscape, countryside and environmental assets.
14. The purpose of the SADPD is to set out non-strategic policies to guide planning decisions. This includes allocating any non-strategic sites needed to meet the remaining housing and employment requirements of the Borough identified in the LPS, particularly at the Local Service Centres (LSCs) and Other Settlements and Rural Areas (OSRAs), which are the lower tier settlements in the hierarchy. The SADPD also defines detailed boundaries for settlements and village infilling to support LPS policies to protect the countryside, as well as providing a raft of more detailed criteria-based policies to implement the strategic development management policies in the LPS. On adoption, the SADPD is intended to replace all of the saved policies from the Congleton Borough Local Plan First Review (2005) (CBLP), the Borough of Crewe and Nantwich Local Plan (2005) (CNLP) and the Macclesfield Borough Local Plan (2004) (MBLP). Hereinafter, I refer collectively to these plans as the three legacy local plans.

15. It is not the role of the SADPD to reconsider the strategic matters and issues which were established through the examination and adoption of the LPS. Although the standard method for calculating local housing need (LHN) has been introduced into national policy since the LPS was adopted, any change to the Borough's development requirements as a result will be a matter for the future review of the LPS.
16. Since the close of the consultation on the MMs, the Council has confirmed its intention to update the LPS following a review of its policies. This may result in alterations to the development requirements of the Borough to 2030 and beyond, in the light of the above mentioned changes to national policy, but also changing economic circumstances and other factors. However, the review of the LPS is at a very early stage, with no firm evidence yet available on whether development requirements are likely to increase or decrease following consultation and examination. Therefore, the LPS review currently has no bearing on the soundness or legal compliance of the SADPD, and it would not be expedient to delay the Examination in order to take it into account. The strategic policies of the adopted LPS remain part of the development plan until replaced by an updated plan. It is a legal requirement for the policies in the SADPD to be consistent with the development plan².

Public Sector Equality Duty

17. Throughout the Examination, I have had due regard to the equality impacts of the SADPD in accordance with the Public Sector Equality Duty, contained in Section 149 of the Equality Act 2010. Amongst other matters, this sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
18. The SADPD contains specific policies which seek to advance equality of opportunity and should directly benefit those with protected characteristics. These include policies which provide for: accommodation for Gypsies and Travellers (Policies HOU 5a-5c, and Sites G&T 1-5, G&T 8 and TS 1-3); specialist housing provision for older people and others in need of supported accommodation (Policy HOU 2); a proportion of housing to be built to accessible and wheelchair adaptable standards (Policy HOU 6); and the design of development and spaces so they can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances (Policy GEN 1).
19. Subject to the recommended MMs to some of these policies, there is no compelling evidence that the SADPD as a whole would bear disproportionately or negatively on people who share protected characteristics. Indeed, the Council submitted an Equality Impact Assessment as part of the SA³, which demonstrates that the policies of the SADPD would not have a negative impact on people with protected characteristics.

² Regulation 8(4) of the Town and Country Planning (Local Planning) (England) Regulations 2012

³ Appendix G to Core Document ED 03

Assessment of Duty to Co-operate (DtC)

20. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
21. The Council submitted a DtC Statement of Common Ground (SoCG)⁴. This confirms that the key strategic matters in the Local Plan were addressed by the adopted LPS, through which it was also established that Cheshire East does not form part of a shared functional economic area and that the Borough is comprised of a single housing market area. The SoCG explains that the SADPD has been prepared as a 'daughter' document of the adopted LPS, and that there are no additional strategic cross boundary issues that flow from the policies and proposals contained in the SADPD. Appendices 1 and 2 to the SoCG confirm the agreement of all of the local authorities surrounding Cheshire East and the bodies prescribed under Regulation 4⁵ to this position.
22. Concerns were expressed in representations to the Hearing about the potential implications for Cheshire East of the future housing requirements of Stockport, following the withdrawal of Stockport Metropolitan Borough Council from the Greater Manchester Spatial Framework. However, for the purposes of the Local Plan to 2030, the housing requirement for Cheshire East has been established in the adopted LPS. Any implications for the Borough's housing requirement beyond 2030, arising from the unmet needs of neighbouring LPAs or any other factors, is a matter for the review of the LPS and not for the SADPD as the non-strategic part of the Local Plan. The Greater Manchester Combined Authority is a signatory to the DtC SoCG and has not raised any objections on this matter.
23. The SoCG also outlines the ongoing engagement and joint work taking place on strategic cross-boundary matters related to the LPS. These include work with: Stockport MBC in relation to development and transport issues for North Cheshire Growth Village at Handforth, addressed through LPS; the Constellation Partnership⁶ on the land use consequences of HS2 where it passes through the Borough and on a new station hub planned at Crewe; Cheshire West & Chester Council in respect of housing and employment land at Middlewich and the delivery of the Middlewich Eastern by-pass; Staffordshire County, Stoke-on-Trent and Newcastle-under-Lyme Councils on transport and education provision to meet growth in Alsager and the Stoke-on-Trent/Newcastle-under-Lyme area; and Highways England to monitor the impact of growth on the strategic road network over the lifetime of Local Plan. There are no concerns arising from the representations suggesting a failure of the DtC in respect of the preparation of the SADPD.

⁴ Core Document ED 51

⁵ Of the Town and Country Planning (Local Planning) (England) Regulations 2012

⁶ Comprising Cheshire and Warrington Local Enterprise Partnership (LEP), Stoke-on-Trent & Staffordshire LEP, Cheshire East Council, Cheshire West & Chester Council, Stafford BC, Staffordshire Moorlands DC, Newcastle-under-Lyme BC, City of Stoke-on-Trent, and Staffordshire CC.

24. Overall, therefore, based on the non-strategic status of the SADPD's policies and the evidence of joint working on strategic matters related to the LPS, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the SADPD and that the DtC has been met.

Assessment of Other Aspects of Legal Compliance

Local Development Scheme

25. Section 19(1) of the 2004 Act requires development plan documents to be prepared in accordance with the Local Development Scheme (LDS). The purpose and scope of the SADPD is consistent with the LDS published in February 2021⁷ and the publication and submission stages in line with the timetable in its schedule.
26. Representations made at both the Initial and Revised Publication Draft stages of the SADPD maintain that it should include policies to safeguard mineral resources and allocate sites for the extraction of minerals, based on the expectations of Policy SE 10 of the LPS. This is primarily a soundness issue, in terms of whether the SADPD is consistent with national policy and the LPS in the safeguarding of mineral resources, which I assess below.
27. However, to comply with section 19(1) of the Act, the SADPD must have been prepared in accordance with the LDS. The current version of the LDS identifies that policies for minerals and waste will be set out in a separate Minerals and Waste Development Plan Document (MWDPD) and not the SADPD. The 2016-18 version of the LDS⁸, which was in place at the time of the LPS examination, also states that a separate MWDPD will be prepared to deal with minerals, including sites. As explained by the Council, the inconsistency between the LDS and Policy SE 10 is because the LDS was updated part way through the LPS examination to remove minerals matters from the SADPD and add it to the Waste DPD, but Policy SE 10 was not amended via an MM to replace reference to the SADPD with the MWDPD.
28. Nevertheless, in respect of legal compliance, the evidence shows that the SADPD has been prepared in accordance with the Council's LDS.

Consultation

29. Development plans must be prepared in accordance with the statutory requirements for consultation, which are set out in the 2004 Act and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations). The Council's Regulation 22 Consultation Statement⁹ provides a comprehensive record of the consultation undertaken at the various stages of preparation of the SADPD.
30. It shows the Council invited representations from the bodies and persons specified in Regulation 18(2) and in accordance with the digital, written and face to face consultation methods specified in the adopted Statement of Community

⁷ Core Document BD 02

⁸ Core Document CEC/04

⁹ Core Documents ED 56 and ED 56a

Involvement (SCI)¹⁰, as required by Section 19(3) of the 2004 Act. Some representations have stated that the consultation processes were accessible only on-line, and were too short and too complicated. However, from the evidence in the Consultation Statement it is clear that the Council made it possible for interested parties to inspect hard copies of the SADPD and consultation documents and to submit representations by post, and provided guidance on how to do this. The length of the consultations also complied with the statutory requirements.

31. The schedules to the Consultation Statement provide summaries of the main issues raised by representations to the First Draft SADPD under Regulation 18 and to the Publication Draft under Regulation 20. They also explain how the representations made under Regulation 18 were taken into account in preparing the Publication Draft of the SADPD. Whilst I recognise that the SADPD as submitted may not have satisfied the objections of all interested parties, it is clear from the evidence provided that the Council took those representations into account, in accordance with Regulation 18(3).
32. At the Hearing it also became apparent that the on-line link to the 2012 Open Spaces Assessment (OSA) in the Green Space Strategy Update (GSSU)¹¹ did not work. However, the Council provided evidence¹² that access to the 2012 OSA was available at all times during the Regulation 18 and 19 consultations, with the exception of the first 2 weeks of the consultation period on the Revised Publication Draft SADPD. But the link to the 2012 OSA was available for the remaining 6 weeks of that consultation period. Based on the evidence provided, I am satisfied that the procedural requirements to make supporting evidence available at Regulation 18 and 19 stages in the preparation of the SADPD were met.
33. Overall, therefore, I conclude that the consultation on the SADPD was carried out in accordance with the Council's adopted SCI and the Regulations.

Sustainability Appraisal

34. The 2004 Act and 2012 Regulations¹³ require LPAs to carry out an appraisal of the sustainability of a local plan, prepare a report of its findings, consult on it alongside the publication plan and submit this with the plan for Examination. The Council submitted a report on the SA of the SADPD¹⁴, from which it is evident these legal requirements have been met.
35. Paragraph 32 of the NPPF also requires that plans should be informed throughout their preparation by an SA that meets the relevant legal requirements, including the Strategic Environmental Assessment (SEA) Regulations¹⁵. The SA report for the SADPD is comprehensive and details the work undertaken at each stage of its preparation, starting with a Scoping Report of Issues in 2017 and concluding with the appraisal of the Revised Publication Draft of the SADPD.

¹⁰ Core Document BD 03

¹¹ Core Document ED 18

¹² Examination document CEC/36

¹³ Sections 19(5) and 20(3) of the 2004 Act and Regulations 17, 19 & 22 of 2012 Regulations

¹⁴ Core Document ED 03

¹⁵ The Environmental Assessment of Plans and Programmes Regulations 2004

36. In terms of the SEA Regulations, the SA report contains appropriate baseline information about the environmental, social and economic characteristics of the Borough and an outline of other relevant plans, policies and programmes. It also identifies the key sustainability issues for the Borough from which the SA objectives were evolved. It uses a framework of twenty-five SA objectives, which cover the issues set out in the SEA Regulations, and against which the policies and site allocations of the SADPD have been appraised and likely significant effects evaluated. Reasonable alternatives to policies and site allocations have been appraised on an equal basis to selected options, and reasons given for rejecting those alternatives. A Non-Technical Summary report was also submitted alongside the main SA¹⁶.
37. The SA tested eight alternatives for the disaggregation of the indicative levels of housing and employment growth identified for the Local Service Centres (LSCs) in Policy PG 7 of the LPS. Whilst Option 7 (Hybrid approach) performed better than Option 8 (Application-led approach) against the SA objectives, the reasons for basing the disaggregation for the LSCs on Option 8 rather than Option 7 are explained in the SA¹⁷. Likewise, out of the eight alternatives assessed for the distribution of Safeguarded Land (SL) at the LSCs, under Policy PG12, the decision to progress Option 8 (Hybrid approach), even though it performed less well than Option 4 (Services and Facilities-led approach) is explained in the SA¹⁸, as are the reasons for selecting the approach to redistributing Mobberley's unmet SL requirement. Ultimately, the SA is one part of the evidence base informing the preparation of the SADPD and the policy choices made. The question of whether the approaches to the disaggregation of development and distribution of SL at the LSCs are justified as appropriate strategies is a soundness matter, which I consider below.
38. With regard to site allocations and the choice of sites to be designated as SL at the LSCs, the Council used a detailed site selection process for the appraisal of site options, in order to identify candidate sites on a settlement-by-settlement basis. The process described in the Site Selection Methodology (SSM) Report¹⁹ shows that SA was integrated within the traffic light assessment carried out at Stage 4 of the site selection process, by using criteria which were in line with the SA framework and objectives.
39. The results of the site assessments and SA, and the reasons for the selection of sites included in the SADPD for both development and SL, are set out in each of the Settlement Reports and in the SA Report²⁰. The question as to whether the Council appraised reasonable alternatives to the sites allocated in the SADPD was raised in representations and discussed at the Hearing, especially in respect of Poynton, although the point applies to other settlements as well. It is evident from the Settlement Reports that a significant number of sites were considered by the Council, including those which are subject to Green Belt and other constraints. Whilst not all sites put forward and considered by the Council were subject to SA, the LPA is not under an obligation to appraise sites that are not reasonable

¹⁶ Core Document ED 03a

¹⁷ Table 3.8 of ED 03

¹⁸ Table 3.12 of ED 03

¹⁹ Core Document ED 07

²⁰ Tables E.2-E.17 of ED 03

alternatives. The final list of sites that were judged by the Council to be reasonable alternatives, and which were therefore subjected to SA, were those assessed as being in general conformity with the LPS Vision and Strategic Priorities. Ultimately, the LPA has substantial discretion in deciding what is a reasonable alternative for the purposes of SA, provided the alternatives chosen are realistic. There is no compelling evidence to indicate that the SA has not considered reasonable alternatives in respect of site allocations and SL options. Likewise I am satisfied, based on the evidence that an equal and comparative assessment of reasonable alternatives has been carried out.

40. For the remaining policies in the SADPD, Appendix D of the SA considers each policy theme in turn and explains that there were no reasonable alternatives to consider, because most are either derived from strategic policies in the LPS, or relate to national policy. Given this and that the policies in the LPS, which they were prepared in the context of, have already been subject to SA, it is reasonable to conclude that a formal appraisal of alternatives for each detailed development management policy in the SADPD would not be proportionate. Commentary on the appraisal of the SADPD only discusses policies and allocations where there are likely positive or negative effects on particular topics. However, this is also a proportionate approach, given the SEA Regulations require the evaluation of significant effects. Therefore, there is no requirement to refer to every single allocation and policy in the appraisal narrative. Overall, I find the approach to the selection and assessment of alternatives in the SA to be adequately explained and justified.
41. It was argued in representations that the approach to mineral resources in the SA risks sterilisation of nationally significant mineral resources. However, the SA was informed by baseline data about the potential for the extraction of mineral resources across the Borough, which forms part of the evidence base for the emerging MWDPD and is held by the Council as Minerals Planning Authority (MPA). The SA assessed the effect of the SADPD on mineral resources as one of the SA objectives and one of the traffic light criteria for site allocations. It records that a number of proposed site allocations are located within or close to a mineral resource area, and, therefore, may have a 'significant negative effect' on mineral resources. In response, the SADPD was amended at Revised Draft stage to require a Mineral Resource Assessment (MRA) to be undertaken and submitted with applications for the relevant sites, to establish whether minerals can be extracted prior to development. On this basis, I am satisfied that the SA has appropriately assessed the effects of the SADPD on mineral resources and that this has led to the inclusion of mitigation measures within the SADPD intended to avoid any significant adverse impacts on the sterilisation of mineral resources.
42. The SA was updated to take into account the changes to the SADPD introduced by the proposed MMs. The results are set out in an SA Addendum, which was published for consultation alongside the MMs. Overall, it concluded that the MMs enhance the positive effects of policies and site allocations previously identified and strengthen the implementation of mitigation measures to deal with negative effects, improving the overall sustainability of the SADPD.

43. On this basis, I find that robust and proportionate SA has been carried out, which has assessed the likely environmental, social and economic effects of the SADPD and incorporates the requirements for SEA. It is evident that the SA has influenced the policies and allocations in the SADPD, and the mitigation measures proposed. Accordingly, I conclude that the SA work undertaken on the SADPD is adequate.

Habitats Regulations Assessment

44. A Habitats Regulations Assessment (HRA) of the submitted SADPD was undertaken²¹, including an Appropriate Assessment (AA), in line with the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). The screening assessment was undertaken without consideration of protective, avoidance or mitigation measures in line with case law²². It identified two SACs, one SPA and three Ramsar sites within Cheshire East, and a further eight SACs, three SPAs and three Ramsar sites located adjacent to Cheshire East, all of which were deemed to be within the influence of the SADPD.
45. No likely significant effects were identified for the majority of these European sites from proposals in the SADPD, either alone or in-combination. However, the potential for significant adverse effects on the River Dee and Lake Bala Special Area of Conservation (SAC) was identified, due to the effect of increased demand for water and abstraction on the River Dee, arising from development in Cheshire East. Accordingly, AA was undertaken for the SAC, including the potential effects of the SADPD proposals, both alone and in-combination, on its riverine habitats and running waters and the protected plant, fish and mammal species they support. The AA concludes that the existing management plans and policies of Natural Resources Wales, the Environment Agency (EA) and United Utilities, will ensure that the SADPD will have no adverse impact on the integrity of this European site. No objections were raised by Natural England (NE) to this conclusion.
46. An HRA was undertaken of the MMs, dated April 2022, which concluded that they would not result in any significant effects on European sites not already identified and assessed in the HRA of the SADPD. Due to its timing, this part of the HRA process was able to take into account the changes in approach to the assessment of development proposals in river catchments where protected water bodies are in unfavourable condition due to nutrient pollution, which was set out in the Written Ministerial Statement (WMS) published on 16 March 2022 by the Secretary of State for Environment Food and Rural Affairs.
47. In advice issued by NE alongside the WMS, the following protected sites within or close to Cheshire East were identified as being in unfavourable condition due to excessive levels of Nitrogen and Phosphorus: the Rostherne Mere Ramsar and the catchments of Abbots Moss and Wybunbury Moss Sites of Special Scientific Interest (SSSIs) within the West Midlands Mosses SAC in Cheshire East and the Oak Mere SAC in Cheshire West and Chester. The HRA of the MMs was able to assess the potential effects of the SADPD proposals on these sites and concluded that no sites being proposed for allocation in the SADPD fall within the Nutrient

²¹ Core Document ED 04, dated August 2020

²² People over Wind, Peter Sweetman v Coillte Teoranta [2018] EUECJ C-323/17

Neutrality catchments for these European sites, as identified by NE. Accordingly, NE has confirmed that the necessary steps have been taken to review the HRA in the light of the WMS, and that it has no outstanding concerns relating to nutrient impacts arising from the SADPD proposals on these European sites²³.

48. Therefore, I find that the potential likely significant effects of proposals in the SADPD have been appropriately considered through the HRA, and that the Plan is legally compliant with respect to the Habitats Regulations.

Other Legal Requirements

49. Sections 19(1B) and 19(1C) of the 2004 Act require development plans, taken as a whole, to include policies to address the strategic priorities for the development and use of land in the LPA's area. The introduction to the plan makes clear that policies and allocations to address the strategic priorities of Cheshire East are contained in the adopted LPS, supplemented by non-strategic policies and site allocations in the SADPD. Taken together, the LPS and the SADPD, once adopted will meet the legal requirements of the Act in this respect.
50. Section 19(1A) of the 2004 Act requires that development plan documents must, taken as a whole, include policies designed to ensure that the development and use of land in the LPA's area contribute to the mitigation of, and adaptation to, climate change. The SADPD includes a range of policies that will support the LPS in ensuring this. They include: Policies ENV 1-6, which seek to protect the natural environment comprising its ecology, landscape, river corridors, trees and woodlands; Policies ENV 7-11, which require development to incorporate measures to adapt to climate change and mitigate its impacts, minimise CO₂ emissions and increase the production and use of renewable and low carbon energy; Policy ENV 12, which aims to minimise the negative effects of development on air quality; Policies ENV 16-17, which seek to reduce the risk of flooding, ensure development is flood resilient and protect water resources; Policy INF 1 which aims to increase the use of sustainable transport as a means of reducing polluting emissions; and policies REC 1 and REC 3, which require the protection of existing open space and the provision of new open space within developments. I address the soundness of these policies below, but, taken as a whole, I confirm that the SADPD meets the statutory requirement of section 19(1A).
51. Paragraph 1.3 of the SADPD confirms that it will replace all of the saved policies from the three legacy local plans covering Cheshire East, namely the CBLP, CNLP and MBLP. Although there is not a separate list of the superseded policies from these plans, it is clear that all of their saved policies will be superseded. Accordingly, this meets the requirements of Regulation 8(5).
52. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

²³ In Core Document CEC/38a

Assessment of Soundness

Main Issues

53. Taking account of all the representations, the written evidence, the discussions that took place at the Examination Hearing, and the context of the plan, I have identified fourteen main issues upon which the soundness of the SADPD depends. These are considered below. The report does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the SADPD, but those on which I have had soundness concerns.

Issue 1 – Are the provisions of the SADPD for housing, employment development and safeguarded land at the Local Service Centres (LSCs) consistent with the Local Plan Strategy (LPS) and are they positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development?

Development at Local Service Centres (LSCs) (Policy PG 8 and Site HCH 1)

54. Policy PG 7 of the LPS sets indicative levels of development for each settlement or tier in the settlement hierarchy. The LSCs are expected to accommodate 'in the order of' 7 ha of employment land and 3,500 new homes over the plan period 2010-2030. In terms of the spatial distribution of this growth across the LSCs, paragraph 8.77 of the LPS confirms that the figures for the LSCs will be further disaggregated in the SADPD and/or Neighbourhood Plans (NPs). However, rather than defining a policy-led distribution, Policy PG 8 of the SADPD proposes an application-led approach to meeting the development needs of the LSCs. It seeks to rely on windfall sites going forward to provide for the indicative level of new homes apportioned to the LSCs in Policy PG 7, and the combination of a single site allocation at Holmes Chapel and windfall to meet their employment land need.
55. The justification for this approach is set out in 'The provision of housing and employment land and the approach to spatial distribution' report²⁴. In terms of housing development, it is principally due to the number of new dwellings which have already been completed or permitted at the LSCs over the first 10 years of the plan period. The report shows that 91% (3,210 dwellings) of the indicative figure of 3,500 dwellings for the LSCs has been met through completions and planning permissions on windfall sites between 2010 and 2020.
56. It is the case that a significant proportion of this was granted in the period up to March 2016, when the Council was unable to demonstrate a 5 year housing land supply and sites outside of settlement boundaries were permitted. However, evidence shows that sufficient new housing has been permitted on windfall sites at the LSCs since the adoption of the LPS, to suggest windfalls would be a reliable source of supply to meet the remaining part of Policy PG 7 apportionment for the LSCs going forward.

²⁴ Core document ED 05

57. Analysis of windfall data shows that at least 178 additional new homes were permitted on windfall sites at the LSCs in the 2 years and 8 months between the adoption of the LPS at the end of July 2017 and the end of March 2020²⁵. This amounts to an average of 67 dwellings per annum (dpa) on windfall sites at the LSCs under the current adopted policy framework. Discounting small windfall sites (less than 10 dwellings) at an average of 27 dpa²⁶, because going forward these are already accounted for in the 125 dpa small sites windfall allowance built into the housing supply²⁷, this amounts to an average of 40 dpa from larger windfall sites at the LSCs, in the period between the adoption of the LPS and the end of March 2020.
58. Whilst the SADPD introduces new development management policies for housing, these largely replace, consolidate and update the saved policies contained in the three legacy local plans. Likewise, the settlement boundaries for the LSCs proposed in the submission Policies Map largely follow the boundaries defined in the three legacy local plans. Therefore, subject to the MMs discussed below, the policy framework in the submitted SADPD should not constrain windfall housing development from coming forward at the LSCs to any significantly greater extent than has been the case since the adoption of the LPS.
59. Accordingly, it would be reasonable to conclude that over the remainder of the plan period, additional housing supply should come forward from large windfall sites at the LSCs, at a rate of around 40 dpa. In addition to the existing supply of 3,210 dwellings, as at March 2020, this would be sufficient to deliver in the order of 3,500 new homes by the end of the plan period, as required by Policy PG 7.
60. The Inspector's Report on the LPS supports this approach, concluding that since some development had occurred at the LSCs in the past (between 2010 and 2016), it was the balance of development that should be identified in the SADPD. At the time the LPS was adopted this was 1,125 dwellings²⁸, since when the housing supply at the LSCs has increased and the balance of development required has reduced, to a figure in the order of 290 dwellings at March 2020.
61. The Inspector's Report also made clear that the apportionment of the total should be informed by potential site options²⁹. The Council considered a range of options for disaggregation of the LSCs' indicative level of housing, with two reasonable alternatives appraised in preparing the Revised Publication Draft of the SADPD. Option 7, a Hybrid approach, would disaggregate the 3,500 figure across the LSCs, but require the alteration of Green Belt boundaries to allocate sites to meet the apportionments at the LSCs within the North Cheshire Green Belt (NCGB). Option 8, an Application-led approach, disaggregates the lower figure of 3,210 dwellings in line with existing completions and commitments, relying on further windfall to make up the 290 balance. It is this approach that provides the basis for the spatial distribution of housing development at the LSCs in Policy PG 8.

²⁵ Table 1 of Examination document CEC/14

²⁶ Based on monitoring data for small site windfall at the LSCs for 2010-2020 in Table 15 of Core Document ED 05

²⁷ Table A1.5 of Appendix 1 to ED 05

²⁸ Paragraph 88 of BD 05 and Table A.3 of Appendix A of the LPS

²⁹ Paragraph 90 of Background Document BD 05

62. With regard to Option 7, paragraph 140 of the NPPF requires that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified. Although exceptional circumstances for the alteration of Green Belt boundaries in north Cheshire were established in the LPS³⁰, given the growth in the housing land supply since the LPS was adopted, it is necessary to determine whether those exceptional circumstances remain to justify further alterations to the Green Belt boundaries at the LSCs through the SADPD. Before concluding whether exceptional circumstances exist, national policy requires that all other reasonable options for meeting needs must be examined first³¹.
63. Based on the housing monitoring figures to March 2020, it is evident that supply has come forward from windfall sites, which already goes some way to meeting the needs of the LSCs in the north of the Borough³². It is true that a greater share of that supply has been completed or permitted in the LSCs outside of the NCGB (67.9%), with 32.1% at the LSCs within the NCGB³³. However, this is consistent with the Non-Green Belt/Green Belt split for the Principal Towns and Key Service Centres (KSCs) established in Policy PG 7³⁴, on the basis of which the LPS was found sound.
64. The evidence of windfall permissions since the LPS was adopted and of sites considered in the Settlement Reports, suggests that there is scope for further housing provision to come forward to meet the needs of the LSCs in the NCGB up to 2030, without the need to alter Green Belt boundaries. This includes Mobberley, at which a very limited amount of housing has been delivered since the beginning of the plan period. However, site MOB 1, which is located within the settlement boundary of Mobberley, is likely to be capable of being brought forward as a windfall site for a mix of uses including housing, through the development management process, subject to a design and layout that mitigates aircraft noise in line with the requirements of Policy ENV 13.
65. Therefore, I find that exceptional circumstances do not now exist to justify the further alteration of Green Belt boundaries in the SADPD to ensure the housing needs of the LSCs up to 2030 are met. As such Option 7 is not an appropriate strategy for determining the distribution of housing at the LSCs. On the basis that the remaining part of the indicative housing figure for the LSCs in Policy PG 7 can be addressed through windfalls, without the need to alter Green Belt boundaries or allocate further sites, an Application-led approach to providing for this, as set out in Policy PG 8, is justified as an appropriate strategy for the LSCs.
66. With regard to employment land, the take-up and commitments of employment land at the LSCs since the start of the plan period amount to 4.54 ha³⁵, which is 65% of the 7 ha apportioned to the LSCs in LPS Policy PG 7. Rather than seek to disaggregate the remaining balance of just 2.46 ha across the LSCs, which would result in a number of small employment sites that may not be deliverable, the SADPD proposes a single site allocation of 5.99 ha at Holmes Chapel (Site HCH 1)

³⁰ Paragraph 8.48 of the LPS

³¹ Paragraph 141 of the NPPF

³² Table 11 of Core document ED 05

³³ Table 17 of Core document ED 05

³⁴ 69.7%/30.3% in Table 16 of Core document ED 05

³⁵ Paragraph 6.44 and Table A2.3 of Core Document ED 05

to meet the remaining balance. Although this would lead to a surplus in the supply of employment land at the LSCs of around 3.53 ha (around a 50% over supply), it is justified as an appropriate strategy on the following basis.

67. Holmes Chapel will see the largest level of housing development of all of the LSCs, at 871 dwellings, and a larger employment allocation would help to balance the growth in jobs and housing, thereby enabling the delivery of sustainable development. The site is also adjacent to Recipharm, a major pharmaceutical employer in the Borough, and would provide an opportunity for its expansion as well as for growth in related pharmaceutical businesses and jobs.
68. Whilst the development of Site HCH 1 would result in the loss of greenfield, agricultural land, which currently forms part of the open countryside to the south east of Holmes Chapel, the evidence base demonstrates a lack of available new employment sites elsewhere in the LSCs, other than as part of residential-led schemes. However, further residential allocations are not required to meet the housing needs of the LSCs, and, therefore, to do so in order to deliver their apportionment of employment land would not be a reasonable alternative strategy.
69. Site HCH 1 is subject to a number of constraints, including fluvial flood risk from the River Croco, which runs through the site, the potential for protected species, the presence of sand and gravel mineral resources beneath the site, and the impact of development on the surrounding landscape. However, a series of measures are included in the site allocation policy to ensure any adverse effects are mitigated. This includes the requirement for an MRA to be undertaken and submitted as part of any planning application for development, to avoid the unnecessary sterilisation of mineral resources of local and national significance, in line with paragraph 210 of the NPPF. With these controls in place, I am satisfied that Site HCH 1 is justified as an appropriate allocation to meet the residual employment needs of the LSCs and that the policy wording is consistent with national policy and the LPS.
70. Overall, because the indicative level of employment land for the LSCs can be met through take-up since 2010, existing commitments and a single site allocation at Holmes Chapel, it is not necessary for soundness to disaggregate the 7 ha apportionment to individual LSCs in Policy PG 8. Accordingly, I am satisfied that Policy PG 8 and Site HCH 1 make appropriate provision for housing and employment development at the LSCs in a way that is consistent with the LPS and is positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development.

Safeguarded Land at Local Service Centres (Policy PG 12)

71. Policy PG 12 designates eight sites at the LSCs in the North Cheshire Green Belt (NCGB) as Safeguarded Land (SL), to meet the longer-term development needs of the LSCs beyond the plan period, if required. Criterion 3 of the policy states that LPS Policy PG 4 will apply to areas of SL, which in turn makes clear that SL is not allocated for development at the present time, and prohibits its development for anything other than uses appropriate in the open countryside, unless a review of the Local Plan has taken place which proposes its allocation for development. This is consistent with the purposes of SL in the NPPF.

72. As SL is located between the urban area and the inner boundary of the Green Belt (GB), the eight sites are proposed to be removed from the GB to enable their designation. In line with national policy³⁶, exceptional circumstances to justify the alteration of GB boundaries to designate SL to meet the longer term development needs of settlements in the NCGB were established through the LPS. In summary these are: to avoid unsustainable patterns of development in the future, by ensuring the development needs of settlements in the NCGB can be met at those settlements, rather than channelling it to settlements beyond the GB in the south of the Borough; and to give sufficient confidence that GB boundaries will not need to be altered again at the end of the plan period. A total of 200 ha of SL was identified as necessary across the NCGB, justified by evidence which was tested as part of the LPS examination³⁷. Policy PG 4 of the LPS identified sites totalling 186.4 ha of SL at the Principal Towns and KSCs, leaving 13.6 ha of SL to be identified at the LSCs through the SADPD, if required.
73. Whilst exceptional circumstances for the alteration of GB boundaries to designate 200 ha of SL have already been demonstrated at a strategic level through the LPS, the wording of Policy PG 4 and the Inspector's Report on the LPS³⁸, requires the SADPD to consider whether it is necessary for additional non-strategic areas of SL to be designated at the LSCs. Accordingly, I have reviewed the evidence on which the 200 ha SL requirement was based, in the light of any changes in circumstances since the LPS was adopted. My conclusions on this are as follows.
74. Although the overall supply of housing and employment land has increased since 2017, a potential surplus of land supply at the end of the plan period was taken into account in calculating the SL requirement. The 200 ha figure also assumed that the amount of urban potential from the recycling of brownfield land within the settlements in the NCGB would increase beyond 2030 as some sites currently in use are vacated. Whilst the reduction in the rate of housing supply from windfall sites since the adoption of the LPS is sufficient to rely on for the remaining housing provision at the LSCs within the plan period, it does not provide evidence to support any increase in supply from this source beyond 2030.
75. It is likely that the annual housing requirement for Cheshire East will change post 2030, following the introduction of the standard method for calculating LHN into national policy since the adoption of the LPS. However, the LHN figure on which the local plan housing requirement for the period post-2030 will be based is unknown. Although the current standard method LHN figure for Cheshire East is lower than the annual housing requirement in Policy PG 1 of the LPS, this could change as a result of new evidence that may become available while the LPS is being updated, including the household projections which form the starting point for LHN and future affordability ratios. On this basis, I am satisfied that the current housing requirement in the LPS provides the only reliable basis for determining the amount of SL to be allocated in the SADPD.

³⁶ Paragraph 140 of the NPPF

³⁷ Safeguarded Land Technical Annex 2015, Examination document CEC/05a

³⁸ Paragraph 102 of Background document BD 05

76. As such, I find that the available evidence continues to justify the need for 200 ha of SL and that exceptional circumstances remain for the alteration of Green Belt boundaries to identify land for the residual requirement of 13.6 ha at the LSCs in the NCGB.
77. Turning to the selection and distribution of sites for SL at the LSCs, Policy PG 12 designates a total of 14.48 ha of SL land across 8 sites. Whilst this exceeds the residual requirement of 13.6 ha for the LSCs, it is a result of the site selection process, which I have assessed below and found to be robust. The overall need for 200 ha is the midpoint in a range of figures which were assessed in determining the total requirement. Therefore, the small surplus in Policy PG 12 is reasonable.
78. The evidence explaining the selection and distribution of the proposed SL sites at the LSCs is set out in the Site Selection Methodology Report (SSMR)³⁹, the LSC Safeguarded Land Distribution Report⁴⁰ and the individual Settlement Reports for the LSCs⁴¹. This is a refinement of the approach to selecting strategic SL sites in the LPS, which was tested by the Inspector at Examination and found sound.
79. In preparing the SADPD, the Council considered 8 options for the distribution of the 13.6 ha of SL across the settlements. A hybrid approach (Option 8) was chosen as the preferred option, combining several other options, taking account of the extent of services and facilities, constraints, opportunities and impacts on the GB. Applying the site selection process, suitable sites were identified at each of the LSCs, with areas broadly matching the apportionment of SL for each settlement under the hybrid distribution. The exceptions to this were Mobberley, where no suitable sites were identified, due in particular to the constraints of aircraft noise from Manchester Airport, and Chelford, where the suitable sites were too large for Chelford's apportionment of SL.
80. This led to the decision to redistribute Mobberley's unmet need for SL to Chelford, following a further appraisal of options. It results in Chelford accommodating a much larger share of SL (4.71 ha) than its apportionment under the hybrid distribution (2.55 ha). However, this ensures the overall SL requirement is met and provides for Mobberley's unmet need at the most suitable site available on land at Chelford railway station (site CFD 2), where there are fewer constraints than at the other LSCs in the NCGB. It would also enable Chelford to meet its own long term needs, if required, at a scale where development could be comprehensively planned to incorporate a range of community benefits. Overall, I find the distribution of SL across the LSCs, including the redistribution of Mobberley's apportionment to Chelford, to be justified as an appropriate strategy against reasonable alternatives, based on a robust methodology and proportionate evidence.
81. With regard to site selection, the Settlement Reports contain a detailed and thorough evaluation of the proposed sites and a significant number of alternatives. Sites have been assessed on an equal basis against relevant criteria, including:

³⁹ Core document ED 07

⁴⁰ Core document ED 53

⁴¹ Core documents ED 21 (Alderley Edge), ED 23 (Bollington), ED 26 (Chelford), ED 29 (Disley), ED 37 (Mobberley), and ED 40 (Prestbury)

their contribution to the GB; impacts on ecology, heritage, landscape, highways, flood risk and settlement character; and a range of other factors used to determine their suitability and achievability. The analysis is thorough, equitable and robust, and the reasons for the choice of sites selected are clearly explained and justified.

82. Although future development of some of the proposed SL sites may have adverse impacts on matters such as landscape and highway safety, these would be localised and are considerations to be taken into account by the Council in making any future decisions about their release for development beyond the current plan period. These factors do not undermine the conclusions of the SL site selection process. Ultimately, designating a site as SL does not mean it will be developed in the future, but offers the potential for development to be considered in future reviews of the Local Plan, without needing to alter Green Belt boundaries further. The amount and location of development that would be needed on SL would be based on an assessment of needs at that time.
83. Within the Settlement Reports the exceptional circumstances to justify removing each site from the GB are set out, including whether there are any other sites that make a lesser contribution to the purposes of the GB. In most cases, the sites proposed benefit from strong boundaries, which are clearly defined by physical features that are recognisable and likely to be permanent, such as existing development, roads and railway lines, or woodland and mature hedgerows that can be protected as a condition of development. In the few situations where boundaries are not clearly defined, I am satisfied that this could be mitigated by landscaping. Therefore, I conclude that, whilst the development of the SL sites would compromise GB openness, each is contained and none would undermine the wider function of the GB. Overall, the analysis of each site, in combination with the continued need at a strategic level to designate SL at the LSCs, is sufficient to fully evidence and justify the exceptional circumstances for altering GB boundaries in respect of the 8 sites listed in Policy PG 12.
84. Accordingly, I consider that the proposals for the designation of SL in Policy PG 12 are positively prepared, justified, and consistent with the LPS and national policy.

Conclusion on Issue 1

85. For the reasons given above, I conclude that the provisions of the SADPD for housing, employment development and safeguarded land at the LSCs are consistent with the LPS, and are positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development.

Issue 2 – Are the proposals in the SADPD for further housing sites at the Key Service Centres (KSCs) consistent with the LPS and are they positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development?

LPS context

86. Policy PG 7 of the LPS expects the KSCs to accommodate a total of 17,600 additional dwellings over the plan period. A series of strategic allocations were

made in the LPS to address this, with around 695 dwellings to be found on non-strategic sites identified in the SADPD⁴². However, monitoring evidence, at 31 March 2020 now shows a surplus in provision, with an overall housing land supply at the KSCs of 19,617 dwellings⁴³, of which 7,770 dwellings (40%) are built and a further 8,992 dwellings (46%) have planning permission. Therefore, there is no need to identify non-strategic housing sites to ensure the housing land supply at the KSCs is consistent with the LPS in quantitative terms.

87. However, the spatial distribution of this supply across the KSCs reveals that there are shortfalls at Handforth, Middlewich and Poynton against the indicative levels of housing identified for these settlements Policy PG 7⁴⁴. The SADPD proposes a number of non-strategic site allocations for housing in Middlewich and Poynton to address the shortfalls at these settlements, which I consider below.
88. The Council does not propose further allocations at Handforth, due to a shortfall of just 65 dwellings against its LPS figure of 'in the order of' 2,200 dwellings, and because of the extent of the overall surplus in housing provision at Macclesfield and the other KSCs in the northern part of the Borough. I agree that the supply of 2,135 dwellings at Handforth is 'in the order of' its LPS figure and, therefore, is consistent with the wording of Policy PG 7. It is also reasonable to conclude that the excess housing provision in the northern part of the Borough, which includes a 196 dwelling surplus at nearby Wilmslow, can help to address needs in Handforth. Accordingly, there is no requirement to allocate any non-strategic sites for further housing at Handforth either to ensure an adequate housing land supply to the end of the plan period or consistency with the spatial distribution of development in the LPS.

Middlewich housing site allocations

89. Monitoring evidence shows the housing land supply in Middlewich at March 2020 stood at 1,797 dwellings; a shortfall of 153 dwellings against its Policy PG 7 figure of 'in the order of' 1,950 dwellings. The SADPD proposes the allocation of two sites to provide an additional 125 dwellings: Site MID 2 at East and West of Croxton Lane for around 50 dwellings; and Site MID 3 at Centurion Way for around 75 dwellings. This would increase the supply to 1,922 dwellings, which would be 'in the order of' 1,950 dwellings. The resulting shortfall would also be compensated for by a 544 dwelling surplus in the housing land supply at Sandbach.
90. Sites MID 2 and MID 3 were chosen following a thorough site selection process, which considered a range of reasonable alternatives. The reasons for selecting the proposed sites and rejecting others have been adequately explained and justified in the Middlewich Settlement Report⁴⁵ and in the SA of site options⁴⁶.
91. Site MID 2 is located on the northern edge of Middlewich adjacent to the Trent and Mersey Canal. The policy criteria provide a number of safeguards to ensure any development preserves and enhances the canal environment. Criterion 4 requires

⁴² Table A.2 of Core Document BD 01

⁴³ Table 10 of Core document ED 05

⁴⁴ As shown in Table 10 of ED 05

⁴⁵ Core document ED 36

⁴⁶ Appendix E of Core Document A3

development proposals to provide for improvements to the surface of the canal towpath to encourage its use by future residents of the site as a pedestrian and cycle route to and from the town centre. Whilst in principle this would be consistent with national policy in offering a genuine choice of transport options, the justification for any improvements to the surface of the towpath for this purpose would need to be demonstrated at the planning application stage against the tests for planning obligations in paragraph 57 of the NPPF and Regulation 122 of the CIL Regulations 2010. The policy and supporting text do not currently make the requirement subject to these tests. Therefore, **MM69** is necessary to ensure the Site MID 2 allocation is consistent with national policy.

92. Site MID 3 is located on the eastern edge of Middlewich. The supporting text to the policy indicates that the site is likely to contain sand and gravel mineral resources, which are considered to be of local and national importance. However, to avoid the unnecessary sterilisation of these resources, criterion 4 of the policy requires an MRA to be submitted with any planning application, which should enable the Council, as the MPA, to assess the risks of development leading to the sterilisation of mineral resources and to control this through the use of conditions, if necessary. With this control in place, I am satisfied that the allocation of Site MID 3 for housing would be consistent with national policy and Policy SE 10 of the LPS.

Poynton housing site allocations

93. Monitoring evidence shows the housing land supply in Poynton, at 31 March 2020, stood at 562 dwellings; a shortfall of 88 dwellings against its Policy PG 7 figure of 'in the order of' 650 dwellings. The SADPD proposes the allocation of three sites to provide an additional 150 dwellings, which would meet and exceed the Policy PG 7 apportionment. They are: Site PYT 1 at Poynton Sports Club for around 80 dwellings; Site PYT 3 at Poynton High School for around 20 dwellings; and Site PYT 4 at the former Vernon Infants School site for around 50 dwellings. In addition, Site PYT 2 on land north of Glastonbury Drive is allocated for sports and leisure development to provide replacement playing fields, sports pitches and associated facilities for those lost as a result of the development of Sites PYT 1, PYT 3 and PYT 4.
94. The sites were chosen following a thorough site selection and assessment process, which considered a wide range of alternative sites put forward at different stages in the preparation of the SADPD. The reasons for their selection and the rejection of alternatives has been explained and justified in the Poynton Settlement Report⁴⁷, the SSM Report and in the SA of site options. Many of the sites considered as part of this process are located within the Green Belt, outside of the settlement boundary of Poynton. All three of the proposed housing allocations are located within the settlement boundary and would not require the alteration of Green Belt boundaries. Given that sufficient suitable non-Green Belt sites were identified to meet the shortfall against the indicative level of new homes in Poynton, as explained in the SSM Report⁴⁸, it was not necessary to consider Green Belt sites further. This approach is consistent with the expectation in national policy that

⁴⁷ Core document ED 39

⁴⁸ Stage 5: Evaluation and initial recommendations, paragraphs 2.27-2.29 of Core Document ED 07

Green Belt boundaries should only be altered in exceptional circumstances and that all other reasonable options for meeting the need for development should be examined fully before concluding whether exceptional circumstances exist⁴⁹.

95. Some representors contend that additional sites should be identified due to slow progress in the delivery of the strategic sites at Poynton allocated in the LPS. However, the Council confirmed at the Hearing that sites LPS 49 and 50 at Poynton are under construction and site LPS 48 has full planning permission, which is supported by published housing monitoring evidence for 2020-21. The NPPF expects that such sites should be considered deliverable unless there is clear evidence that homes will not be delivered within five years. I have seen no evidence which would lead me to conclude otherwise.
96. Concerns have also been raised in representations on the MMs about new information which shows that Sites PYT 1 and PYT 2 may be at higher risk of sewer discharge and public sewer flooding, which may limit their development capacity. However, these are matters which can be addressed at the planning application stage through the design of suitable layouts and site levels, in liaison with the relevant utility provider. LPS Policy SE 13 and Policy ENV 16 of the SADPD, together with relevant criteria for Sites PYT 1 and 2, provide appropriate policy safeguards to deal with flood risk and drainage matters.
97. The key issue with the delivery of housing on Sites PYT 1, PYT 3 and PYT 4 is adequacy of the proposed replacement sports facilities to mitigate the loss of sports pitches. However, the Sports Mitigation Strategy for Poynton⁵⁰ prepared by the Council in consultation with Sport England, demonstrates that the combination of the replacement sports facilities at Site PYT 2 and improvements to the remaining playing pitches at Sites PYT 3 and PYT 4, would fully mitigate the loss of provision at the existing Poynton Sports Club on Site PYT 1 and the small losses of playing field space at Sites PYT 3 and PYT 4. Sport England has confirmed its agreement with the Sports Mitigation Strategy, that it is robust and provides the strategic framework to support the principle of the three housing allocations⁵¹. The package of proposals set out in the Strategy would also address shortfalls in the provision of sports pitches across Poynton identified in the Playing Pitch Strategy⁵², thereby helping to meet some of the existing needs for additional playing pitch provision in the area.
98. The measures proposed to mitigate for the loss of playing fields on Sites PYT 3 and PYT 4, set out in the supporting text of the SADPD, are not consistent with the provisions in the Sports Mitigation Strategy, which reflects the updated agreed position between the LPA and Sport England. The site area for Site PYT 4 is also incorrect. Accordingly, **MM70** and **MM71** are necessary to ensure the mitigation measures are justified and that the policies will be effective in enabling the delivery of housing development over the plan period.

⁴⁹ Paragraphs 140 and 141 of the NPPF

⁵⁰ Examination document CEC/02a

⁵¹ Examination document CEC/16

⁵² Core document ED 19a

99. In terms of the timescale for delivery, the policy criteria for Site PYT 1 require that the replacement sports facility at Site PYT 2 is brought fully into use before the loss of the existing facilities. The Council's Hearing Statement on this issue⁵³ sets out an indicative development programme for Sites PYT 1 and PYT 2, which shows that this would be feasible, enabling the completion of housing development by the end of the plan period. This programme is supported by the promoter of Site PYT 1⁵⁴. It is also clear from the evidence submitted to the Hearing that steps are being taken to secure the necessary consents from the Department for Education for the disposal of the relevant tracts of school playing field land at Sites PYT 3 and 4 to enable housing development to come forward as and when the new grass pitches have been constructed on Site PYT 2.
100. The land comprising Site PYT 2 is located within the Green Belt (GB). However, paragraph 149 of the NPPF defines the provision of 'appropriate facilities' in connection with the use of land for outdoor sport, as an exception to the presumption against new buildings in the GB. The policy criteria for Site PYT 2 require development proposals to ensure buildings are 'appropriate facilities', as well as to minimise their impact on the GB and preserve its openness. These provide the necessary development management safeguards for the LPA to ensure at the planning application stage that any clubhouse, changing room, fencing or other structures proposed on the site would be consistent with national policy on the GB. As such the location of the site for the replacement sports facilities within the GB should not hinder the delivery of housing at Sites PYT 1, 3 and 4.
101. Paragraph 12.66a of the supporting text in the SADPD indicates that Site PYT 2 is likely to contain sand and gravel resources. Given that buildings on this site would be limited to appropriate facilities for sport and recreation, development at this limited scale would be unlikely to sterilise mineral resources to any significant extent. Nevertheless, policy criterion 8 to Site PYT 2 includes a requirement for an MRA to be submitted with any planning application, which should enable the Council, as the MPA, to assess the impact of proposals on the sterilisation of mineral resources and to control this through the site layout and use of conditions as necessary.

Conclusion

102. Subject to the MMs identified above, I conclude that the proposals in the SADPD for further housing development at the KSCs are consistent with the LPS and are positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development.

⁵³ Document HPS/M2/09

⁵⁴ Paragraph 2.18 of Hearing Position Statement HPS/M2/24

Issue 3 – Are the proposals in the SADPD for settlement boundaries, infill villages and village infill boundaries consistent with the LPS and are they positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development?

Settlement Boundaries (Policy PG 9)

103. The LPS establishes the strategic policy framework for, and purpose of, settlement boundaries. Firstly, to assist in directing built development towards the most sustainable locations in the Borough, in line with the settlement hierarchy in LPS Policy PG 2 and the spatial distribution in LPS Policy PG 7. Secondly, to define the spatial extent of the Open Countryside to which the policy of development restraint in LPS Policy PG 6 applies. The supporting text to Policies PG 6 and PG 7⁵⁵ makes clear that the settlement boundaries are defined in the saved policies of the three legacy plans, as amended by sites allocated in the LPS, until detailed boundaries are established in the SADPD and/or Neighbourhood Plans (NPs).
104. Therefore, although some representations sought alternatives to settlement boundaries as a means of managing development in urban fringe and rural areas, the principle of settlement boundaries and the strategic policy to be applied to development outside of those boundaries have already been found sound, following the Examination of the LPS. As such, these matters are not in scope for review as part of the SADPD. Rather, the task delegated to the SADPD in the supporting text to LPS Policies PG 6 and PG 7, is to review the existing settlement boundaries and establish detailed boundaries going forward.
105. In preparing the SADPD, the Council undertook a review of settlement boundaries, the results of which are set out in the Settlement and Infill Boundaries Review (SIBR)⁵⁶ and the respective Settlement Reports⁵⁷. The three legacy plans and made NPs define boundaries for 62 settlements across the Borough, listed in Table 8.3 of the LPS. This reveals a variation in approach between the respective legacy plans and NPs, particularly for villages in the lowest OSRAs tier of the settlement hierarchy, some of which are defined by a settlement boundary and others with an infill boundary.
106. The SIBR formulates a more consistent approach to settlement boundaries, which provides the basis for Policies PG 9 and PG 10 in the SADPD. It establishes that settlement boundaries should be defined for the Principal Towns and KSCs, to provide certainty over where development is acceptable, given that they are the primary locations for new development in the settlement hierarchy. It also reasons that settlement boundaries need to be defined for the LSCs, to assist in determining suitable locations for windfall development, which Policy PG 8 expects them to accommodate to meet the overall indicative levels of development expected at the LSCs.

⁵⁵ Paragraphs 8.69 and 8.76 of the LPS

⁵⁶ Core document ED 06

⁵⁷ Core documents ED21-44

107. For the OSRAs, the SIBR concludes that settlement boundaries are not required, because their indicative levels of development under LPS Policy PG 7 have already been met by completions and commitments⁵⁸. Therefore, the OSRAs are included within the Open Countryside area covered by Policy PG 6 of the LPS, which allows for limited infilling in villages. Policy PG 10 defines a list of infill villages, with village infill boundaries, to provide clarity on where development may be appropriate within the OSRAs in line with LPS Policy PG 6. I consider Policy PG 10 and the evidence for the definition of infill villages and village infill boundaries in the next sub-section.
108. But, overall, I find the basis for defining settlement boundaries to the Principal Towns, KSCs and LSCs and village infill boundaries for the OSRAs and the distinction between them is justified, based on proportionate and robust evidence set out in the SIBR. It is also consistent with the overall strategy for the pattern and scale of development in the LPS, in terms of the different roles of settlement types within the settlement hierarchy in Policy PG 2 and the spatial distribution of development in Policy PG 7.
109. With regard to the definition of detailed settlement boundaries, the SIBR sets out the methodology used by the Council to review the existing adopted boundaries⁵⁹. The methodology followed a stepped process, using clearly explained criteria to ensure a consistent approach. Adjustments to boundaries have been made to incorporate site allocations and extant planning permissions where these adjoin or are contiguous with a settlement boundary. Exceptions include where sites remain within the Green Belt and exceptional circumstances have not been demonstrated for the alteration of boundaries, or where development was permitted outside of the settlement boundary due to unique circumstances, such as a rural exception site or rural occupancy condition. The relationship of boundaries to the built-up area of settlements and to physical features on the ground were also considered as part of the review. The results of the review and the explanation of changes to boundaries are set out in the Settlement Reports.
110. In a number of locations, the proposed boundaries were questioned in representations, some of which were discussed at the Hearing. I have reviewed the evidence for these and for those referred to in written representations. They included sites on the edge of Alsager, Audlem, Bollington, Chelford, Congleton, Holmes Chapel, Knutsford, Macclesfield, Prestbury, Sandbach, Shavington, Wilmslow and Wrenbury. I am satisfied that in these and all other cases, the criteria and the judgements used to inform the choice of settlement boundaries have been fairly and consistently applied. I have seen little evidence to indicate that the boundaries proposed are not justified on the basis of the evidence provided.
111. In preparing this Report, I have found one anomaly at Prestbury, which was not raised in representations or discussed at the Hearing. The settlement boundary to Prestbury in the Draft Adopted Policies Map⁶⁰ has been drawn to include site PRE 2, which is designated as SL under Policy PG 12. However, this is contrary to the recommendations of the settlement boundary review in the Prestbury

⁵⁸ As at 31 March 2020 recorded in Tables A1.4 and A2.4 in ED 05

⁵⁹ Section 4 Part A of ED 06

⁶⁰ Page 46 of ED 02

Settlement Report⁶¹, which shows the boundary following the existing settlement boundary and excluding PRE 2. It is also inconsistent with paragraph 2.18a of the submitted SADPD, which states that SL remains in the open countryside, and with the geographic illustration of all other land designated as SL in the LPS and SADPD. Retaining the SL site within the settlement boundary would mean criterion 3 of Policy PG 9 would apply, which supports development within settlement boundaries that is in keeping with the scale, role and function of that settlement. But the LPS⁶² establishes that LPS Policy PG 6 applies to SL, restricting development to uses appropriate to the Open Countryside. As such, the development management policy for site PRE 2 would be ambiguous and it would not be evident how a decision maker should react to development proposals on the site, contrary to paragraph 16 of the NPPF.

112. As the Policies Map is not defined as a development plan document, I do not have the power to recommend MMs to it. As such, the alteration of this boundary will be a matter for the Council to address before adoption. However, this is an instance the geographic illustration of Policy PG 9 on the submission Policies Map is not justified and a change to it is needed to ensure that the SADPD is clear, effective and consistent with national policy. Other than this, I conclude that the Settlement Boundaries defined on the submitted Policies Map are positively prepared, justified and effective.
113. Policy PG 9 establishes that settlement boundaries can also be defined in NPs. This creates the potential for inconsistency between NPs and the SADPD if two different settlement boundaries are defined. Footnote 2 in the submitted SADPD seeks to clarify this by stipulating that the most recent settlement boundary will be applied. This is consistent with national policy on non-strategic policies⁶³, but, for effectiveness, the footnote should form part of the policy.
114. Criterion 2 of Policy PG 9 also allows NPs to define settlement boundaries for settlements in the OSRAs. Given that the policies of a made NP take precedence over existing non-strategic policies in a local plan⁶⁴, where an OSRA settlement is defined as an infill village in Policy PG 10, to ensure consistency between the local plan and NPs, the policy should make clear that the village infill boundary defined on the adopted Policies Map should be the starting point for determining a settlement boundary in the NP.
115. **MM1** amends the wording of Policy PG 9 to include these changes. This is necessary for effectiveness, to make clear the relationship between the SADPD and Neighbourhood Plans in the definition of settlement boundaries. For clarity and effectiveness, it also amends Footnote 3 to the policy to highlight the status of Brereton Green as an infill village with a village infill boundary in Policy PG 10, given that the footnote states that the settlement boundary identified for it in the Brereton Neighbourhood Plan is not to be maintained under Policy PG 9.

⁶¹ Table Prestbury 38 and Appendix 7 and of ED 40

⁶² Criterion 4 of Policy PG 4 and paragraph 8.70

⁶³ In paragraph 30 of the NPPF

⁶⁴ Paragraph 30 of the NPPF

Infill Villages and Village Infill Boundaries (Policy PG 10)

116. LPS Policy PG 6 restricts development in the Open Countryside to that which is appropriate to a rural area, with a number of exceptions, which include where it constitutes an opportunity for 'limited infilling in villages'. Policy PG 10 defines which of the settlements within the OSRAs tier are 'infill villages' (criterion 1), and establishes that 'limited infilling' will be supported within the 'village infill boundaries' (criterion 3).
117. Criterion 3 defines 'limited infilling' as 'the development of a relatively small gap between existing buildings'. This is necessary to clarify how the exception in Policy PG 6 is to be understood and applied to development proposals in infill villages. Whilst there is no definition of the phrase in national policy, its explanation in criterion 3 is both reasonable and unambiguous. The additional criteria requiring proposals to be in keeping with the scale, character and appearance of the surroundings, and avoiding the loss of undeveloped land that makes a positive contribution to the character of an area, should also help to make it clear to decision makers how to determine what does and does not constitute 'a relatively small gap between existing buildings' in the context of the village in question. As such, I find the definition of 'limited infilling' in Policy PG 10 is effectively worded and consistent with national policy. It is also consistent with LPS Policy PG 2, which states that investment in this tier of settlement 'should be confined to proportionate development at a scale commensurate with the function and character of the settlement and confined to locations well related to the existing built-up extent of the settlement'.
118. The evidence to support the selection of 'infill villages' and the designation of 'village infill boundaries' is set out in the SIBR. An initial list of 117 villages were considered against three factors relating to their function and sustainability: the level of services and facilities provided; the availability of public transport; and whether or not the settlement has a coherent spatial form. Settlements meeting all 3 factors have been classified as villages, those meeting 2 out of 3 were regarded as borderline, and those meeting only 1 or none of the factors were not considered to be villages. Borderline settlements with a population of at least 500 people were also considered as villages.
119. A total of 35 villages are identified as 'infill villages' in Policy PG 10, based on the SIBR assessment. These are justified based on the evidence and the methodology employed, which I consider to be robust and consistently applied. A number of other settlements were suggested as 'infill villages' in representations, all of which I have considered and concluded that the Council's assessment of them is justified and that, based on the evidence, they do not warrant inclusion as such. However, they are not precluded from development, since Policy PG 6 permits other exceptions in the Open Countryside, including the infilling of small gaps in otherwise built up frontages, rural exception sites and the expansion of existing rural businesses, all of which would help to sustain rural communities.

120. On the question of whether certain OSRA villages in the NCGB should remain washed-over or be inset, paragraph 140 of the NPPF is clear that the need for changes to GB boundaries should be established through strategic policies. LPS Policy PG 4 declares that the extent of the existing GB in Cheshire East remains unchanged, apart from the removal of land for strategic allocations and areas of SL, and any additional non-strategic sites identified in the SADPD, for which exceptional circumstances have been demonstrated. I have considered the exceptional circumstances for altering GB boundaries for non-strategic allocations for housing, employment and SL above. Exceptional circumstances for the alteration of GB boundaries to inset washed-over OSRA villages have not been established by the LPS or otherwise evidenced and justified as part of this Examination. Moreover, the indicative levels of development for the OSRAs set out in LPS Policy PG 7 have already been met and exceeded by completions and existing commitments, without the need to change GB boundaries.
121. The evidence to support the definition of 'village infill boundaries' is also set out in the SIBR. The same stepped approach as was used to define settlement boundaries was applied to the infill villages, considering allocated sites and extant permissions, and the relationship of land to the built form of the settlement and to physical features. The considerations for boundary alignments at individual villages are explained in Table 10 of the SIBR and the recommended boundaries presented on maps in Appendix E of the document. The evidence is robust and proportionate for the task, the considerations applied were consistent and the boundary alignment decisions are justified as appropriate.
122. In a number of locations the proposed boundaries were discussed at the Hearing. I have reviewed the evidence for those and for the others referred to in written representations. The amendments to the village infill boundaries at Hankelow and Winterley, which were agreed at the Hearing and consulted upon alongside the MMs⁶⁵, should be included as changes to the Policies Map prior to adoption, to ensure these are consistent with the Hankelow Neighbourhood Plan and the extant permission in Winterley. Other than this, I am not persuaded that any further changes to the village infill boundaries are necessary to make the SADPD sound.
123. With regard to the Albion Works and Lock site, to the north west of Sandbach, in the light of the evidence submitted following the Hearing⁶⁶, including the views of Moston Parish Council and the landowner, I conclude that defining the site as an infill village at this stage in its redevelopment would not be justified. Neither would a site allocation be necessary to make the SADPD sound or to bring the site forward, given that it is under construction with a number of planning permissions still to be implemented. Policies EG 3 and PG 6 of the LPS provide a suitable framework to guide applications for the remaining industrial complex at the northern end of the site.

⁶⁵ PM01 in the Schedule of Proposed Modifications to the Draft Policies Map

⁶⁶ Examination document CEC/17

124. Some representations maintain that Policy PG 10 is not consistent with national policy because it represents a blanket policy restricting housing development in some types of rural settlement. However, the PPG allows for such an approach, provided it is supported by robust evidence of its appropriateness⁶⁷. The evidence to support the selection of some, but not all, rural settlements as infill villages set out in the SIBR is robust. The list of 35 infill villages identified in Policy PG 10 comprises a wide range of rural settlements, with coherent settlement forms, services and facilities, and public transport provision, all of which can play a role in delivering sustainable development in the rural areas of the Borough.
125. It has also been asserted that the use of infill boundaries and the restriction of development to limited infilling of small gaps between existing buildings in Policy PG 10 is not consistent national policy, which expects planning policies to identify opportunities for villages to grow and thrive⁶⁸. However, whilst infill boundaries have generally been drawn tightly, it is evident that there are opportunities for small scale infill development, which would help to support rural services and maintain the vitality of rural communities, in a way which is consistent with their role in the settlement hierarchy in LPS Policy PG 2.
126. Ultimately, the LPS does not require the indicative levels of development for the OSRAs to be disaggregated to individual settlements nor for sites to be allocated for developments of a particular size and scale in this tier of settlements. Policy SC 6 of the LPS provides for rural exceptions housing to meet local needs, including an element of market housing where this would be required to enable affordable housing. This strategic policy framework, combined with the surplus in the supply of both housing and employment land which already exists at the OSRAs, by only half way through the plan period⁶⁹, means it is not imperative to adopt a more flexible approach to meeting the needs of rural settlements.
127. On this basis, the approach to limited infilling in villages in Policy PG 10 is justified and achieves a reasonable balance between supporting sustainable development in rural areas, whilst protecting the character of the countryside.

Conclusion

128. Overall, subject to the MMs discussed above, I conclude that the proposals for settlement boundaries, infill villages and village infill boundaries set out in the SADPD are consistent with the spatial strategy and policies in the LPS, and that they are positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development.

⁶⁷ PPG Paragraph: 009 Reference ID: 67-009-20190722

⁶⁸ Paragraph 79 of the NPPF

⁶⁹ As at 31 March 2020 recorded in Tables A1.4 and A2.4 in ED 05

Issue 4 – Are the policies and proposals in the SADPD for Strategic Green Gap boundaries and for Local Green Gaps consistent with the LPS and are they positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development?

Strategic Green Gap Boundaries (Policy PG 13)

129. Crewe is identified in the LPS as a spatial priority for growth. It is located close to the market town of Nantwich to the west and a number of smaller settlements to the west, east and south, including Willaston, Haslington, Shavington and Weston, separated from them by relatively narrow stretches of open countryside. Past growth at Crewe has resulted in its coalescence with some former fringe settlements. In order to prevent this in the future and maintain the separate identities of Nantwich and the other nearby settlements, the LPS established a series of Strategic Green Gaps (SGGs) around Crewe.
130. Policy PG 5 of the LPS defines the general extent of the SGGs, which are mapped in Figure 8.3 of the supporting text to the policy. It sets out the purposes of SGGs to prevent coalescence, protect the setting and separate identity of settlements and to retain the existing settlement pattern by maintaining the openness of land. Notably, Policy PG 5 does not apply a moratorium on development within the SGGs, but establishes guidelines to manage development within them in line with their purposes and LPS Policy PG 6 for the Open Countryside.
131. This closely reflects saved Policy NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan (CNBLP), which identifies these areas as Green Gaps in the open countryside. Policy PG 5 makes clear that the detailed boundaries of the SGGs are to be determined through the SADPD, until when the boundaries defined in saved Policy NE.4 remain in force.
132. In preparing the SADPD, the Council undertook a Strategic Green Gap Boundary Review (SGGBR). This involved a five-stage approach starting with the boundaries on the CNBLP Proposals Map under Policy NE.4 and making adjustments to take account of developments built and planning permissions granted since, LPS allocations, and settlement boundaries identified through the SIBR and Settlements Reports, and to follow identifiable physical features on the ground, such as built development, transport infrastructure and landscape features. The SGGBR also considered at stage 5, whether any adjustments should be made to avoid including land within the SGG that did not serve one of the SGG purposes.
133. Some representations suggested that a more fundamental review of the extent of the SGGs should have been undertaken in preparing the SADPD. However, it is clear from the supporting text to Policy PG 5 and the LPS Inspector's Report⁷⁰, that the general extent of the SGGs has already been established in the LPS. They refer to evidence in the New Green Belt and Strategic Open Gap Study (2013)⁷¹,

⁷⁰ Paragraph 108 of Core Document BD 05

⁷¹ Examination documents CEC/06 and CEC/06a

which was examined by the LPS Inspector and confirms there is a strategic need to maintain the 'existing gaps' between Crewe and Nantwich, and other settlements, in order to prevent coalescence.

134. Therefore, it follows that the task for the SADPD was not to reconsider the general extent of the SGGs, but to delineate their detailed boundaries. Any consideration of the extent of the gaps, referred to in the LPS Inspector's Report, would be in the context of the definition of the detailed boundaries of the SGGs rather than of their broad extent. The methodology used in the SGGBR has followed this approach. It is clear from the analysis set out under stage 5 that the boundaries have been reviewed and adjusted where appropriate to ensure that the land within the SGGs fulfils a green gap purpose. As such I am satisfied that the SGGBR fulfils the expectations of the LPS in this regard.
135. I have considered the boundaries and extent of the SGGs in the light of this evidence, which is robust and proportionate. I have also reviewed those locations discussed at the Hearing and raised in written representations. Overall, and in each case, I find that the proposed boundaries follow identifiable and logical physical features on the ground, and that the land included within them continues to fulfil one or more of the purposes of the SGGs. As such they are justified and effective. Policy PG 13 makes clear that development proposals will be determined in accordance with Policy PG 5 and is therefore consistent with the LPS.

Local Green Gaps (Policy PG 14)

136. Paragraph 8.64 of the supporting text to LPS Policy PG 5 states that the SADPD will consider whether there are further, more localised gaps that require additional policy protection through a Local Green Gaps (LGGs) policy. Policy PG 14 of the SADPD defines the generic purposes of LGGs to protect the character and form of settlements, prevent coalescence and provide access to the countryside, and it establishes the criteria for considering development within them in line with those purposes and LPS Policy PG 6. Rather than identifying individual LGGs, however, Policy PG 14 supports the designation of them in NPs, recognising that a number of made NPs in Cheshire East already have local green gap policies.
137. Some have argued that Policy PG 14 does not serve a clear purpose as any LGGs designated in NPs would be protected through the relevant NPs policies. However, Policy PG 14 is clear and unambiguous and serves a useful purpose in providing a consistent approach to the management of development within LGGs, whilst ensuring communities retain the power and local choice to designate them. As such Policy PG 14 is effective and consistent with national policy.

Conclusion

138. On the above basis, I find that policies and proposals in the SADPD for SGGs and LGGs are consistent with the LPS and are positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development.

Issue 5 – Is the SADPD positively prepared, justified, effective and consistent with national policy and the LPS in respect of its provision for the accommodation needs of Gypsies, Travellers and Travelling Showpeople?

139. LPS Policy SC 7 and its supporting text provide the strategic policy framework for the provision of sites to meet the needs of Gypsies, Travellers and Travelling Showpeople, stating that sites will be allocated in the SADPD.
140. The latest Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTTSAA) covering Cheshire East was published in 2018⁷² and applies to the period 2017-2030. It identifies a need for 32 permanent pitches for Gypsies and Travellers who meet the definition in Annex 1 of the Planning Policy for Traveller Sites (PPTS). In addition, because it was not possible to determine the travelling status of all of the households surveyed when conducting the GTTSAA, a need for 2 pitches is identified for households where it was unknown whether they met the Annex 1 definition. The report also quantifies the following additional needs: 3 pitches for those who do not meet the Annex 1 definition, but need culturally appropriate accommodation; a public transit site for 5-10 pitches to address the increasing numbers of roadside encampments; and 5 plots for Travelling Showpeople.
141. With regard to the need for permanent pitches for Gypsies and Travellers, Policy HOU 5a allocates five sites⁷³, providing a total of 45 permanent pitches. However, as explained in the Council's evidence⁷⁴, Site G&T 4, which is allocated for 24 permanent pitches as an extension to the existing site at Booth Lane in Middlewich, does not form part of the new additional supply to meet the identified need, because it replaces a lapsed planning permission which is already counted in the supply of sites within the GTTSAA. Therefore, there are 21 additional permanent pitches allocated in Policy HOU 5a, which, taken together with commitments for 19 permanent pitches on sites that were granted planning permission between 2017 and 2020⁷⁵, amounts to a total supply of 40 pitches, sufficient to meet the identified need for permanent pitches for Gypsies and Travellers the period 2017-2030.
142. Representations⁷⁶ contended that the 2018 GTTSAA underestimates the need for permanent pitches, for a number of reasons, including a low interview rate and a low allowance for in-migration. These and other points were discussed at the Hearing and subsequently clarified by the Council in a written statement⁷⁷, which was submitted post-Hearing and published prior to the consultation on the MMs.
143. Having reviewed the evidence on both sides of this debate, I am satisfied that the 2018 GTTSAA provides a sufficiently robust and up to date assessment of need in

⁷² Cheshire East, Cheshire West and Chester, Halton and Warrington GTTSAA, August 2018 (ED 13)

⁷³ Sites G&T 1, G&T 2, G&T 3, G&T 4 and G&T 8

⁷⁴ Appendix 1 to the Council's responses to Inspector's initial questions (Examination document CEC/01)

⁷⁵ Also at Appendix 1 to Examination document CEC/01

⁷⁶ From Heine Planning

⁷⁷ Examination document CEC/19

Cheshire East for the period 2017-2030. Whilst there is some uncertainty about the extent of future needs arising from households on Gypsy and Traveller sites where their status under the PPTS definition was unknown (now referred to as undetermined households), the estimate of 22 further permanent pitches in the GTTSAA is based on a reasonable assumption for new household formation arising from undetermined households.

144. However, paragraph 9 of the PPTS is clear that LPAs should set pitch targets for Gypsies and Travellers as defined in Annex 1. Therefore, it would be unreasonable to require the SADPD to allocate land to meet the future needs arising from undetermined households in full, given that they may not all meet the PPTS definition. Instead, the approach set out in the SADPD of providing through commitments and allocations for the identified need for households meeting the PPTS definition in full and a proportion of undetermined households who might be expected to meet the PPTS definition, together with criteria based policies to address any further needs which may come forward over the remainder of the plan period, is justified and consistent with national policy.
145. Currently, the GTTSAA identifies a need for 2 pitches for undetermined households, based on the previous survey evidence of the authors of the GTTSAA that on average 10% of households surveyed across the Gypsy and Traveller community meet the PPTS definition⁷⁸. However, the Council's post-Hearing response acknowledges that based on over 5,000 interviews now undertaken by the authors of the GTTSAA across the country, approximately 30% of households interviewed meet the PPTS definition⁷⁹. Therefore, it would be reasonable to assume 30% of the 22 undetermined households would meet the PPTS definition, which amounts to an additional need for 7 rather than 2 permanent pitches for needs arising from undetermined households⁸⁰.
146. Turning to the supply, the overall total of 40 permanent pitches for the period 2017-2030 would be sufficient to meet the need for 32 permanent pitches for families who will meet the PPTS definition, and 7 pitches for undetermined households who are likely to do so.
147. In terms of the deliverability and developability of the supply, paragraph 10 of the PPTS expects LPAs to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets, and a supply of developable sites for years 6-15 of the plan. Based on a need for 39⁸¹ permanent pitches for the period 2017-2030, the annualised requirement would be 3 pitches per year. The Council's evidence⁸² shows that of the supply of 40 permanent pitches, 19 pitches have already been completed⁸³, which is sufficient to meet the requirement of 18 pitches⁸⁴ between 2017/18 and 2022/23, with a surplus of 1 pitch. Assuming the

⁷⁸ 10% of 22 pitches = 2 pitches (rounded down)

⁷⁹ See page 3 of Appendix 1 to Examination document CEC/19

⁸⁰ 30% of 22 pitches = 7 pitches (rounded up)

⁸¹ 32 pitches for families meeting the PPTS definition + 7 pitches for the needs of undetermined households

⁸² Appendix 1 of Examination document CEC/01

⁸³ This includes 8 pitches on Site G&T 3

⁸⁴ 3 pitches per year x 6 years

SADPD is adopted during 2022/23, a further 14 pitches on deliverable sites would be required to ensure a supply sufficient to meet 5 years' worth of the annualised target, which would be 15 pitches. The Council considers a further 14 pitches of the supply remain deliverable. 8 of these have planning permission, so should be considered deliverable. The other 6 pitches are on two allocated sites, which did not have planning permission at the time the evidence was submitted (Sites G&T 1 and G&T 8). However, they are both extensions to existing sites, which are being promoted by the site owners. As such, I consider there is sufficiently clear evidence that the pitches will be completed within the first 5 years following adoption.

148. The remaining 7 pitches are on allocated Site G&T 2, Land at Coppenhall Moss at Crewe. This site is in the Council's ownership, with a realistic prospect that it can be viably developed by the end of the plan period. The site specific policies in the SADPD for each of the allocated sites contain appropriate criteria to ensure the constraints and impacts, including visual amenity, access, noise, contaminated land and flood risk, are assessed and suitably mitigated at the planning application stage. On this basis, I find the identified supply of sites for 40 permanent pitches for Gypsy and Traveller accommodation is consistent with national policy in respect of its deliverability and developability.
149. With regard to transit pitches, Policy HOU 5a allocates Site G&T 5 at Cledford Lane, Middlewich for 10 transit pitches. A number of concerns about this allocation were raised in representations and discussed at the Hearing, including the location of the site within an emerging industrial area, its relationship with the nearby settled Gypsy community and the limited accessibility of the site for pedestrians along a rural lane without a footpath. However, the site was granted planning permission in August 2021 and is owned by Council, who confirmed at the Hearing that financial resources had been allocated to bring the site forward. As such, it can be counted as part of the deliverable supply to meet the identified need for transit pitches and it is appropriate to retain its allocation in the SADPD to protect the site for this purpose. Once constructed and available for occupation, the site will assist the Council in managing the occurrence of unauthorised encampments.
150. Policy HOU 5b allocates three sites, Sites T&S 1, T&S 2 and T&S 3, which provide for a total of 15 plots, sufficient to meet the identified needs of 5 plots for Travelling Showpeople over the plan period, with sufficient surplus to accommodate any additional need which may arise. Some concerns were expressed in representations about the suitability of these sites for accommodation for Travelling Showpeople. However, the evidence in the Gypsies, Travellers and Travelling Showpeople Site Selection Report⁸⁵ demonstrates the sites were chosen using the same robust methodology as was employed for housing and employment sites, and subject to rigorous assessment against a range of criteria. As such, they are justified, taking into account the reasonable alternatives and based on proportionate evidence. The site specific allocation policies for each set appropriate development management criteria to ensure constraints and impacts, such as noise, contaminated land and flood risk are assessed and mitigated.

⁸⁵ Core Document ED 14

151. With regard to accommodation needs of traveller families who do not meet the PPTS definition, but need culturally appropriate accommodation, section 3 of Policy HOU 5a sets criteria to guide decisions on planning applications on windfall sites in the open countryside. Whilst the PPTS does not require a land supply to be allocated to meet these needs, the GTTSAA identifies a need for 3 pitches for households who fall into this category, and advises that it will have to be considered as part of the wider housing needs of the area. Given the need for culturally appropriate accommodation, which is unlikely to be capable of being met within bricks and mortar or authorised Gypsy and Traveller sites, it is important that the criteria in Policy HOU 5a are not unduly restrictive on such proposals. In addition there is a need for flexibility in the criteria for considering windfall proposals should the Annex 1 need from undetermined households in Cheshire East be greater than estimated in the 2018 GTAA and the supplementary evidence.
152. Criterion 3(i) of Policy HOU 5a requires that applications for additional pitches in the open countryside, over and above those on allocated sites, should only be permitted where a local connection can be demonstrated. However, this requirement does not appear in Policy SC7 of the LPS, nor does it feature in policies relating to general market housing development. As such, it is an undue restriction on households who do not meet the PPTS definition, but have a genuine need for culturally appropriate accommodation Cheshire East. The PPTS states that criteria based policies should be fair and facilitate the traditional and nomadic life of travellers⁸⁶, and expects LPAs to determine applications for sites from any travellers and not just those with local connections⁸⁷. The Equality Act 2010 also places a requirement on Inspectors to consider whether policies would bear disproportionately on Gypsies and Travellers as a group with a protected characteristic.
153. As currently drafted in the submitted SADPD, criterion 3(i) would bear disproportionately on Gypsies and Travellers and for the above reasons would fail to meet the requirements of national planning policy for Gypsy and Traveller accommodation. Therefore, **MM44** deletes criterion 3(i) from Policy HOU 5a and the supporting text to it in paragraph 8.28c, and amends criterion 3(ii) to require that occupiers of a proposed pitch should have a genuine need for culturally appropriate accommodation 'in Cheshire East'. Reference to the Cheshire Homechoice Common Allocation Policy, which contains the policy on local connections, is also deleted from the supporting text. This would ensure the SADPD is positively prepared, justified and consistent with national policy in meeting needs arising from families within the Borough and from any in-migrating families currently living on sites outside of the Borough, where they can provide evidence for a need to be housed in culturally appropriate Gypsy and Traveller accommodation on sites within Cheshire East. For clarity and effectiveness, reference to Policy PG 10 is also required, which applies to proposals in the Open Countryside.

⁸⁶ Paragraph 11 of the PPTS 2015

⁸⁷ Paragraph 24(e) of the PPTS 2015

154. Policy HOU 5c defines a series of site principles to be met on all proposals for Gypsy, Traveller and Travelling Showpeople sites. These are intended to apply alongside the considerations in LPS Policy SC 7. However, as drafted in the SADPD, a number of the criteria in policy HOU 5c are not consistent with the PPTS and duplicate criteria in Policy SC 7. Changes to the criteria and supporting text to the policy, as set out in **MM45**, are, therefore, necessary to ensure the SADPD is consistent with national policy and the LPS. For clarity and effectiveness, definitions of a 'pitch' and a 'plot' are also required in the Glossary (**MM73**).

Conclusion

155. Overall, subject to the MMs identified above, I conclude that the SADPD is positively prepared, justified, effective and consistent with national policy and the LPS in respect of its provisions for the accommodation needs of Gypsies, Travellers and Travelling Showpeople.

Issue 6 – Are the policies for other types of housing, housing standards and housing delivery in the SADPD positively prepared, justified, effective and consistent with the LPS and national policy?

Housing Mix (Policy HOU 1)

156. Policy SC4 in the LPS expects new residential development to provide or contribute to a mix of housing tenures, types and sizes to support the creation of mixed, balanced and inclusive communities. Paragraph 12.32 states that further details of how this should be taken into consideration will be set out in the SADPD. To achieve this ambition, Policy HOU 1 requires applications for all major housing schemes to be supported by a 'housing mix assessment' taking account of the mix of sizes and tenures in Table 8.1 of the supporting text, as well as the local housing market, the character of the area and the requirements for self and custom build dwellings.
157. It has been argued in representations that the requirement for a 'housing mix assessment' on all major developments is unduly onerous, that the use of the tenure and size mix in Table 8.1 is inflexible, and that such an approach is not consistent with national policy. However, paragraph 62 of the NPPF expects the size, type and tenure of housing needed for different groups in the community to be assessed and reflected in planning policies. Policy HOU 1 does this by reference to the evidence in Table 8.1, which is drawn from the 2019 Cheshire East Residential Mix Assessment (CERMA)⁸⁸. It does not defer to the CERMA given that it sits outside of the development plan, but refers to Table 8.1 as a starting point for analysis, with other factors to be taken into account, including the local housing market and the character of the site, to inform the proposed mix. For these reasons, I consider this is a positively prepared and justified approach, which is consistent with national policy.
158. Currently criterion 4 of the policy requires developments to demonstrate 'an appropriate mix'. Whilst this is consistent with the supporting text to Policy SC 4, it is unclear what would be considered 'appropriate'. The additional wording

⁸⁸ Core Document ED 49

included in **MM41** is necessary to address this and ensure the policy is unambiguous and effective, so that it is evident how a decision maker should react to a proposal. So that Table 8.1 is consistent with the evidence in the CERMA and the NPPF, the heading 'Low Cost Housing' should be changed to 'Affordable housing for rent' (**MM41**) and a definition for 'Intermediate housing' added to the Glossary, so it is clear which tenure types this covers (**MM73**). For clarity, a definition for major development is also required in the Glossary (**MM73**).

Specialist Housing Provision (Policy HOU 2)

159. Policy HOU 2 sets guidelines for the provision of specialist accommodation for older people and a range of other specialist needs. With regard to the need for older persons' accommodation, it is clear from evidence⁸⁹ that this forms part of the Borough's overall housing requirement in Policy PG 1 of the LPS. The housing monitoring data⁹⁰ shows a supply of over 2,000 units of specialist C2 accommodation from completions and permissions since the start of the plan period. Together with the potential for further supply at housing allocations in the LPS and the SADPD not yet permitted, and from windfall provision on sites put forward for Class C2 uses in the call for sites which were not allocated, there is adequate provision to meet the need for specialist accommodation for older people within the plan period. The requirements for accessible and adaptable homes in Policy HOU 6, will also enable more older people in need of specialist accommodation to remain within their own homes. As such, the allocation of specific sites for older persons housing is not necessary for soundness.
160. Criterion 3(vii) of Policy HOU 2 requires affordable housing to be provided as part of specialist housing schemes for older people in line with Policy SC 5, which requires at least 30% of units to be affordable. The viability of specialist older persons' housing to support affordable housing was tested in the SADPD Viability Assessment 2020 Update (VA)⁹¹, but the results show that, due to their higher build costs, sheltered and extra care schemes would not be viably able to support 30% affordable housing in lower value areas of the Borough. Therefore, the requirement in criterion 3(vii) as submitted is not justified. However, recent case law⁹² has established that residential accommodation in Use Class C2 may have the physical characteristics of dwellings, with facilities for independent living, but fall within Class C2 if care is provided to the occupants. Where this results in older persons' schemes with construction costs similar to those for mainstream housing, the policy would be justified in seeking affordable housing. Accordingly, **MM42** includes changes to criterion 3(vii) and the supporting text to Policy HOU 2 to ensure that the requirement to provide affordable housing only applies where independent dwellings would be formed, and to allow viability assessments to be submitted at the planning application stage where scheme viability is still affected. This would be consistent with national policy and guidance on viability⁹³.

⁸⁹ Summarised in Examination document CEC/20

⁹⁰ Table 1 of CEC/20

⁹¹ Core document ED 52

⁹² Rectory Homes Limited v SSHCLG and South Oxfordshire District Council (2020) EWHC 2098 (Admin)

⁹³ Paragraph 58 of the NPPF and PPG Paragraph: 007 Reference ID: 10-007-20190509

161. Paragraph 8.13 of the supporting text requires that specialist older persons' accommodation is registered with the Care Quality Commission. However, this is not justified, as it is a requirement under separate regulations and not a planning matter. Its deletion as part of **MM42** is therefore necessary for soundness. Modifications are also necessary to Policy HOU 2 and its supporting text, and to the Glossary in the SADPD, to ensure the terminology for, and definitions of, 'specialist accommodation', 'older people' and 'elderly persons' accommodation' are clear and consistent with those used in national policy (**MM42** and **MM73**).

Self and Custom Build Dwellings (Policy HOU 3)

162. Policy HOU 3 requires the provision of a proportion of serviced plots for self and custom build (SACB) dwellings on housing schemes of 30 or more homes. The requirement to provide for SACB housing is consistent with national policy and legislation introduced since the LPS was adopted⁹⁴, which requires councils to keep a register of those wishing to commission or build their own homes and expects planning policies to provide for this need. Whilst the Council's evidence suggests that the number of serviced plots provided in Cheshire East exceeded the number of people on the Council's SACB register within the first 3 years of its operation in 2016-19, there is evidence that registrations may increase in the future, particularly if registration fees are removed, as recommended in the Bacon Review⁹⁵.
163. The site threshold of 30 dwellings or more is consistent with the definition of small and medium-sized sites in Policy HOU 14, which for the reasons I explain below is sound. The VA has also demonstrated that providing 5% of the plots on sites of 30 units or more for SACB housing is unlikely to adversely impact on development viability.
164. However, to ensure Policy HOU 3 is justified in matching provision to demand and does not impede the delivery of housing in Cheshire East, changes to the policy and supporting text are necessary so that SACB plots are only required where there is evidence of unmet demand and to enable plots to revert back to open market housing where they remain unsold after being marketed for a minimum period of 1 year. For clarity and effectiveness, it is also necessary to ensure that the viability clause, currently in the supporting text, is part of the policy. The revised wording is set out in **MM43**.

Space, Accessibility and Wheelchair Housing Standards (Policy HOU 6)

165. Paragraph 130c) of the NPPF expects planning policies to ensure developments are inclusive and accessible for future users. To support this, LPAs can make use of the optional technical standards for accessible and adaptable housing, which exceed the minimum standards in the Building Regulations (BR), where this would address an identified need⁹⁶.
166. Criterion 1 of Policy HOU 6 seeks to apply the optional BR requirements for accessible and adaptable dwellings (M4(2)) and wheelchair user dwellings (M4(3)) to varying proportions of units in major housing developments and specialist housing

⁹⁴ See Footnote 28 of the NPPF

⁹⁵ The Bacon Review: Independent review into scaling up self-build and custom housebuilding (August 2021).

⁹⁶ Footnote 49 of the NPPF and PPG Paragraph: 002 Reference ID: 56-002-20160519

for older people. The evidence of need in Cheshire East for these optional standards is set out in the CERMA⁹⁷. Having reviewed this evidence in the light of the discussions at the Hearing and my post-hearing comments, I am satisfied that it supports the application of the M4(2) standard to 30% of mainstream housing on major developments and to all specialist housing for older people, and the M4(3) standard for wheelchair adaptable dwellings to 6% of housing on major developments and 25% of specialist housing for older people.

167. However, in order that the policy is clear, effective and justified based on the evidence of need, amendments to criterion 1 and the supporting text are necessary. Firstly, to make clear that the standards will apply to 30% and 6% of 'dwellings' in major housing developments. Secondly, to specify that it is optional requirement M4(3)(2)(a) of the BR which applies to 'wheelchair adaptable' dwellings and not the whole of the M4(3) requirement, parts of which only apply to 'wheelchair accessible' dwellings. These are contained in **MM46**. For clarity and effectiveness, it is also necessary to include definitions for 'wheelchair accessible' and 'wheelchair adaptable' dwellings in the Glossary (**MM73**).
168. The additional costs of accessibility and wheelchair user standards on the viability of residential development were also tested in the VA and, in isolation, were not shown to have a significant effect on viability of the different typologies. As with other SADPD policies which add to the costs of development, the inclusion of a viability clause in criterion 2 of the policy, so that the standards would not apply where evidence demonstrates that step-free access is justified and consistent with national policy.
169. Criterion 3 of Policy HOU 6 requires new residential development to meet the Nationally Described Space Standards (NDSS). Footnote 49 of the NPPF allows policies to make use of the NDSS, where the need for an internal space standard can be justified. The NDSS Justification Paper⁹⁸ provides proportionate evidence of a failure to achieve the minimum NDSS in sufficient numbers of recently approved residential schemes in Cheshire East, to justify the need for the NDSS to be applied to future residential applications. Although the survey of units for sale in the VA did not reveal the same trend, I am satisfied that this is due to the difference in the data sets, and that the evidence contained in the NDSS Justification Paper is considerably more extensive. The additional cost of NDSS standards has also been tested in the VA and is not shown to have a significant effect on viability.
170. However, a transitional period should be allowed following the adoption of the SADPD, to enable developers to factor the additional cost of the space standards into future land acquisitions. This would ensure the policy is consistent with the advice in the PPG on applying the NDSS⁹⁹. Given that the intention to include the NDSS in the SADPD has been known since the Revised Publication Draft was published in September 2020, a 6-month transitional period for the introduction of NDSS following the adoption of the SADPD is reasonable (**MM46**).

⁹⁷ Paragraphs 3.18-3.52 of Core document ED49

⁹⁸ Core document ED 57

⁹⁹ Paragraph: 020 Reference ID: 56-020-20150327

Other Housing Standards (Policies HOU 7-11)

171. Policy HOU 7 supports the sub-division of existing dwellings into self-contained residential units, subject to criteria for living environments, amenity space, car parking, waste and recycling. However, the criteria are vague and terms such as 'adequate', 'sufficient' and 'satisfactory' are ambiguous. Accordingly, amendments to the supporting text to explain the criteria and refer to other policies and design guidance which provide standards for internal space, residential amenity and car parking space, are necessary for clarity and effectiveness. Paragraph 8.38 of the supporting text is also unnecessary as it relates to the replacement of dwellings not their sub-division, and should be deleted. These amendments are set out in **MM47**.
172. Policy HOU 8 seeks to ensure that tandem or backland development is well planned and acceptable in terms of highway safety and the amenities of adjoining occupiers. However, some of the criteria are vague and therefore no effective. For example, it is unclear what would constitute a 'satisfactory' means of access which has an 'appropriate relationship' with existing residential properties, or 'unacceptable consequences' for the amenity of existing residents. Reference to the relevant standards in guidance and other policies would help to ensure this the professional judgement of the decision maker on such matters is applied consistently. The changes to the policy and supporting text in **MM48** will help to achieve this and are, as such, necessary for clarity and effectiveness.
173. Policy HOU 9 seeks to ensure extensions to dwellings are well designed and have regard to the amenity of the occupiers of surrounding properties. Whilst the application of some of the criteria is qualified in the supporting text, other criteria are ambiguous and therefore not effective. For example, it is not evident for decision making purposes what is to be regarded as 'suitable provision for access and parking' or 'unacceptable consequences for residential amenity'. For the policy to be clear and effective, amendments are necessary to refer to further guidance and policy detail on these factors in the Cheshire East Borough Design Guide (CEBDG), the LPS on parking standards, Policy INF 3 on highway safety and access and Policy HOU 10 on amenity (**MM49**).
174. Policy HOU 10 seeks to protect the amenities of the occupiers of neighbouring residential properties and sensitive uses from unacceptable harm from new development. The terms 'sensitive uses' and 'environmental disturbance' are adequately defined in paragraph 8.45 of the supporting text. However, the policy is not clear on what is to be regarded as an 'unacceptable' loss of privacy, loss of sunlight and daylight, level of environmental disturbance or traffic generation and parking. Whilst it may be difficult to prescribe some of these impacts, further policy detail and guidance are provided in Policy HOU 11 and Table 8.2 in respect of privacy and the CEBDG in respect of other aspects of amenity. So that the policy is clear and effective, the modifications in **MM50** are necessary to refer to them.
175. Policy HOU 11 and Table 8.2 of the supporting text define a series of residential standards for distances between buildings to ensure adequate levels of daylight and privacy, which are based on standards set out in the three legacy local plans. It also provides guidance on the space required for outdoor private amenity/garden space

and frontage parking. The supporting text states that the distance standards should be seen as a minimum where new development impacts on existing property. This is consistent with the provision in national policy which seeks a high standard of amenity for existing occupiers¹⁰⁰, but for effectiveness this should form part of the policy so it is evident to decision makers how to react to proposals (**MM51**). This should not make the policy any more restrictive as criterion 1i allows for a design and layout to fall below these standards if it achieves adequate light and privacy between buildings. Amendments to the supporting text in **MM51** are also necessary to provide clarity on how the standards for space and the 45-degree rule will be used to ensure an adequate degree of light.

Housing Density (Policy HOU 12)

176. Policy HOU 12 sets out a consistent Borough-wide approach to residential densities, replacing the varying density policies in the three legacy local plans. It establishes a minimum density of 30 dwellings per hectare (dph), with an expectation of higher densities in locations well served by public transport, but scope to diverge from this, particularly in areas characterised by low density. This approach is consistent with national policy, in seeking to make efficient use of land and using minimum density standards, whilst taking account of the prevailing character of areas¹⁰¹.
177. Although residential character and densities do vary across the Borough's settlements, adding a wider range of densities into the policy, as sought by some representors, is not justified by the evidence. The policies of the three legacy local plans all promoted densities of 30-50 dph. The use of lower density ranges is only specified for a few selected locations in the saved policies of the Macclesfield Local Plan. The criteria based approach in part 3 of the policy, ensures that densities are determined at the development management stage based on local factors, including the character of the area and site surroundings, market conditions, the amenity of existing residents, the capacity of local infrastructure and site viability. Such an approach is consistent with national policy in paragraph 124 of the NPPF.
178. However, Policy HOU 12 is ambiguous in its support for densities lower than 30 dph, where this can be justified by evidence. Although the supporting text in paragraph 8.49 recognises there will be sites where lower densities will be more appropriate, this is not explicit in the policy wording. The CEBDG also contains important settlement character and density analysis, which serves to guide density considerations for new development, and should be referenced as such in the criteria in part 3 of the policy. These modifications, set out in **MM52**, are necessary to ensure the policy is positively prepared and effective for the consideration of proposals in lower density areas of the Borough.

Housing Delivery (Policy HOU 13)

179. Policy HOU 13 identifies the mechanisms the Council will support and employ to ensure the effective delivery of housing development. It is consistent with national policy and whilst it duplicates elements of the NPPF, it is evident that the timely and

¹⁰⁰ Paragraph 130(f) of the NPPF

¹⁰¹ Paragraphs 124-125 of the NPPF

co-ordinated delivery of housing is a key issue in Cheshire East to support its growth. As such, bringing together the use of various tools set out in national policy to support this in a single, positively prepared development plan policy is justified.

Small and medium-sized sites (Policy HOU 14)

180. Policy HOU 14 gives positive support to housing development on small and medium-sized sites of up to 30 dwellings. This is consistent with paragraph 69 of the NPPF, which emphasises the importance of small and medium-sized sites in helping to meet housing requirements. The threshold of 30 dwellings is supported by the Federation of Master Builders, as the main trade association for small and medium-sized developers, and, in comparison to alternative smaller site thresholds suggested, it will help to support a wider range of small and medium-sized housebuilders. As such, the policy is justified and serves a useful purpose.
181. With regard to small sites and the expectation in national policy that LPAs should identify at least 10% of their housing requirement on sites of no more than 1 ha, the Council's evidence¹⁰² demonstrates that it is already meeting this requirement. More than 10% of completions during the first half of the plan period have been on small sites and the future supply on small sites, including permissions, allocations and windfalls, exceeds 10% of the remaining housing requirement. Therefore, it is not necessary for soundness for the SADPD to allocate small sites or for Policy HOU 14 to set out further specific requirements for this.

Conclusion

182. Overall, subject to the MMs discussed above, I conclude that the policies for other types of housing, housing standards and housing delivery in the SADPD are positively prepared, justified, effective and consistent with the LPS and national policy.

Issue 7 – Has the SADPD been positively prepared and is it justified, effective and consistent with the LPS and national policy in respect of its policies and proposals for employment land and economic development in Cheshire East?

Employment Land

183. Policy PG 1 of the LPS expects provision to be made for a minimum of 380 ha of employment land for business, general industrial, and storage and distribution uses over the plan period. Appendix 2 of the Council's report on 'The Provision of housing and employment land'¹⁰³, shows a supply of employment land of 468.57 ha at the end of March 2020, which includes 40.95 ha on sites allocated in the SADPD, under Policy EMP 2 and Sites CRE 1 and 2, CNG 1 and HCH 1. This comfortably exceeds the overall minimum requirement of 380 ha for Cheshire East, and the residual requirement of 15.14 ha of employment land earmarked for non-strategic site allocations in the SADPD¹⁰⁴.

¹⁰² In Core Document ED 58

¹⁰³ Core document ED 05

¹⁰⁴ Table A.10 of the LPS

184. The sites proposed in the SADPD provide for the expansion of a number of existing businesses in Cheshire East and for development to accommodate new employers. Together with the strategic sites allocated in the LPS, they are sufficient to meet the forecast increase in jobs on which the LPS employment land requirement was based. They will also help to compensate for the estimated loss of employment land to residential development, and offer a range and choice of employment sites to meet market demand.
185. Whilst only 38.51 ha of employment land was developed and taken up between 2010 and 2020, in part this will be due to the longer lead in times required for the strategic allocations in the LPS. However, permissions on 186 ha of employment land have now been granted, with a number under construction, suggesting that an adequate pipeline of sites will be available to accommodate the forecast growth in jobs by the end of the plan period. Any change in job growth against the forecasts on which the LPS requirement was based is a strategic matter to be considered as part of a future review of the LPS, and not a matter for the SADPD as a non-strategic, part 2 plan.
186. In terms of the spatial distribution of the employment land supply across the settlements in the hierarchy, the monitoring data in Appendix 2 of the report on 'The provision of housing and employment land and the approach to spatial distribution' demonstrates that this is consistent with the distribution set out in Policy PG 7. For most settlements, the employment land supply at the end of March 2020 exceeds the indicative levels of development expected in Policy PG 7. The supply falls short of these levels at a five of the KSCs by relatively small amounts. For Handforth and Poynton, the supplies of 21.89 ha and 9.93 ha are 'in the order' the Policy PG 7 figures of 22 ha and 10 ha for these two settlements respectively. A shortfall of 0.82 ha at Congleton, is addressed by the allocation of Site CNG 1, which I discuss below.
187. For Alsager and Knutsford, the employment land supply at each is up to 2.25 ha short of the indicative levels of development in Policy PG 7. However, for both settlements the only sites identified for employment allocation at stage 2 of the site assessments process are located in the Green Belt. For both Alsager and Knutsford, the shortfalls in employment land are 'in the order of' their Policy PG 7 apportionments and compensated for by oversupplies at the Principal Towns and other KSCs. As such, exceptional circumstances have not been demonstrated to justify the alteration of Green Belt boundaries for the allocation of further employment land. For the LSCs, Site HCH 1, totalling 5.99 ha, has been proposed to meet their residual employment land needs. I have confirmed that this is justified as an appropriate strategy, for the reasons given in Issue 1 above.

Strategic Employment Areas (Policy EMP 1)

188. Paragraph 11.25 of the supporting text to the LPS identifies 11 key employment areas, which are of particular significance to the Cheshire East economy, collectively employing over 13,000 people. They are protected for employment uses by Policy EG 3 in the LPS, along with all other existing employment sites.

However, whilst some of the 11 areas are identified on maps in the LPS as strategic employment areas, not all are, and this has been identified as an irregularity in the plan.

189. Accordingly, Policy EMP 1 in the SADPD seeks to regularise this issue by confirming the status of each of the 11 key employment areas as Strategic Employment Areas, with a defined boundary on the Policies Map. Policy EMP1 supports proposals for further employment investment within them. I am satisfied the policy is justified, and that it is positively prepared and consistent with the LPS. Whilst there are other major businesses and employment areas that make important contributions to the local economy, which are not identified as Strategic Employment Areas, they will continue to be protected for employment uses by Policy EG 3. Their inclusion in Policy EMP 1 is not necessary to make the SADPD sound.

Employment Allocations (Policy EMP 2)

190. Criterion 3 of Policy EG 3 of the LPS states that allocated employment sites will be protected for employment use, subject to regular review. The existing employment allocations in Cheshire East are contained in saved policies of the three legacy local plans for Macclesfield, Congleton and Crewe & Nantwich. Given that the SADPD will replace all of the saved policies in these legacy plans, these employment allocations will fall away when the SADPD is adopted, unless they are reallocated.
191. In preparing the SADPD, the Council reviewed the legacy employment allocations, to determine whether each is suitable for continued allocation for employment. The methodology for and the results of the review are set out in the Employment Allocations Review¹⁰⁵. Out of 12 saved employment allocations that were considered, 8 have been reallocated for employment purposes in Policy EMP 2 of the SADPD, and form part of the overall employment land supply discussed above. The 4 saved allocations which have not been taken forward are, respectively, subject to flood risk constraints in Flood Zones 2 and 3, under construction for other uses, and allocated in the LPS as part of a strategic mixed use site.
192. The supporting text to Policy EMP 2, identifies the need for a Mineral Resource Assessment (MRA) to be submitted for any planning applications for Site EMP 2.8, land west of Manor Lane at Holmes Chapel, because it is likely to contain sand and gravel, as part of a wider mineral resource. However, part of the site has already been completed and the remainder benefits from an extant outline permission¹⁰⁶. In its evidence to the Hearing, the Council confirmed the requirement for a MRA was made on the basis of the overall site being 2.3 hectares in size, but that the remaining undeveloped part of the site, at around 0.75 ha, is too small for any mineral resource to be viably removed prior to development commencing. Accordingly, so that Policy EMP 2 is justified and effective, **MM40** is necessary to delete the requirement for an MRA from the supporting text.

¹⁰⁵ Core document ED 12

¹⁰⁶ Application reference 18/4283C

Employment site allocations at Congleton and Crewe (Sites CNG 1, CRE 1 and CRE 2)

193. Site CNG 1, comprising 0.95 ha of undeveloped land within an existing business area off Alexandria Way at Congleton, is allocated for employment development, to address a shortfall in the supply of employment land at this KSC, against its indicative level of development in LPS Policy PG 7. It is located on the north side of Congleton, adjacent to the strategic allocation LPS 27, which in turn is served by the new Congleton link road. Although the site is considered likely to contain sand and gravel and silica sand mineral resources, the policy criteria include a requirement for an MRA to be undertaken and submitted as part of any planning application for development, to avoid the unnecessary sterilisation of mineral resources of local and national significance. With this mitigation measure in place, Site CNG 1 is justified as an appropriate employment allocation, based on the evidence, and is consistent with national policy and the LPS.
194. Site CRE 1 comprises the existing Bentley Motors complex at Pym's Lane in Crewe. It is allocated for employment purposes to support further investment by Bentley in its design, research and development, engineering and production facilities at the site. The policy includes a series of criteria to ensure development proposals for the site retain the existing sports facility and playing fields, maximise opportunities for sustainable travel to and from the site, safeguard the amenity of nearby residents and avoid harm to the heritage assets on site, including the historic office and showroom on Pym's Lane. Subject to **MM67**, which will ensure that development proposals have regard to the advice in the Heritage Impact Assessment for the site¹⁰⁷ on mitigation measures to preserve the significance of the heritage assets, the site allocation is justified, effective and consistent with the LPS and national policy.
195. Site CRE 2, comprising 5.69 ha on land off Gresty Road in Crewe is allocated for employment development in Use Classes E(g) and B8. The site is owned by Morning Foods, another key business and employer in Cheshire East, who has plans to enlarge its existing facilities in the town, which are on the opposite side of the railway line to north of this site.
196. The site is greenfield and has a number of constraints, including the Gresty Brook adjacent to its northern boundary and an area of woodland on the southern boundary, which contains priority habitat. The policy contains eight criteria to ensure development proposals for the site are suitably designed and their impacts on the water course, ecology, adjacent heritage assets and residential properties, drainage and the highway infrastructure are mitigated. These are positively worded, clear and justified, except for criteria 3, 6 and 8, which are unduly onerous and not justified by evidence. As drafted the policy could critically restrict the potential of the site to achieve its intended employment and economic development purposes.

¹⁰⁷ Contained in Core document ED 48

197. Accordingly, the following changes, set out in **MM68** are necessary for effectiveness, and so that the allocation of Site CRE 2 is positively prepared and justified, based on the evidence:

- amend criterion 3 and paragraph 12.26 of the supporting text to allow for essential drainage infrastructure within the woodland on the southern boundary, where this is justified and complies with the biodiversity mitigation hierarchy in paragraph 180(a) of the NPPF;
- revise criterion 6 and paragraph 12.28 of the supporting text to allow for sustainable drainage infrastructure within the buffer zone to Gresty Brook, where this is compatible with the need to provide access for maintenance and emergency purposes; and
- delete the references to Crewe Road and Gresty Road in criterion 8 and paragraph 12.30 of the supporting text, to ensure measures to improve walking and cycling routes to the site can be designed to optimise opportunities for sustainable modes of travel to/from the proposed employment use.

Conclusion

198. Overall, subject to the MMs discussed above, I conclude that the SADPD been positively prepared and is justified, effective and consistent with the LPS and national policy in respect of its policies and proposals for employment land and economic development in Cheshire East.

Issue 8 – Has the SADPD been positively prepared and is it justified, effective and consistent with the LPS and national policy in respect of its policies for retail and other town centre development?

Retail Hierarchy (Policy RET 1)

199. Policy EG 5 of the LPS sets out a 'town centre first' approach for the development of retail and commerce in Cheshire East, defining a hierarchy of retail centres in the PTs, KSCs and LSCs where different levels of retail and town centre uses will be permitted. Policy RET 1 in the SADPD reiterates this hierarchy and defines two further tiers, based on evidence in the Settlement Reports. A series of Local Urban Centres (LUCs) is defined in Crewe, Congleton, Nantwich and Wilmslow; and a number of Neighbourhood Parades of Shops (NPSs) in Crewe, Macclesfield, Congleton, Handforth, Knutsford, Nantwich, Poynton, Sandbach, Wilmslow, Alderley Edge, Bollington and Haslington. Criterion 1 of Policy RET 1 establishes that development in these centres should reflect their role, function and character within the hierarchy.

200. Dean Row Road in north Wilmslow is defined as an LUC in Policy RET 1. As described in the Wilmslow Settlement report¹⁰⁸, it is a reasonably sized retail area, with a good range of convenience retail and other services to meet the day to day needs of nearby residential areas, as well as a larger supermarket and some more

¹⁰⁸ Table 8 of Core document ED 43

specialist provision serving a wider catchment. Although Dean Row Road is currently designated as a local centre in the Macclesfield Borough Local Plan, Policy RET 1 defines Local Centres (LCs) as being located within the LSCs. This is consistent with the hierarchy established in the LPS. The definition of an LUC in the Glossary to the SADPD fits with the role and retail offer at Dean Row Road. Footnote 22 of the SADPD makes clear that Local urban centres are defined town centres for the purposes of the sequential and impact tests in Policy RET 3, and Policy EG 5 confirms that town centres will be promoted as the primary location for main town centre uses.

201. For clarity and effectiveness, amendments are necessary to paragraph 9.6 of the supporting text to Policy RET 1 (**MM53**) and to the Glossary (**MM73**) to ensure that it is clear LUCs fall within the definition of town centres in the glossary to the NPPF. Subject to these MMs, I find that the definition of the retail hierarchy in Policy RET 1 is justified based on proportionate evidence and that it is consistent with Policy EG 5. It also accords with the expectations of national policy in paragraph 86(a) of the NPPF.
202. There are a number of new 'local centres' proposed within the strategic allocations in the LPS¹⁰⁹. They are not included within the retail hierarchy in Policy RET 1, as this would be neither justified nor effective until they have been built out and it is possible to assess where they fit within the hierarchy of centres. However, it is important that the proposed future investment in these new 'local centres' remains viable. National policy requires impact assessments for retail proposals outside of town centres to consider their impact on committed or planned investment in centres¹¹⁰, and this is reflected in Policy RET 3 of the SADPD. But so that it is clear this includes the assessment of impacts on proposals for new local centres at the LPS allocations, **MM53** adds a new paragraph and footnote to the supporting text to Policy RET 1. This is necessary for effectiveness.

Town Centre Boundaries

203. Paragraph 86(b) of the NPPF expects planning policies to define the extent of town centres, as part of a positive strategy for each centre. This is important in establishing the land which is within centres, and what are edge-of-centre and out-of-centre locations, to support the application of the sequential test in directing retail and commercial development into town centres.
204. Policy RET 1 makes clear that boundaries for principal town centres (PTCs), town centres (TCs), LCs, LUCs and NPSs are defined on the Policies Map. These have been based on existing centre boundaries in the three legacy local plans, updated in the light of evidence on unit occupancy and other market indicators in the respective Settlement Reports and town centre health checks undertaken as part of the Cheshire East Retail Study Partial Update (2020) (CERSPU)¹¹¹.
205. I have reviewed the proposed boundaries against the evidence in the CERSPU and Settlement Reports, and in representations requesting changes to them. This

¹⁰⁹ Allocated in LPS 2-4, LPS 8-9, LPS 13, LPS 20, LPS 26-27, LPS 33, and LPS 46-47

¹¹⁰ Paragraph 90(a) of the NPPF

¹¹¹ Core document ED 17

includes the town centre boundaries for Alsager, Knutsford, Macclesfield and Poynton, and the boundary to the NPSs at High Town in Congleton, which were discussed at the Hearing. With the exception of the northern part of the boundary to Macclesfield town centre, I am satisfied that the proposed boundaries are justified, based on the evidence, and are positively prepared. Where changes have been made to the boundaries in the three legacy local plans, these are logical, reflecting changes on the ground within the relevant centres, and the judgements which have been made are adequately explained.

206. For Macclesfield, the CERSPU recommended an extension to its town centre boundary to include a small area of commercial properties on north side of King Edward Street, which are in fact in a main town centre use. However, the boundary proposed on the submitted Policies Map excludes this area, and, as such, is not consistent with the evidence in the CERSPU. In order to ensure that the geographical illustration of Policy RET 1 for Macclesfield town centre is justified and effective, the amendment to its boundary, which was agreed at the Hearing and consulted upon alongside the MMs¹¹², should be included as a change to the Policies Map prior to adoption.

Planning for Retail Needs (Policy RET 2)

207. Policy RET 2 seeks to provide for the retail floorspace needs of the Borough up to 2030 through the sites allocated in the LPS which include a retail element, further retail development in central Crewe and Macclesfield, and the delivery of Site LPS 47 at Snow Hill in Nantwich. Whilst there is no overall cumulative capacity requirement for further convenience or comparison retail floorspace in Cheshire East up to 2030, the CERSPU¹¹³ identifies a need for further convenience floorspace at Macclesfield and selected KSCs. These needs are shown in Figure 9.2 in the supporting text to Policy RET 2.
208. The Council provided evidence of commitments for further retail floorspace, which have come forward since the CERSPU was published¹¹⁴. From this, it is clear that progress is being made towards addressing the needs in Figure 9.2 incrementally over the remainder of the plan period. The evidence does not demonstrate commitments or allocations to meet all of the settlement specific needs in Table 9.2. However, there is uncertainty over the accuracy of longer term forecasts of retail floorspace needs and of the geography of retail floorspace, due to changes in consumer shopping habits, in particular the increase in on-line retailing.
209. Accordingly, the combination of the allocations in the LPS, as set out in Policy RET 2, and the commitment to regularly review retail needs to take account of changes over the medium and long term, with the opportunity to address any shortfalls through granting further permissions in line with development management policies, is justified as an appropriate strategy.

¹¹² PM07 in the Schedule of Proposed Modifications to the Draft Policies Map

¹¹³ Figures 4.2 and 4.4 of Core document ED 17

¹¹⁴ In Tables 1 and 2 of Examination document CEC/23

Sequential and Impact Tests (Policy RET 3)

210. Paragraph 87 of the NPPF expects LPAs to apply a sequential test to applications for main town centre uses which are not in an existing centre or in accordance with an up to date plan. This is also reflected in criterion 7 of LPS Policy EG 5. Policy RET 3 applies the sequential approach in Cheshire East to proposals that are not in a 'defined centre', which footnote 22 defines as centres in the first four tiers in the retail hierarchy in Policy RET 1. However, it does not also allow priority to be given to proposals that accord with an up to date plan, meaning that applications for main town centre uses on sites allocated for this in the LPS would also have to satisfy the sequential test. This is not consistent with national policy or the LPS. Therefore, to rectify this, the amendment to criterion 1 of Policy RET 3 in **MM54** is necessary.
211. Paragraph 90 of the NPPF also requires that proposals for retail and leisure development over a proportionate, locally set floorspace threshold, outside of a centre and not in accordance with an up-to-date plan, should require an impact assessment. Criterion 2 of Policy RET 3 applies this in Cheshire East using thresholds of 500 sqm for PTCs, 300 sqm for TCs and 200 sqm for LCs.
212. The evidence to support these thresholds is set out in the Threshold Policy for Main Town Centre Uses Impact Test Evidence and Justification Report (2017)¹¹⁵. The thresholds proposed represent the minimum size of anchor units for convenience and/or comparison retail uses in each tier of centre, which continue to experience pressure from edge and out-of-centre development. These thresholds were reviewed as part of the CERSPU¹¹⁶ and confirmed as appropriate, in the light of the current health, performance, floorspace composition of each centre, and the availability of units capable of meeting national multiple occupier requirements in each centre. Based on this, I am satisfied that the proposed impact test thresholds set out in Policy RET 3 are justified as an appropriate mechanism to ensure the vitality and viability of these tiers of centre in the Borough.
213. However, several modifications are necessary to this part of Policy RET 3 to address soundness issues. Firstly, whilst it has been confirmed that 'local urban centres' fall within the definition of 'town centres' for the purpose of the sequential and impact tests, the threshold at which an impact test should be undertaken for a local urban centre is not set out in Policy RET 3 or its supporting text. Accordingly, **MM54** adds a new table 9.3 to the supporting text, which defines thresholds for the 6 LUCs, in line with those for the settlement hierarchy tier in which they are located. Given that the thresholds are based on evidence of the minimum size of anchor units in the relevant tier of centre, I am satisfied these are justified. To ensure they are referenced in the policy, I have added amended the wording of the MM, as it was published for consultation, to include LUCs to the list of thresholds.
214. Secondly, to ensure consistency with national policy, **MM54** adds text to criterion 2 to make clear that an impact assessment is not required for proposals outside of centres, which are in accordance with an up-to-date plan, such as applications for main town centre uses on sites allocated for this in the LPS. Thirdly, **MM54**

¹¹⁵ Core document ED 16

¹¹⁶ Pages 29-32 of ED 17

modifies criterion 2(ii) to ensure the impact tests are carried out for the 'defined' centres in footnote 22, so that it is effective in maintaining the vitality and viability of LUCs as well. Finally, the small wording change to criterion 4 is necessary to ensure consistency with paragraph 91 of the NPPF (**MM54**).

Restaurants, Cafes, Pubs and Hot Food Takeaways (Policy RET 5)

215. Policy RET 5 seeks to manage the development of restaurants, cafes, pubs and hot food takeaways in respect of their impacts on local character, residential amenities, community safety, highway safety and health. With particular regard to health, in order to support local health initiatives to reduce the incidence of obesity in Cheshire East, criterion 3 seeks to restrict the opening hours of proposals for new hot food takeaways within 400 metres of secondary schools and sixth form colleges. Whilst similar policies have been adopted by some other LPAs in England, this does not amount to evidence justifying a similar policy approach in Cheshire East. Rather the PPG cites evidence produced by local public health agencies and of high levels of obesity or health inequalities in specific locations, as the type of data needed to justify such a policy¹¹⁷.
216. The evidence provided to support this policy approach is set out in a Hot Food Takeaway Background Report (2020)¹¹⁸. This includes evidence from a Joint Strategic Needs Assessment on Excess Weight 2019 (EWJSNA) produced by the public health agencies in Cheshire East. However, the EWJSNA reveals that levels of obesity across Cheshire East are generally below the national average, with only the Crewe 6 group of wards above this average. As such, a blanket policy restricting the opening hours of hot food takeaways near to schools and colleges throughout Cheshire East, as submitted in Policy RET 5, is not justified by evidence of poor health across the Borough as a whole. Indeed, the EWJSNA does not recommend a borough-wide approach, but suggests that initiatives aimed at reducing excess weight should be targeted at the Crewe 6 group of wards. Such an approach would be consistent with national policy and with the guidance set out in the PPG. Accordingly, so that Policy RET 5 is justified and consistent with national policy, **MM55** is necessary to modify criterion 3 and the supporting text to the policy, so that the restriction on the opening hours of hot food takeaways only applies within the Crewe 6 wards.
217. In order to ensure that the geographical illustration of Policy RET 5 is justified and effective, the 'hot food takeaway restriction zone' shown in the Schedule of Proposed Modifications to the Policies Map¹¹⁹, which was consulted upon alongside the MMs, should be added to the Policies Map prior to adoption.

Neighbourhood Parades of Shops (Policy RET 6)

218. Policy EG 5 of the LPS states that small parades of shops will be protected where they are important to the day-to-day needs of local communities. Neighbourhood

¹¹⁷ PPG Paragraph: 004 Reference ID:53-004-20190722

¹¹⁸ Core document ED 50

¹¹⁹ PM08 in the Schedule of Proposed Modifications to the Draft Policies Map

parades of shops are identified in as part of the retail hierarchy in Policy RET 1 and Policy RET 6 seeks to protect them to provide facilities serving a local catchment.

219. Criterion 2 of the policy seeks to prevent the loss of Use Class E(a) retail and Class F2(a) local community shops to other uses. However, the 2020 changes to the Use Classes Order (UCO)¹²⁰ mean that both retail and non-retail activities are grouped together in these two Use Classes. The UCO provides that switching the use of a building or land to another purpose in the same Use Class does not amount to development. As such, the permissions sought in criterion 2 are outside of the LPA's control and not consistent with national policy. Accordingly, **MM56** is necessary to delete criterion 2 and the supporting text at paragraph 9.27.

Vitality of Town and Retail Centres (Policy RET 7)

220. Paragraph 86(b) of the NPPF expects planning policies to define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in them, as part of a positive strategy for the future of each centre. Policy RET 7 defines Primary Shopping Areas (PSAs) in the PTCs and TCs, where retail development is to be concentrated. Criterion 3 of the policy supports the development of retail uses and seeks to resist the loss of main town centre uses within the PSAs and in the LCs and LUCs.
221. The boundaries to the PSAs are defined on the submitted Policies Map, based on a robust set of evidence in the Settlement Reports and the CERSPU of the extent of shopping frontages in each centre and the mix of retail and other main town centre uses within them. I am satisfied that the boundaries are justified based on proportionate evidence.
222. It was argued in representations that the policy should be more flexible in supporting a wider range of uses in the PSAs, LCs and LUCs, in response to changing retail market conditions. However, the policy gives appropriate support for retail and other main town centre uses within PSA, LC and LUC boundaries. In combination with Policies RET 1, RET 3 and RET 8, it provides a positive and effective policy framework for encouraging a diversity of uses within the Borough's centres, which is consistent with Policy EG 5 of the LPS and with national policy.

Residential Accommodation in the Town Centre (Policy RET 8)

223. Policy RET 8 supports the provision of housing in PTCs and TCs as part of a mix of uses. This is consistent with national policy¹²¹ which recognises the role of residential uses in ensuring the vitality of centres. Where residential development is proposed within a PSA, the requirements of Policy RET 7 provide the necessary safeguards to address any concerns about the fragmentation of shopping frontages and the loss of active uses.

¹²⁰ The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

¹²¹ Paragraph 86(f) of the NPPF

Environmental Improvements and Design in Town Centres (Policy RET 9)

224. Policy RET 9 sets out a series of design principles for development in the PTCs and TCs, to ensure they make a positive contribution to character, public realm, movement, legibility, adaptability and diversity of uses of the key centres in the Borough. Whilst Policy SE 1 of the LPS and Policy GEN 1 of the SADPD also contain design principles that apply to all development proposals, the detailed principles and guidance in Policy RET 9 relate specifically to town centres. As such the policy serves a clear purpose, and is consistent with the ambition in national policy to achieve well design places.

Crewe and Macclesfield Town Centres (Policies RET 10 and RET 11)

225. Crewe and Macclesfield are the PTCs for Cheshire East. They provide the key opportunities in the Borough for the development of retail and other main town centre uses. Both are the subject of regeneration frameworks, which sit outside of the local plan. Policies RET 10 and RET 11 translate the main components of those frameworks into local plan policies to guide and support opportunities for improving and regenerating Crewe and Macclesfield town centres. The policies are positively prepared, justified and consistent with the town centre first approach in LPS Policy EG 5 and the expectation in national policy that planning policies should provide a positive strategy for the future of town centres.

226. Currently the development areas for Crewe town centre and the character areas for Macclesfield town centre are illustrated on plans in the SADPD¹²², but not on the Policies Map as submitted. As such their policy status is not clear. Also the boundaries for the character areas in Figure 9.2 for Macclesfield are not clearly defined on an Ordnance Survey (OS) base, so in some parts of the town centre, it will be unclear which character area requirements apply.

227. Therefore, to ensure that the geographic illustration of Policies RET10 and RET11 is effective and legally compliant, the boundaries of the development and character areas for Crewe and Macclesfield town centres shown in the Schedule of Proposed Modifications to the Policies Map¹²³, which was consulted upon alongside the MMs, should be added to the Policies Map prior to adoption. For effectiveness reference to the boundaries being shown on the Policies Map needs to be added to Policies RET 10 and RET 11 (**MM57 and MM58**). Replacing the map at Figure 9.2 with one showing the character areas for Macclesfield on an OS base (**MM58**) is also necessary for clarity and effectiveness.

Conclusion

228. Overall, subject to the MMs specified above, I conclude that the SADPD been positively prepared and is justified, effective and consistent with the LPS and national policy in respect of its policies for retail and other town centre development.

¹²² Figures 9.1 and 9.2 of ED 01

¹²³ PM09 and PM10 in the Schedule of Proposed Modifications to the Draft Policies Map

Issue 9 – Are the policies for the natural environment, climate change and resources in the SADPD justified, positively prepared, effective and consistent with the LPS and national policy?

Ecological Network (Policy ENV 1)

229. Policy SE 3 of LPS sets the strategic framework for the protection and enhancement of biodiversity and geodiversity in the Borough, including measures to increase the total area of habitat and establish ecological networks. Paragraph 179a) of the NPPF expects plans to identify, map and safeguard ecological networks, including designated sites of importance, wildlife corridors and stepping stones that connect them, and areas identified for habitat management, enhancement and restoration.
230. Policy ENV 1 defines the ecological network in Cheshire East in finer detail, comprising core areas, corridors and stepping stones, restoration areas, Meres and Mosses catchments (buffer zones), and sustainable land use areas. The components of the network are mapped on the submitted Policies Map and illustrated in figure 4.1 of the supporting text. Criterion 4 of the policy sets out the requirements for development to protect, restore and enhance the different elements of the network.
231. The structure of the ecological network and the extent of the component areas comprising it are based on evidence in the Ecological Network for Cheshire East (2017) (ENCE)¹²⁴. It is consistent with the ecological network for Cheshire West and Chester (CW&C), which was defined in a companion study to the ENCE and was found sound following the examination of the CW&C Local Plan (Part Two) Land Allocations and Detailed Policies (2019). The Council has confirmed that the 250m buffer used to define the restoration areas relates to the typical dispersal distance of characteristic protected species, and that the Local Nature Partnership was consulted on the development of the network¹²⁵. Having reviewed this evidence in the light of representations and the discussions at the Hearing, I find that the definition of the ecological network is justified. I am also satisfied that the delineation of network components on the interactive Policies Map is sufficiently accurate to enable the site specific application of the policy to be understood by decision makers.
232. However, the wording of criterion 4 of Policy ENV 1 is not justified or effective. In particular, the requirement for development within the core areas, corridors, stepping stones and restoration areas to increase the size of core areas, is unduly onerous. Policy DM 44 of the CW&C Local Plan (Part 2) establishes a soundly based approach to secure the enhancement of the network in the remainder of Cheshire, enabling 'net gain' in biodiversity without unduly restricting development. Accordingly, so that Policy ENV 1 is positively prepared, justified, effective and consistent with national policy, the modifications to criterion 4 in **MM6** are necessary, to reflect the wording of Policy DM 44. I have made a minor amendment to the wording of criterion 4iv in the MM to change 'pollution **or** disturbance' to 'pollution **and** disturbance', to avoid any ambiguity.

¹²⁴ Core document ED 09

¹²⁵ Examination document CEC/34

233. Local wildlife corridors and designations identified in Neighbourhood Plans can also add to the wider ecological network. To ensure these are taken into account alongside the requirements of Policy ENV 1, an additional criterion and supporting text are included in **MM6**, which are necessary for clarity and effectiveness.

Ecological Implementation (Policy ENV2)

234. Criterion 1 of Policy ENV 2 requires development to deliver an overall net gain for biodiversity. For major developments and developments affecting semi-natural habitats, it requires this to be supported by a biodiversity metric calculation. The additional costs of biodiversity net gain (BNG) on the viability of residential development were tested in the VA and were not shown to have a significant effect on the viability of the different typologies.
235. The principle of BNG is well established in national policy; paragraph 179(b) of the NPPF expects plans to pursue opportunities for securing measurable net gains in biodiversity. However, this is not set to become a mandatory requirement under the Environment Act 2021 until late in 2023. Therefore, as submitted, criterion 1 is not consistent with national policy in making these requirements mandatory. Accordingly, changes to criterion 1 are necessary to ensure that provision for BNG is in line with national policy (**MM7**). Worded in such a way will allow the mandatory requirement be sought once the legislation takes effect.
236. Criterion 2 of Policy ENV 2 applies the mitigation hierarchy to development proposals. It requires development to make sure 'losses' of and 'impacts' to biodiversity and geodiversity are avoided, mitigated or compensated. However, paragraph 180(a) of the NPPF expects development to be refused where 'significant harm' to biodiversity cannot be avoided, mitigated or compensated. The difference between 'impacts' and 'significant harm' is material. Accordingly, the changes to criterion 2 in **MM7** are necessary to ensure consistency with national policy.
237. Criterion 2(iii) expects off-site habitat provision to be prioritised towards areas forming part of Nature Improvement Areas, but these are not identified on the Policies Map. Therefore, to ensure that the geographic illustration of Policy ENV 2 is justified and effective, the boundaries of the Nature Improvement Areas shown in the Schedule of Proposed Modifications to the Policies Map¹²⁶, which was consulted upon alongside the MMs, should be added to the Policies Map prior to adoption. For clarity, criterion 4iii of the policy should also refer to the Policies Map (**MM7**).
238. It is also necessary for the SADPD to accommodate the changes in approach to the assessment of development proposals in river catchments where protected water bodies are in unfavourable condition due to nutrient pollution, arising from the WMS published on 16 March 2022. Whilst the HRA of the SADPD confirmed that no site allocations in the SADPD fall within the Nutrient Neutrality SSSI catchments for the 3 European sites affected in or close to Cheshire East¹²⁷, to ensure the SADPD is consistent with the WMS, additional supporting text is required to make clear that the nutrient impacts of any new plans or projects on these European sites will be

¹²⁶ PM04 in the Schedule of Proposed Modifications to the Draft Policies Map

¹²⁷ the Rostherne Mere Ramsar and the catchments of Abbots Moss and Wybunbury Moss SSIs

considered as part of any project level HRA (**MM7**). Adding a link to Natural England's guidance on nutrient neutrality and mitigation is not necessary for soundness, but could be made as an additional modification by the Council before adoption.

Landscape Character (Policy ENV 3)

239. LPS Policies SE 4 The Landscape, SE 6 Green Infrastructure and SE 15 Peak District National Park Fringe set the strategic policy framework for the protection of the landscape within the Cheshire East Local Plan area. This includes Local Landscape Designations (LLDs), which are explained in criterion 3 of Policy SE 4. Appendix B of the LPS provides further detail on the extent and definition of LLDs. It states that until reviewed and updated through the production of the SADPD, the spatial extent of LLD areas are shown as 'Areas of Special County Value' (ASCVs) in the proposals maps of the three legacy local plans. Policies PS9 of CBLP, NE3 of CNRLP, and NE1 of MBLP are all saved until replaced by the SADPD.
240. Policy ENV 3 of the SADPD requires development to respect the qualities, features and characteristics that contribute to distinctiveness of the area, as defined in the 2018 Cheshire East Landscape Character Assessment (CELCA)¹²⁸, but does not refer to the LLDs. Paragraph 4.19 of the supporting text states that LLD areas are shown on the adopted Policies Map, but there is no reference in the policy or the supporting text to the review of LLDs undertaken by the Council in preparing the SADPD, nor to the special landscape qualities which justify their continued designation. As submitted, therefore, Policy ENV 3 is not effective and the reference to LLDs in the supporting text is not justified.
241. The Council has submitted evidence to support the continued designation of LLDs, in the form of the Cheshire East Local Landscape Designation Review 2018 (CELLDR)¹²⁹. The review was informed by national and professional guidance on the identification of LLDs and valued landscapes; and drew on fieldwork and evidence from the CELCA to review the ASCVs, and define 9 LLDs. The evidence in the CELLDR is robust and proportionate. It explains the special qualities of the landscapes contained within each LLD, reflecting the landscape value that can be observed in the field. With the exception of the boundary to the Peak Fringe LLD east of Macclesfield and north of Lyme Green, which I discuss below, the evidence justifies the designation of these areas as LLDs and the boundaries shown on the Policies Map. This includes the boundaries of the Bollin Valley LLD at Yarwood Heath Farm, for the reasons set out in my post hearing letter and comments¹³⁰, and at Ashley Hall and Prestbury, and the boundaries of the Rostherne/Tatton Park LLD either side of the railway line at Ashley.
242. To ensure that Policy ENV 3 is justified and effective, **MM8** is necessary to add a new criterion and supporting text to identify the LLDs, refer to the evidence describing their special qualities and make clear that development likely to have an adverse effect on those special qualities is avoided. I have made two amendments

¹²⁸ Core documents ED10 & 10a

¹²⁹ Core document ED11

¹³⁰ Examination documents INS/33 and INS/34

to the wording of the MM, as it was published for consultation. Firstly, to clarify in the new criterion 2 that the LLDs are the 'most valued landscapes' in the part of the Borough covered by the Local Plan, given that part of the Peak District National Park lies within the Borough, but not within the plan area. Subject to that, the evidence in the CELCA and CELLDR justifies their description as the highest quality and most valued landscapes in the plan area. Secondly, to ensure the additional sentence in paragraph 4.19 of the supporting text is accurate, I have deleted the word 'unique' because the Statements of Significance for each LLD area in the CELLDR describe their 'special qualities', rather than their 'unique special qualities'.

243. The boundary to the Peak Fringe LLD on the south-eastern side of Macclesfield has been defined on the submitted Policies Map to exclude the built up area at Lyme Green and the fields to its west, and an area of meadow land north of Lyme Green, between the A523, the railway line and the Macclesfield Canal. The exclusion of Lyme Green and the land to the west of the settlement, which is allocated for housing, are clearly justified. However, the basis for excluding the meadow land to the north of Lyme Green is not justified based on the evidence. The reason given in the CELLDR is that the land is lower lying, and, as such, is not representative of the special qualities associated with the Peak Fringe landscape. However, this area of land shares similar topography and landscape character to many of the fields to the east of the canal around Sutton, which are included in the LLD. It is part of the same transitional landscape adjacent to the Peak District National Park, which the canal sits within rather than forming a boundary to. Views across the meadow land from the A523 London Road of the footslopes and uplands of the Peak District demonstrate this. The clear boundary to the Peak Fringe landscape east of Macclesfield is the built up edge of the town defined by the railway line and A523. Accordingly, to ensure that geographical illustration of Policy ENV 3 is justified and effective, prior to adoption the boundary of the Peak Fringe LLD east of Macclesfield on the Policies Map should be amended to follow the boundary shown in the Schedule of Proposed Modifications to the Policies Map, which was consulted upon alongside the MMs¹³¹.

River Corridors (Policy ENV 4)

244. Policy SE 6 of the LPS identifies the Weaver, Bollin, Dane and Wheelock river corridors as strategic green infrastructure assets to be safeguarded and enhanced. Policy ENV 4 provides more detailed criteria for development proposals to satisfy in this regard. However, the supporting text fails to explain the measures that can be taken to conserve, restore and enhance river corridors. Accordingly, the additional supporting text in **MM9**, suggested by the Environment Agency, as the statutory agency with responsibility for water quality and resources, is necessary to ensure Policy ENV 4 is adequately justified and to enable its effective implementation. Listing the North West River Basin Management Plan under 'Related documents' is not required for soundness, but could be included by the Council as an additional modification prior to adoption.

¹³¹ PM05 in the Schedule of Proposed Modifications to the Draft Policies Map

Landscaping (Policy ENV 5)

245. Policy ENV 5 sets specific requirements for landscaping schemes for new developments to ensure they respond sympathetically to the topography landscape, preserve neighbouring amenity, include climate change mitigation, and provide for satisfactory maintenance. Whilst these requirements are justified, it does not refer to the role of landscaping in enhancing biodiversity. Accordingly, for effectiveness **MM10** adds a requirement for landscaping schemes to incorporate the recommendations of ecological assessments.

Trees, Hedgerow and Woodland Implementation (Policy ENV 6)

246. Policy SE 5 sets the strategic policy framework for the protection of trees, hedgerows and woodland, including veteran trees and ancient woodland, and seeks to secure mitigation or compensation where loss is unavoidable. Policy ENV 6 provides more detailed policy requirements, particularly in quantifying net environmental gain where the loss of trees is unavoidable and on the protection and management of ancient woodland and veteran trees. However, as submitted, the policy is not justified or consistent with national policy in a number of respects.
247. Criterion 3 requires the loss of significant trees to be compensated by at least 3 replacement trees for every one lost. Whilst the replacement of lost trees, increasing tree coverage and net environmental gain are important principles of national planning policy, the mandatory requirement for a 3:1 replacement ratio for the loss of significant trees is not supported by evidence. The Council referred to a comparable standard used by another LPA, but that was based on robust local evidence, set out in a supplementary planning document. However, neither the SADPD nor any of the supporting documents provide evidence to justify a strict 3:1 replacement.
248. Accordingly, to ensure Policy ENV 6 is justified and effective in this regard, it is necessary to delete the 3:1 tree replacement ratio from criterion 3 and replace it with a requirement for replacement tree planting to be commensurate with the amenity value of the tree lost and the principle of securing an environmental net gain (**MM11**). For clarity and effectiveness, so it is clear how criterion 3 as modified will apply, **MM11** also adds supporting text to explain what constitutes a 'significant tree'. I have amended the MM, as it was published for consultation, to delete paragraph 4.41 of the supporting text, which also refers to the 3:1 tree replacement ratio, and to correct the sub-heading to criteria 7 and 8, which refer to ancient woodland and veteran trees.
249. Paragraph 131 of the NPPF expects planning policies to ensure new streets are tree-lined and that appropriate measures are in place to secure the long-term maintenance of newly-planted trees. Policy ENV 6 does not reflect these expectations, and, therefore, **MM11** includes additional criteria to this effect, to ensure it is consistent with national policy.
250. Finally, criterion 7 of Policy ENV 6 requires hedgerows deemed important under the Hedgerow Regulations 1997 to be retained. However, this is unnecessary duplication, given such hedgerows are already protected in law. Accordingly, it should be deleted to ensure consistency with paragraph 16(f) of the NPPF (**MM11**).

Climate Change (Policy ENV 7)

251. The LPS sets the strategic policy framework for development for the mitigation of impacts on and adaptation to climate change. Policies SE 8 and SE 9 of the LPS in particular deal with renewable and low carbon energy and energy efficient development. Policy ENV 7 brings together a series of more detailed climate change mitigation and adaptation requirements for new development to meet, including enhanced energy efficiency measures to achieve above standard reductions in CO₂ emissions and optimising energy from renewable or low carbon sources.
252. Given the increased urgency to tackle climate change globally, the passing into UK law of the 'net zero' target for greenhouse gas emissions by 2050, and the priority being given to tackling the climate emergency locally by the Cheshire East Council, Policy ENV 7 is justified. That is with the exception of criterion 1(vii), which seeks retrofitting measures for the existing building stock that would not be enforceable. Accordingly, for the policy to be justified in full, it is necessary to delete the criterion **(MM12)**.
253. With regard to the enhanced energy efficiency standard in criterion 2, the Planning and Energy Act 2008 allows LPAs to set energy efficiency standards in planning policies that exceed the requirements of the Building Regulations (BRs). The March 2015 WMS and the PPG¹³² confirm this and allow LPAs to set energy performance standards for new housing up to the equivalent of Level 4 of the Code for Sustainable Homes, which is approximately 20% above current BRs. Criterion 2 expects new build residential development should achieve reductions in CO₂ emissions of 19% below the Target Emission Rate of the BR. Accordingly, it is justified and consistent with national policy.
254. Criterion 3(i) duplicates the requirement in LPS Policy SE 9 for non-residential development over 1,000 sqm to secure at least 10% of its predicted energy needs from decentralised, renewable or low carbon sources. Under paragraph 16(f) of the NPPF, policies should serve a clear purpose, avoiding unnecessary duplication of policies that already apply to an area. For consistency with national policy, therefore, it is necessary to amend criterion 3(i) to remove reference to the 10% target and simply reference criterion 2 of LPS Policy SE 9 **(MM12)**.
255. Policy 4.42 of the supporting text refers to the Building for Life standard, which has now been replaced by Building for a Healthy Life 2020. Accordingly, for effectiveness, the reference must be updated and the full title listed in the 'Related documents' **(MM12)**. However, listing the Council's Carbon Neutral Action Plan under 'Related documents' is not required for soundness, but, at the Council's discretion, could be included as an additional modification prior to adoption.

District Heating Network Priority Areas (Policy ENV 8)

256. Footnote 69 to LPS Policy SE 9 states that 'District Heating Network Priority Areas' (DHNPA's) will be identified in the SADPD. Policy ENV 8 identifies Crewe and Macclesfield as areas with highest potential for heat networks, with high heat

¹³² PPG Paragraph: 012 Reference ID: 6-012-20190315

densities based on national heat maps, the Cheshire East Energy Framework 2015 and feasibility studies for heat networks in both towns. Criterion 1 confirms that the settlement boundaries of Crewe and Macclesfield are the DHNPA boundaries. However, criterion 2 of Policy ENV 8 duplicates criterion 3 of LPS Policy SE 9, regarding the contribution of developments in DHNPAs and large scale developments to district heating networks. For consistency with national policy, therefore, it is necessary to amend criterion 2 to simply reference criterion 3 of Policy SE 9 (**MM13**).

Wind Energy (Policy ENV 9)

257. Criterion 5 of Policy SE 8 in the LPS states that planning permission for wind turbines will only be granted in areas identified as suitable for wind energy development. The supporting text¹³³ says that 'areas suitable for wind energy development' will be formally identified in the SADPD.
258. Criterion 1(i) of Policy ENV 9 identifies the areas outside of the LLDs and the Peak District National Park (PDNP) fringe and their settings, as suitable for wind energy development. However, whilst the boundaries of the LLDs are clearly defined on the Policies Map, their settings are not defined. The Glossary to the NPPF regards the extent of the setting of a heritage asset as not fixed, so it follows that the settings of the LLDs will not be fixed. Therefore, including the settings of the LLDs as part of the areas in which wind energy development will not be considered suitable is ambiguous, would fail to provide clear guidance to applicants and decision makers and would not be consistent with the PPG¹³⁴, which requires 'suitable areas' for wind energy development to be identified clearly in local plans. Accordingly, so that the SADPD is justified, effective and consistent with national policy, it is necessary to delete reference to the 'settings' of the LLDs and the PDNP fringe from Policy ENV 9 (**MM14**). As modified, the policy would still safeguard the landscape qualities of the LLDs from harm arising from wind energy development proposals located outside their boundaries but within their settings, by requiring their individual and cumulative landscape impacts to be acceptable, and any negative effects minimised.
259. For clarity and effectiveness, a modification is also required to criterion 1(iv) of Policy ENV 9 to ensure that proposals for wind energy development should not have a 'detrimental' impact on air traffic safety (**MM14**). The corrections to the supporting text in **MM14** are also necessary for clarity and consistency with national policy.

Solar Energy (Policy ENV 10)

260. Under the strategic policy framework of LPS Policy SE 8 for renewable and low carbon energy, Policy ENV 10 provides additional detailed criteria for the development of solar energy installations, including solar farms/parks, to encourage the use of previously developed land, avoid the loss of the best and most versatile agricultural land, and minimise adverse impacts, including on the landscape, ecology, heritage assets, amenity and air traffic safety. The policy is consistent with national policy on renewable energy and the guidance in the

¹³³ Paragraph 13.85 of the LDS

¹³⁴ Paragraph: 032 Reference ID: 5-032-150618

PPG¹³⁵. However, for clarity and effectiveness, **MM15** is necessary to amend criterion 5 of the policy to ensure that proposals for ground mounted solar energy developments do not have a 'detrimental' impact on air traffic safety.

Proposals for battery energy storage systems (Policy ENV 11)

261. Policy ENV 11 sets criteria to guide proposals for the development of battery storage systems, which assist the balancing of electricity demand and support the fluctuation in supply from renewable energy installations. It is consistent with paragraph 155 of the NPPF in providing a positive strategy for renewable and low carbon energy. The criteria to be satisfied are similar to those for wind and solar energy schemes and are justified. For clarity and effectiveness, **MM16** is necessary to delete reference to LPS Policy SE 8 which does not expressly mention battery energy storage systems.

262. Representations sought the widening of Policy ENV 11 to include other forms of energy storage, such as hydrogen. However, this is a strategic energy storage issue for consideration as part of the review of the LPS, rather than for determination through the SADPD.

Air Quality (Policy ENV 12)

263. The supporting text to Policy ENV 12 confirms that Cheshire East has 19 Air Quality Management Areas (AQMAs), all except one of which have been declared on the basis of levels of nitrogen dioxide (NO₂) due to emissions from vehicles. The number of AQMAs has recently reduced to 12 and since this is likely to change further over time, for clarity **MM17** has deleted the reference the number of AQMAs.

264. Policy ENV 12 introduces a requirement for applications for proposals impacting local air quality to be supported by an Air Quality Assessment (AQA). The requirement for an AQA is consistent with the guidance set out in the PPG¹³⁶. However, Policy ENV 12 and supporting text are unclear on the proposals for which an AQA would be required. Whereas the policy requires an AQA to be submitted for proposals likely to have 'an impact' on local air quality, paragraph 4.71 of the supporting text requires an AQA where proposals are of a 'large scale' and/or likely to have 'a significant or cumulative impact' on local air quality.

265. In response to discussion of this point at the Hearing, MM17, as published for consultation, included a list of development types for which an AQA would be required. However, the evidence to support this list has not been provided. Therefore, on reflection and taking into account representations on the MMs, I have amended the wording of **MM17**, to remove reference to the list, to ensure the policy is justified and that the supporting text on when an AQA would be required is consistent with the national guidance in the PPG.

¹³⁵ Paragraph: 013 Reference ID: 5-013-20150327

¹³⁶ Paragraph: 007 Reference ID: 32-007-20191101

266. Policy ENV 12 and the supporting text are also ambiguous on the measures that may be considered to acceptably mitigate the adverse impacts of development on air quality. Examples of mitigation are set out in the PPG¹³⁷ and in the Council's Air Quality Strategy and Action Plan. For clarity and effectiveness, **MM17** includes further amendments to the supporting text of the policy to reference mitigation measures in the PPG, and Local Air Quality Strategy and Action Plan.

Aircraft Noise (Policy ENV 13)

267. Manchester Airport is located on the northern boundary of Cheshire East, with part of the second runway extending into the Borough. A significant area of land in the north-west of the Borough, including the whole of Mobberley and most of Knutsford, lies within the noise contours of the airport, where development can be affected by daytime and night time aircraft noise.
268. Policy ENV 13 sets requirements for the location and design of noise sensitive development to mitigate the adverse impacts of aircraft noise. Criterion 1 deals with residential development. It defines the Significant Observed Adverse Effect Level (SOAEL), above which significant adverse effects on health and quality of life occur, as 63dB L_{Aeq,16hr}. The Lowest Observed Adverse Effect Level (LOAEL), above which adverse effects on health and quality of life can be detected, is defined as 54dB L_{Aeq,16hr}. Criterion 1(i) prevents new dwellings within areas subject to aircraft noise levels above the SOAEL. Criterion 1(ii) allows new dwellings in the areas between the SOAEL and LOAEL, where they can be designed to achieve internal ambient daytime and night time noise levels in line with the British Standards and where external noise levels in private gardens would not exceed 55dB L_{Aeq,16hr}. Criterion 1(iii) sets night time noise exceedance limits at 45dB L_{AF,max} in bedrooms during the summer.
269. The evidence to support these¹³⁸, based on analysis of World Health Organisation (WHO) noise guidelines, national policy, aircraft noise policies in other local plans and recent appeal decisions, is both robust and proportionate. In the light of this, the limits set for the SOAEL and LOAEL, indoor ambient daytime and night time noise levels in dwellings in criteria 1(i), 1(ii)(a) and 1(iii) of Policy ENV 13 are reasonable, justified and consistent with national policy.
270. However, **MM18** makes two changes to criterion 1(ii)(a), which are necessary for soundness. Firstly, the expectation that mechanical ventilation and heat recovery systems must be powered by renewable energy generated within the development, is not justified and is deleted together with the related supporting text, given that Policy ENV 7 sets the requirements on energy from low carbon or renewable sources in residential development. Secondly, for clarity and effectiveness the subscript notation for the indoor ambient night time noise level in the table must be corrected from L_{Aeq,16hour} to L_{Aeq,8 hour}.

¹³⁷ Paragraph: 008 Reference ID: 32-008-20191101

¹³⁸ In the Aircraft Noise Policy Background Paper 2020 (Core document ED 15)

271. With regard to the noise limit of 55dB $L_{Aeq,16hr}$ in criterion 1(ii)(b), the PPG states that for new developments, 'where external amenity spaces are an intrinsic part of the overall design, the acoustic environment of those spaces should be considered so that they can be enjoyed as intended'¹³⁹. Whilst there are no specific noise thresholds for external amenity space in national policy, the British Standards (BS 8223:2014) define 55dB as an appropriate upper guideline noise value to set for external amenity spaces. However, the PPG urges that 'care should be taken,... to avoid these being applied as rigid thresholds, as specific circumstances may justify some variation being allowed'¹⁴⁰. It also advises that the values in the British Standards are 'not to be regarded as fixed thresholds and as outcomes that have to be achieved in every circumstance'¹⁴¹. Indeed, the BS itself defines 55dB as a guideline value.
272. Therefore, whilst the use of the 55dB $L_{Aeq,16hr}$ figure is justified by the evidence as an appropriate upper guideline noise level to which external amenity space in residential developments should be designed, its inclusion as a threshold which cannot be exceeded is not justified. Accordingly, to ensure the plan is justified, positively prepared and consistent with national policy, it is necessary to modify criterion 1(ii)(b), to define the 55dB as an upper 'guideline' value and allow for greater flexibility in how it is applied (**MM18**). This will allow opportunities for otherwise acceptable residential development on sites within settlements, which lie within the 54dB and 63dB daytime noise contours for Manchester Airport, such as in Mobberley and Knutsford, to be realised if they can be designed to achieve an acceptable living environment overall.
273. The noise mitigation requirements for hotels and hostels, hospices and residential care homes, educational and healthcare development, and all other noise sensitive development in Policy ENV 13 are soundly based.

Surface Water Management and Flood Risk (Policy ENV 16)

274. LPS Policy SE 13 provides the strategic policy framework for flood risk and water management. Policy ENV 16 provides more detailed criteria, in particular those for surface water management in new development, stating a preference for surface level SuDS, with multi-functional benefits. As such it serves a clear purpose and is justified. However, criterion 1 of the policy is ambiguous. Accordingly, **MM19** replaces it with an opening sentence, which provides clarity on how the requirements of the policy should be applied to development in the context of LPS Policy SE 13.

Protecting Water Resources (Policy ENV 17)

275. Policy ENV 17 supplements LPS Policy SE 12 with more detailed development management requirements to protect the flow and quality of groundwater and surface water sources. Criterion 2 deals with development within ground water

¹³⁹ Paragraph: 006 Reference ID: 30-006-20190722

¹⁴⁰ Paragraph: 007 Reference ID: 30-007-20190722

¹⁴¹ Paragraph: 015 Reference ID: 30-015-20190722

protection zones identified by the EA. However, the zones are not defined on the Policies Map. Therefore, to ensure the geographical illustration of Policy ENV 17 is justified and effective, prior to adoption, the Policies Map should be amended to include the EA's Groundwater Source Protection Zones 2019, as shown in the Schedule of Proposed Modifications to the Policies Map, which was consulted upon alongside the MMs¹⁴². For clarity it is also necessary to amend the supporting text to the policy to refer to this **(MM20)**.

Conclusion

276. Overall, I conclude that, subject to the MMs discussed above, the policies for the natural environment, climate change and resources in the SADPD are justified, positively prepared, effective and consistent with the LPS and national policy.

Issue 10 – Are the policies for the historic environment in the SADPD justified, positively prepared, effective and consistent with the LPS and national policy?

Heritage Assets (Policy HER 1)

277. Policy HER 1 is consistent with paragraph 194 of the NPPF in requiring proposals affecting heritage assets to be accompanied by an assessment of their impact on the heritage significance of the asset. The policy is justified and effective in listing the local sources of historic information in Cheshire East, which assessments should have regard to.

Heritage at Risk (Policy HER 2)

278. Paragraphs 190 and 192 of the NPPF expect plans to set out a positive strategy for the conservation of heritage assets at risk and that the deteriorated state of a heritage asset should not be a factor in decisions where deliberate neglect is evident. Policy HER 2 is consistent with national policy in these respects.

279. Whilst paragraph 5.9a of the supporting text states that the policy does not allow for enabling works that would usually be considered harmful, criterion 1 of the policy includes the word 'enabling' which is confusing. For clarity and effectiveness, it is necessary to remove this phrase from criterion 1 **(MM21)**.

280. Criterion 4 of the policy requires works to repair and re-use a heritage asset at risk to be undertaken before the occupation of any new buildings proposed as part of the development on the site. However, in practice this may limit the ability of site owners or developers to raise funds from the sale of new buildings to complete repairs to the heritage asset. Accordingly, so that the policy is justified and effective in this regard, amendments to criterion 4 and the supporting text, as detailed in **MM21**, are necessary.

¹⁴² PM06 in the Schedule of Proposed Modifications to the Draft Policies Map

Conservation Areas (Policy HER 3)

281. Part 1 of Policy HER 3, which defines the factors to be taken into account in considering development within or affecting the setting of a conservation area, is justified, effective and consistent with the approach in national policy. Part 2 sets criteria which proposals for the demolition of buildings that contribute positively to conservation areas need to satisfy. However, the requirements that the building must be structurally unsound, uneconomic to repair and that alternative uses have been investigated, goes beyond the tests set out in paragraphs 201 and 202 of the NPPF. Accordingly, to ensure Policy HER 3 is consistent with national policy, criteria 2(ii) and (iii) must be deleted (**MM22**). Subject to this modification, I am satisfied that the policy is consistent with case law in ensuring demolition is considered in the context of the potential benefits of a replacement development¹⁴³ and that repeat the wording of the NPPF in full is not necessary for soundness.

Listed Buildings (Policy HER 4)

282. Policy HER 4 sets out detailed criteria to be taken into account when determining applications for alterations, extensions, changes of use and demolition of listed buildings and for proposals affecting their setting. However, it is inconsistent with national policy, in particular the statutory duties in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or its setting, and the tests for substantial and less than substantial harm to designated heritage assets in paragraphs 200-202 of the NPPF. Therefore, to ensure Policy HER 4 and its supporting text are consistent with national policy and effective, the changes set out in **MM23** are necessary.

Registered Parks and Gardens (Policy HER 5)

283. There are 17 Registered Parks and Gardens in Cheshire East, which are designated heritage assets. Policy HER 5 sets out criteria to be taken into account in determining proposals affecting them and their settings. However, the policy is not consistent with the tests of substantial and less than substantial harm in paragraphs 200-202 of the NPPF. Accordingly, the changes set out in **MM24** are necessary for consistency with national policy, clarity and effectiveness.

284. The policy is justified in referring to development 'affecting' a registered park and garden and not just development 'within' it. The glossary of the NPPF makes clear that the significance of a heritage asset can be derived from its setting as well as its physical presence, and that the setting is not fixed, but comprises the surroundings in which the asset is experienced. Therefore, development outside the limits of a registered park and garden, within its setting, has the potential to affect its significance.

Historic Battlefields (Policy HER 6)

285. Policy HER 6 sets a specific requirement that development will not be supported if it would harm the historic significance of a registered battlefield. However, again

¹⁴³ Dorothy Bohm v SSCLG [2017] EWHC 3217

the policy is not consistent with the tests of substantial and less than substantial harm in paragraphs 200-202 of the NPPF. Nor is the supporting text clear on the status of registered battlefields, the description of the registered battlefield site in Cheshire East, and the elements of the significance of a registered battlefield that may be affected by development proposals. Accordingly, the changes to Policy HER 6 and its supporting text in **MM25** are necessary for effectiveness and consistency with national policy.

Non-designated Heritage Assets (Policy HER 7)

286. Policy HER 7 seeks to provide a locally specific policy on non-designated heritage assets. However, it fails to accord with the balanced judgement required for applications affecting non-designated heritage assets in paragraph 206 of the NPPF. The supporting text to the policy also defines the range of non-designated heritage assets in the Borough. But the inclusion of 'any' landscapes, parks, gardens, buildings or structures highlighted in NPs or designated as assets of community value, is not consistent with national policy. The PPG makes clear that non-designated heritage assets should have a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets¹⁴⁴. The changes to Policy HER 7 and its supporting text in **MM26** address these matters and are necessary for consistency with national policy.

Archaeology (Policy HER 8)

287. Policy HER 8 deals with proposals affecting scheduled monuments (SMs) and areas of archaeological significance. Criterion 1 states that harm to SMs and archaeological sites of national importance will only be supported 'in exceptional circumstances', where the harm is clearly justified and outweighed by public benefits. However, as submitted this is not consistent with the tests of substantial and less than substantial harm in paragraphs 200-202 of the NPPF. Therefore, changes to criterion 1 are necessary to ensure the policy is consistent with national policy (**MM27**).

World Heritage Site (Policy HER 9)

288. Policy HER 9 deals with development proposals affecting the Jodrell Bank Observatory (JBO), which was confirmed as a World Heritage Site (WHS) in July 2019. It is a unique site of international and national significance for its scientific and historic value, and as a WHS is a designated heritage asset of the highest significance¹⁴⁵. The statement of outstanding universal value (OUV) accompanying its inscription on the UNESCO World Heritage List contains the key references for the protection and management of the WHS. In summary these include: its history as a site of pioneering astronomical research; the buildings, structures and scientific instruments it contains, including the grade 1 listed Lovell telescope; its largely unchanged agricultural landscape setting; and its ongoing scientific use and operation.

¹⁴⁴ Paragraph: 039 Reference ID: 18a-039-20190723

¹⁴⁵ Paragraph 200(b) of the NPPF

289. Policy SE 14 of the LPS sets the strategic policy for the site, establishing the need to protect both the operational efficiency of the telescopes and the historic value and landscape setting of the JBO from the adverse impacts of development. At the time of the adoption of the LPS, the JBO was still only a candidate for WHS status, but the supporting text to Policy SE 14 indicated that further detailed policy and advice would be provided in the SADPD¹⁴⁶.
290. Therefore, Policy HER 9 is included in the SADPD to provide the detailed policy parameters for managing development proposals affecting the WHS. However, as submitted it is not consistent with national policy, in terms of the assessment of 'substantial' and 'less than substantial' harm to designated heritage assets and of development proposals affecting a WHS¹⁴⁷. The policy and its supporting text also lack effectiveness in explaining clearly: the inter-relationship between the setting of the heritage asset and the JBO Buffer Zone, which defines the area where development is most likely to harm its scientific capabilities through radio interference; the need for the two separate assessments listed in Policy SE 14, to determine the impact of proposals on the operational efficiency of the telescopes and on the heritage significance of the JBO; and how these two elements come together in assessing the overall impact of development on the elements of the site which contribute its OUV as a WHS.
291. Accordingly, Policy HER 9 and its supporting text have been substantially amended in **MM28**, to ensure the SADPD is consistent with national policy for the assessment of development affecting a WHS, and effective in how this and effects on the operational efficiency of the telescopes should be tested for proposals in the vicinity of the JBO. It is not necessary for the policy to repeat every part of the policy in the NPPF on WHSs to ensure it is consistent with national policy. Nor is it necessary for soundness for the SADPD to prescribe in any more detail how the radio interference impacts should be assessed. This is a matter for detailed guidance, which would be more appropriately dealt with by the Council in a supplementary planning document if so required.

Conclusion

292. Overall, subject to the MMs identified above, I conclude that the policies for the historic environment in the SADPD are justified, positively prepared, effective and consistent with the LPS and national policy.

Issue 11 – Are the policies on rural issues in the SADPD justified, positively prepared, effective and consistent with the LPS and national policy?

New Buildings for Agriculture and Forestry (Policy RUR 1)

293. LPS Policy PG 6 permits development in the open countryside which is essential for agriculture and forestry. Policy EG 2 of the LPS also supports the retention and

¹⁴⁶ Paragraph 13.163 of Core Document BD01

¹⁴⁷ Paragraphs 200-202 and 206-207 of the NPPF

expansion of existing businesses and the creation and expansion of farming, food production and modern agricultural practices in rural areas outside of settlements.

294. Policy RUR 1 sets more detailed guidelines for new buildings for agriculture and forestry to supplement the strategic policy framework. The policy is positively prepared and justified. However, the requirement in criterion 1(i) for an 'established', clear long term need for a development in connection with the agricultural or forestry enterprise to be demonstrated is ambiguous. It appears to imply the need has to relate to an existing, established business, when the policy also applies to new enterprises. Therefore, for effectiveness **MM29** is necessary to delete the word 'established' and add supporting text to explain how a clear long-term need for the development should be evidenced.

Farm Diversification (Policy RUR 2)

295. LPS Policy PG 6 permits development in open countryside which is essential for expansion and redevelopment of existing businesses and Policy EG 2 supports development for farm diversification. Policy RUR 2 applies further detailed criteria to ensure that proposals for farm diversification do not lead to an unnecessary proliferation of new buildings in the countryside. The policy is positively prepared, justified and consistent with national policy.

Agriculture and Forestry Workers Dwellings (Policy RUR 3)

296. Policy RUR 3 provides detailed development management criteria to guide applications for rural workers dwellings, to ensure they are essential for the purposes of agriculture and/or forestry, as is required by LPS Policy PG 6. The wording of the policy is consistent with paragraph 80 of the NPPF, which avoids isolated dwellings in the countryside unless there is an essential need for a rural worker to live permanently at or near their place of work. The criteria proposed to determine whether dwellings meet an essential need are also consistent with the guidance in the PPG¹⁴⁸.
297. However, criterion 1(iii), which seeks to restrict the size of such dwellings to the internal floorspace measurements listed in Table 6.1 is not justified, as these are based on the NDSS, which are minimum rather than maximum space standards. The purpose the NDSS is to ensure dwellings are built to an acceptable minimum size for habitation, rather than to limit the size of rural workers' dwellings. Accordingly, to ensure the policy is justified, the space standards must be removed from the policy and supporting text. For clarity and effectiveness, additional supporting text is required to explain how additional floorspace beyond that which is strictly commensurate with the functional need will need considered. These changes are set out in **MM30**.
298. The requirement for an 'existing' functional need to be demonstrated is justified to ensure essential need is not assumed to include future functional needs, which may not materialise. Criterion 2 is justified in explaining what 'functional need' does and does not relate to. However, it is not explicit that 'functional need' includes the provision of an additional dwelling essential for the continued viability of a farming

¹⁴⁸ PPG Paragraph: 010 Reference ID: 67-010-20190722

business through the farm succession process, which is identified as a relevant essential need in the NPPF and PPG. Accordingly, for consistency with national policy additional supporting text to include this is necessary **(MM30)**.

Essential rural worker occupancy conditions (Policy RUR 4)

299. LPS Policies PG 6 and PG 3 restrict the provision of open market housing in the open countryside and the Green Belt. But where there is no long term functional need for a rural workers dwelling, Policy RUR 4 sets out the circumstances in which the dwelling can be re-used for affordable housing, restricted in line with the LPS Policy SC 6 for Rural Exceptions. I am satisfied that Policy RUR 4 is justified and consistent with the thrust of national policy on rural workers dwellings. The NPPF permits homes in the countryside for the essential needs of rural workers as an exception to the general presumption against isolated dwellings in the countryside. Therefore, it is reasonable and justified to impose occupancy conditions to retain the property for that purpose, or an alternative form of rural affordable housing if there is no longer a need for it to remain in agricultural occupancy. The requirement¹⁴⁹ to market the property is also justified, to ensure that genuine efforts have been made to sell or rent the property with the occupancy condition, before seeking planning permission for the condition to be removed.

Best and most versatile agricultural land (Policy RUR 5)

300. Policy RUR 5 is justified in seeking to avoid the loss of the best and most versatile agricultural land (BMVAL) in Cheshire East, as a food-producing area with an important agricultural economy. The policy is consistent with paragraph 174(b) of the NPPF. Criterion 2 of the policy is also justified in requiring proposals for the development of the BMVAL to demonstrate the benefits outweigh the loss, and that every effort has been made to mitigate the impact of the loss of BMVAL.

Outdoor sport, leisure and recreation in the countryside (Policy RUR 6)

301. Policy PG 6 of the LPS permits development which is essential for outdoor recreation in the countryside. Policy RUR 6 sets out a more detailed policy criteria, which, amongst other things, test whether proposals are 'essential' for outdoor recreation. Representations have questioned whether 'essential' remains consistent with national policy, given that paragraph 149(b) of the NPPF regards 'appropriate' facilities for outdoor sport and recreation as an exception to the presumption against new buildings in the Green Belt. However, the same wording appeared in paragraph 89 of the 2012 NPPF, which applied at the time the LPS was examined. Nevertheless, the LPS Inspector found the use of 'essential' in Policy PG 6 sound in respect of development for outdoor recreation in the open countryside. I have no reason to take an alternative view.

302. The use of the term 'essential' is consistent with the LPS. Paragraph 36 of the NPPF expects the tests of soundness to be applied to non-strategic policies, such as Policy RUR 6, in a proportionate way, taking into account the extent to which they are consistent with the strategic policies. Criteria 1 (i)-(iii) of Policy RUR 6 also

¹⁴⁹ In footnote 12 to Policy RUR 4

help to define how 'essential' should be understood in respect of outdoor recreation. On this basis I am also satisfied that the policy is effective.

303. Criterion 4 of Policy RUR 6 unnecessarily repeats national policy on the Green Belt. Accordingly, **MM31** amends criterion 4 to make clear that Policy PG 3 of the LPS and the relevant paragraphs of the NPPF will also apply proposals for development for outdoor recreation that are in the Green Belt.

Equestrian Development Outside of Settlement Boundaries (Policy RUR 7)

304. Equestrian facilities are not expressly included in LPS Policy PG 6 in the list of development considered acceptable in the Open Countryside, but would come under the phrase of 'other uses appropriate to a rural area'. Policy RUR 7 sets out more detailed criteria to qualify this and confirm the type and scale of development that would be essential for the purposes of equestrian uses in the countryside and the Green Belt. Criteria 1, 4 and 5 are justified, effective and consistent with national policy.
305. Criterion 2 of Policy RUR 7 effectively limits new buildings and structures to those required for small-scale non-commercial proposals or to support the expansion of existing businesses, but not for larger non-commercial equestrian uses or new businesses. Although there is no specific provision in national policy for equestrian development, paragraph 84(a) of the NPPF supports the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings. Paragraph 85 of the NPPF also supports meeting local business needs in rural areas. As submitted, therefore, criterion 2 is not consistent with national policy in its limit on new buildings for larger equestrian uses, where these would be well-designed and support the sustainable growth or expansion of an existing local enterprise, irrespective of the scale of that business.
306. Accordingly, the changes to criterion 2 set out in **MM32** are necessary to ensure it is consistent with national policy in supporting new buildings for the sustainable growth and expansion of equestrian businesses of all types. The changes to the final sentence of criterion 2 and the supporting text to require new larger equestrian businesses seeking a countryside location to make use of existing buildings or replacements of them, are necessary for consistency with the NPPF in respect of a sustainable approach to rural business and the need for development to be sensitive to its surroundings.
307. Criterion 3 of Policy RUR 7 requires new buildings for equestrian facilities to be constructed in temporary materials. However, this is not justified on design grounds nor as a means to prevent future conversion to non-equestrian uses, such as residential, as this is restricted by the second part of the criterion and can be controlled by conditions if justified. Accordingly, the amendments to criterion 3 in **MM32** are necessary so it is justified.
308. Criterion 6 unnecessarily repeats national policy on the Green Belt. Therefore, for clarity and effectiveness, **MM32** modifies criterion 6 to make clear that Policy PG 3

of the LPS and the relevant paragraphs of the NPPF will also apply to proposals for equestrian development that are in the Green Belt.

Visitor Accommodation Outside of Settlement Boundaries (Policy RUR 8)

309. Policy RUR 8 permits visitor accommodation outside of settlement boundaries where their scale is appropriate and there is a need that is intrinsically linked to the countryside and cannot be met within settlements. However, the last sentence of criterion 1 prohibits new build hotels and guest houses from locating in rural areas, irrespective of whether there is a need for the accommodation that cannot be met within nearby settlements or is intrinsically linked to the countryside. This is not justified by any evidence and, for soundness, the sentence should be deleted, with consequential changes to criterion 3 (**MM33**). Criterion 2(i) is also unnecessary as it repeats the requirement for a countryside location in criterion 1 (**MM33**).
310. Criterion 4 of Policy RUR 8 unnecessarily repeats national policy on the Green Belt. Therefore, for clarity and effectiveness, **MM33** modifies criterion 4 to make clear that Policy PG 3 of the LPS and the relevant paragraphs of the NPPF will also apply to proposals for visitor accommodation that are in the Green Belt.

Caravan and Camping Sites (Policy RUR 9)

311. Policy RUR 9 confirms that sites for touring caravans and camping are considered to be uses appropriate to the rural area. It sets a series of criteria for proposals to satisfy, including their scale and need for a countryside location. The policy is justified and consistent with national policy, apart from criterion 3, which unnecessarily repeats national policy on the Green Belt. Therefore, for clarity and effectiveness, **MM34** modifies criterion 3 to make clear that Policy PG 3 of the LPS and the relevant paragraphs of the NPPF will also apply to proposals for camping and caravanning sites that are in the Green Belt.

Employment Development in the Open Countryside (Policy RUR 10)

312. Criteria 1 and 2 of Policy RUR 10 limit employment development in rural areas to 'small scale' proposals. However, paragraph 84 of the NPPF expects planning policies to enable the sustainable growth and expansion of all types of business in rural areas, and is not limited to small scale employment development. It may be appropriate, or even essential, for certain types of larger scale employment development to occupy a rural location, where this is necessary for the operation of the business.
313. LPS Policy PG 6 also allows for development that is essential for the expansion or redevelopment of an existing business, without an express limit on scale. Some of the requirements under criterion 2 of Policy RUR 10 help to control the scale of new buildings and their impact on the character of the countryside, albeit reference to location and setting would add clarity. Accordingly, to ensure that Policy RUR 10 is justified and consistent with national policy, **MM35** is necessary to remove the restriction to 'small scale' employment development and require scale to be appropriate to the location and setting of the site.

Extension and alterations to buildings (Policy RUR 11)

314. LPS Policies PG 6 and PG 3 allow for extensions to existing buildings in the countryside and the Green Belt, where they do not result in disproportionate additions to the original building. Policy RUR 11 defines the considerations to be taken into account in determining whether proposals represent disproportionate additions. Applying thresholds of 30% and 50% to define the limits for what are proportional additions in the Green Belt and open countryside, respectively, and taking height, bulk, form, siting and design into account are justified and effective.
315. However, the last sentence of criterion 2 of Policy RUR 11 imposes a blanket restriction on increases in overall building height. Such an approach would mean refusing even the smallest increase in height, irrespective of whether the additions were disproportionate against the other criteria. This would be neither justified nor effective. Accordingly, for soundness, **MM36** is necessary to remove the blanket approach and replace it with wording to ensure appropriate attention is given to any increase in building height as part of the assessment.

Residential Curtilages Outside of Settlement Boundaries (Policy RUR 12)

316. Due to the impacts residential garden extensions can have on the character of the countryside, Policy RUR 12 seeks to prohibit the extension of residential curtilages into the Open Countryside, where it involves a material change of use, except for certain 'essential' purposes. I recognise that this is within the context of Policy PG 6 of the LPS, which only permits development that is 'essential' for uses appropriate to a rural area. However, the revisions to the NPPF in respect of material changes of use in the Green Belt, which have been introduced since the LPS was adopted, set a different policy context for the SADPD.
317. Paragraph 150(e) of the NPPF now considers a material change of use of land in the Green Belt to be 'not inappropriate' development, provided it preserves its openness and does not conflict with the purposes of including land within the Green Belt, one of which is safeguarding the countryside from encroachment. Therefore, not permitting the material change of use of land to residential garden land in the countryside, irrespective of whether it would result in harm to the character and appearance of the countryside, would not be justified or consistent with national policy.
318. For soundness, therefore, **MM37** is necessary to amend Policy RUR 12 so that the extension of residential curtilages outside of settlement boundaries, involving a material change of use, will be permitted where it would not cause unacceptable harm to the character and appearance of the open countryside. For clarity and effectiveness, changes are also required to criterion 2, to make clear that Policy PG 3 of the LPS and the relevant paragraphs of the NPPF will also apply to proposals for extensions to residential curtilages involving a material change of use in the Green Belt (**MM37**).

Replacement Buildings Outside of Settlement Boundaries (Policy RUR 13)

319. Policies PG 6 and PG 3 of the LPS allow for the replacement of existing buildings in the open countryside and the Green Belt, provided the new building is not

materially larger than the one it replaces. Policy RUR 13 seeks to establish the basis for determining what is 'materially larger'. In doing so, criterion 3 sets thresholds of no more than a 5% increase in floorspace in the Green Belt and no more than 10% in the Open Countryside. It also proposes that the height, bulk, form, siting, design, floorspace and footprint of the replacement building should be taken into account.

320. The main issue for Policy RUR 13 is whether it is justified in setting thresholds for increases in floorspace, above which replacement buildings would be judged to be materially larger. I was referred to a number of relevant Court judgements on this point¹⁵⁰. It is clear from the case law, that using a percentage increase in floorspace as a proxy for what is deemed to be 'materially larger' would neither be justified nor effective. Rather that, in considering a building's size to determine whether it is 'materially larger' than the one it is proposed to replace, a range of factors should be taken into account and a judgement made based on the particular circumstances of the case. The example of a high-ceilinged building being replaced by one with more floors, but with no change to its exterior dimensions, may well result in an increase in floorspace likely to exceed the percentage increase in floorspace thresholds in criterion 3 of the policy, yet the building would not be materially larger externally, and therefore would have no greater impact on the Green Belt or the countryside.
321. For the above reasons, it is necessary to delete criterion 3 of Policy RUR 12 containing the thresholds, and modify the policy to define the range of considerations to be taken into account in determining whether a replacement building outside of settlement boundaries is materially larger. The changes in **MM38** will ensure the policy and its supporting text are justified, effective and consistent with national policy and the LPS in this regard. The MM does not include changes to criterion 5, but defining the existing building as that which exists at the time of submitting the application, would not prevent any fall-back position being taken into account where it is material to the proposal.

Re-use of Rural Buildings for Residential Use (Policy RUR 14)

322. Criterion 3(ii) of LPS Policy PG 6 allows for the re-use of existing buildings within the Open Countryside. Policy RUR 14 deals specifically with their re-use for residential purposes. In addition to the requirements of Policy PG 6, criterion 1(ii) of Policy RUR 14 requires buildings to be of a size able to accommodate a satisfactory living environment, without the need for extensions. However, this would be more restrictive than the policy on extensions to buildings in the Green Belt, and inconsistent with Policy RUR 11, which permits the enlargement of existing buildings in the Open Countryside by up to 50%. As such, criterion 1(ii) is not justified and the amendment to it in **MM39** requiring extensions to accord with Policy RUR 11 is necessary for soundness.
323. Criterion 4 deals with the re-use of rural buildings, which are also in the Green Belt, but repeats national policy, which is unnecessary. For clarity and effectiveness,

¹⁵⁰ Tandridge DC v SoSCLG, [2015] EWHC 2503 (Admin); Surrey Homes Limited v SoS for Environment unreported [2001] JPL 379; Feather v SoS DCLG and Cheshire East Council [2010] EWHC 1420 (Admin)

therefore, **MM39** modifies criterion 4 to make clear that Policy PG 3 of the LPS and the relevant paragraphs of the NPPF will apply to proposals for the residential re-use of buildings that are in the Green Belt.

324. Finally, the first sentence of paragraph 6.53 of the supporting text states that modern agricultural buildings are often not capable of conversion for residential use without extensive alteration or rebuilding. However, the provisions of Class Q of The Town and Country Planning (General Permitted Development) (England) Order (the GPDO) control permitted development rights for the change of use of agricultural buildings to residential use. As such, this sentence is unjustified and unnecessary. Accordingly, for soundness, it is deleted by **MM39**.

Conclusion

325. Overall, subject to the MMs identified above, I conclude that the policies on rural issues in the SADPD are justified, positively prepared, effective and consistent with the LPS and national policy.

Issue 12 – Are the policies for recreation and community facilities in the SADPD justified, positively prepared, effective and consistent with the LPS and national policy?

Green/open space protection (Policy REC 1)

326. Policy REC 1 seeks to protect areas of existing open space (including playing fields) identified on the Policies Map, together with other areas of incidental open space/amenity areas that are too small to be shown on the Policies Map, and new open spaces provided through development yet to be shown on the Policies Map.
327. The evidence base to justify the open space sites identified on the Policies Map consists of the Green Space Strategy Update (GSSU) and Technical Appendices¹⁵¹, which in turn relies on the 2012 Open Spaces Assessment (OSA), referred to in paragraph 3.54 of the GSSU. These provide a comprehensive, robust and sufficiently up to date base of evidence for the designation of different categories of open space for protection, including: parks and gardens; natural and semi-natural urban green spaces; green corridors; outdoor sports facilities; amenity green space; provision for children and teenagers; allotments and community gardens; churchyards and cemeteries; country parks and accessible countryside on the urban fringes; and civic spaces. They are described in Open Spaces Summary reports for each of the PTs, KSCs and LSCs, and in the Technical Appendices for the GSSU for sites and settlements within the rural areas.
328. Overall, the proposed designations appear consistent with what is currently on the ground. There are a number of sites for which representators contend that their current status does not justify protection as open space. These were discussed at the Hearing, and I set out my conclusions on each below, taking account of any further representations in the consultation on the proposed MMs.

¹⁵¹ Core documents ED18, 18a and 18b

Land at Goddard Street, Crewe

329. The site comprises a disused, former playing field, which is designated as open space under saved Policy RT1 of the Crewe and Nantwich Local Plan. The OSA and the Playing Pitch Strategy Assessment (PPSA)¹⁵², identify future shortfalls in football playing pitches in Crewe and across the Borough up to 2030. Despite the disused status, overgrown condition and private ownership of the site, the designation of the Goddard Road site as open space is justified. If restored and made available for community use or if reprovided elsewhere as part of a redevelopment scheme, the site would be capable of offering opportunities for outdoor sport and recreation to meet future shortfalls. As such, it has public value as open space and meets the definition of open space in the NPPF.

Dyers Mill pond, Bollington

330. The pond and its landscaped banks are an attractive visual amenity in Ingersley Vale. The definition of open space in the NPPF includes bodies of water, which act as a visual amenity. Although the pond is in private ownership, the NPPF does not exclude sites in private ownership from the definition of open space. Provided the open space is of public value, which the pond evidently is, its designation as open space is justified and consistent with the NPPF.

Land adjacent to Total Fitness, Handforth Dean

331. This site comprises former tennis courts at the Total Fitness sports complex in Handforth Dean. The Handforth Open Spaces Summary report identifies it as a private outdoor sports facility¹⁵³, which was in regular or frequent use for tennis at the time of the assessment. Its use for tennis or other outdoor sports ceased in 2017, since when the site has fallen into disrepair. Nevertheless, the evidence on whether or not the facility is surplus to requirements is inconclusive. A site specific assessment has not been submitted and the PPSA does not assess the demand for and supply of courts. Whilst additional open space and sports provision will be made as part of the North Cheshire Garden Village development at Handforth, this will be to address the needs of the additional 2,200 homes to be built there, rather than replace any existing or former facilities in Handforth. If restored and made available for community use or if reprovided elsewhere as part of an application for its redevelopment, the site would be capable of offering opportunities for outdoor sport and recreation to meet future shortfalls. As such, it has public value as open space and meets the definition of open space in the NPPF. Therefore, despite the disused status and private ownership of the site, its protection as open space in the SADPD is justified. Should future evidence show that the site is surplus to requirements, Policy REC 1 would permit its development for other uses.

Land bound by Brook Street, Hollow Lane and Mobberley Road, Knutsford

332. Since the publication of my post-Hearing letter¹⁵⁴, further evidence about this site has been submitted in representations on the proposed changes to the Policies

¹⁵² Core Document ED 19a

¹⁵³ Reference 32HA

¹⁵⁴ Examination documents INS/33 and INS/34

Map, which were consulted on alongside the MMs. This includes two recent appeal decisions on the site¹⁵⁵ and further information on its historical and ecological value. I have taken these decisions and the related evidence into account in coming to the following conclusions on the proposed designation of this land as open space.

333. The land is located to the rear of a number of houses fronting Mobberley Road. Its frontages to Brook Street and Hollow Lane comprise steep embankments, which are densely landscaped with mature trees and shrubs. The remainder of the site is largely open and grassed. Whilst I acknowledge the status of the land to the rear of Sunnyside at no. 4 Mobberley Road has been determined on appeal to not form part of the curtilage of the residential property, that decision acknowledges that it has been used as extended garden for many years. In addition, it is clear from the photographic evidence submitted to the Hearing¹⁵⁶ that part of the designated open space on the OSA map is formed by the rear garden to the property at Bracklyn, Mobberley Road, which is laid to lawn, fenced off and contains a domestic outbuilding. Despite claims that the open space designation is a single parcel of land without buildings, it is evident that it is subdivided and at least in part is residential garden land. Indeed, the Cross Town Conservation Area Appraisal (CTCAA) describes the site as garden land¹⁵⁷.
334. On the Knutsford map forming part of the OSA¹⁵⁸, the site is identified as a natural and semi-natural urban green space. This open space typology is defined in the glossary to the OSA as including 'woodlands, urban forestry, scrub, grasslands - for example downlands, commons and meadows - wetlands, open and running water, wastelands and derelict open land and rock areas e.g. cliffs, quarries and pits'. Given the domestic appearance and associated private residential use of at least part of the site, it does not fit the definition of this type of open space in the OSA. The Council's oral evidence at the Hearing was that the site's main value is for its visual amenity, which also suggests that its designation as natural and semi-natural is no longer justified. It has been suggested that the OSA failed to evaluate the site as a Type 5 amenity greenspace. However, the OSA dates from 2012, so there has been ample opportunity for its role and value as open space to be reviewed and amended.
335. The mature trees on and around the edge of the site are identified within the CTCAA as forming a strong landscape backdrop to the houses on Mobberley Road and making an important visual contribution seen from Brook Street. I also observed this on site and it is reinforced by their protection in a Tree Preservation Order. However, whilst the trees are of evident public amenity value within the street scene, the land behind them is largely obscured from view by the embankments, landscape and houses along Mobberley Road.
336. I have read the appeal decision which describes the site as making a significant contribution to the appearance and verdant character of the area¹⁵⁹. However, this

¹⁵⁵ APP/R0660/X/21/3269604 and APP/R0660/W/21/3267957

¹⁵⁶ Hearing Statement HPS/M11/06, page 4

¹⁵⁷ Paragraphs 4.8 and 6.6 of the Cross Town Conservation Area Appraisal 2006

¹⁵⁸ Site reference 18KOW

¹⁵⁹ APP/R0660/W/21/3267957

reasoning was made in the context of a proposal for the construction of two dwellings on the site, which because of their height and bulk would be visible from the surrounding streets, and the potential impact that built development would have on the visual quality of the area. This characterisation of the site does not substantiate its designation as a natural and semi-natural urban green space. There will be many other properties in Knutsford with large gardens and mature trees, which contribute to the visual amenity and character of the area, but are not identified as open space.

337. That appeal decision was also made on the basis that the site is designated as open space under saved Policy RT1 of the Macclesfield Local Plan, which carried significant weight in that case and set the proviso that the integrity of the open space should not be harmed. The task before me is to examine whether that designation, proposed to be carried forward into the SADPD, is justified and sound, based on the evidence.
338. Turning to the historic value of the site, I note its association with the original settlement of Cross Town and the stated public amenity value of the trees. The inclusion of the site within the Cross Town Conservation Area give a significant degree of protection to the amenity value of its tree cover and the contribution this makes to the verdant character of the Conservation Area. However, the site is not identified as an Important Open Space on the CTCOA map, which does not lend weight to its designation as an open space under Policy RET 1.
339. Likewise, I note the site is identified as an ecological stepping stone within a Green Corridor in the Knutsford Neighbourhood Plan. This supports its contribution to the Borough's ecological network, which is protected under Policy ENV 1 of the SADPD. However, this does not provide support for its designation as open space under Policy RET 1.
340. For all these reasons, the continued designation of this site as open space is not justified by the evidence and would not be consistent with the NPPF. Accordingly, to ensure that the geographical illustration of Policy REC 1 is justified and effective, prior to adoption, the Policies Map should be amended to delete the open space designation from the land bound by Brook Street, Hollow Lane and Mobberley Road in Knutsford, as shown in the Schedule of Proposed Modifications to the Policies Map, which was consulted upon alongside the MMs¹⁶⁰.

Car park on land at Radbroke Hall, near Knutsford

341. Part of the area proposed for designation as open space within the Radbroke Hall Strategic Employment site has since been developed as car parking. To ensure that the geographical illustration of Policy REC 1 is justified and effective, prior to adoption, the Policies Map should be amended to delete the car parking area from the open space designation at Radbroke Hall, as shown in the Schedule of Proposed Modifications to the Policies Map, which was consulted upon alongside the MMs¹⁵⁴.

¹⁶⁰ PM11 in the Schedule of Proposed Modifications to the Draft Policies Map

Land off Spring Gardens, Macclesfield

342. This site comprises a triangular parcel of rough grassland, which lies between the houses at the end of Spring Gardens and Summerlea Close, in north Macclesfield. It is identified in the OSA as Type 5 amenity greenspace. However, the public value of this site as open space is not explained in the OSA or elsewhere in the Council's evidence. Although amenity greenspace is discussed in the Macclesfield Open Spaces Summary Report, this site is not specifically mentioned. The majority of the other areas of Type 5 amenity greenspace identified on the OSA map appear to be publicly accessible and maintained areas of landscaped green space within residential estates or adjacent to the highway, the amenity value of which is clear. But this site is fenced off with no apparent public access and its public value as amenity greenspace, as defined in the OSA, is not clear. As such, the designation of this site as open space in the SADPD is not justified by the evidence or consistent with national policy. To ensure that the geographical illustration of Policy REC 1 is justified and effective, prior to adoption, the Policies Map should be amended to delete the open space designation from the land off Spring Gardens, Macclesfield, as shown in the Schedule of Proposed Modifications to the Policies Map, which was consulted upon alongside the MMs.¹⁶¹

Land to the rear of 43 London Road North, Poynton

343. This site comprises an area of private residential garden land to the rear of 41 and 43 London Road, on the western side of Poynton. It is identified as an area of natural and semi-natural urban greenspace in the Poynton Open Spaces Summary Report. Whilst the report highlights the limited access for residents to this type of open space on the western side of Poynton, this site is not publicly accessible. Further, although a planning application for residential development on the site was recently refused, the reasons for refusal did not include the loss of, or harm to, open space. As such, the designation of this site for open space is not justified by the evidence. To ensure that the geographical illustration of Policy REC 1 is justified and effective, prior to adoption, the Policies Map should be amended to delete the open space designation from the land to the rear of 43 London Road North, Poynton, as shown in the Schedule of Proposed Modifications to the Policies Map, which was consulted upon alongside the MMs¹⁵⁵.

Land at Waterworks House, Dingle Lane, Sandbach

344. It was confirmed at the Hearing that this site, which falls within an area of open space identified as a natural and semi-natural greenspace in the OSA, has planning permission for residential development¹⁶², which is under construction. Whilst the Council proposes¹⁶³ to amend the Policies Map through an update to the Local Plan, footnote 66 to Policy SE 6 of the Local Plan Strategy expects open spaces to be identified on the SADPD Policies Map. Given the current status of the

¹⁶¹ PM11 in the Schedule of Proposed Modifications to the Draft Policies Map

¹⁶² Reference 16/3924C

¹⁶³ In paragraph 29 of Examination document CEC/36

site, its continued designation and protection for open space within the SADPD would not be justified, effective or consistent with the NPPF definition of open space. To ensure that the geographical illustration of Policy REC 1 is justified and effective, prior to adoption, the Policies Map should be amended to delete the open space designation from the land at Waterworks House, Dingle Lane, Sandbach, but retaining the designation for the remainder of the surrounding site, as shown in the Schedule of Proposed Modifications to the Policies Map, which was consulted upon alongside the MMs¹⁵⁵.

Land at Pownall Park, Wilmslow

345. This site comprises a parcel of land on the northwest side of Pownall Hall School, which is identified on the Wilmslow open space map in the OSA as amenity green space, and part of the playing field of the school, identified as outdoor sports facilities. The site has planning permission for residential development¹⁶⁴, which was granted in May 2019, and is under construction. Given the current status of the site, its continued designation and protection for open space within the SADPD would not be justified, effective or consistent with the NPPF definition of open space. To ensure that the geographical illustration of Policy REC 1 is justified and effective, prior to adoption, the Policies Map should be amended to delete the open space designation on these parcels of land in line with the site boundary of the planning permission, as shown in the Schedule of Proposed Modifications to the Policies Map, which was consulted upon alongside the MMs¹⁶⁵.

Other Aspects of Policy REC 1

346. With regard to the categories of open space referred to in Policy REC 1 that are not identified on the Policies Map, the SADPD is justified in affording a general protection to smaller incidental open spaces and amenity areas and to new open spaces provided through development, where they have recreational or amenity value. There are good reasons for not identifying these on the Policies Map, either because they are too small to be geographically illustrated at any reasonable scale or because the open spaces in new developments are not yet formed and cannot therefore be delineated on a map. Nevertheless, such areas of open space can contribute to the character and visual quality of settlements and be important for the health and well-being of communities. Criterion 2 currently provides the necessary policy tests against which the value of any open space not identified on the Policies Map can be tested through the planning application process. These accord with paragraph 99 of the NPPF. Overall, therefore, this policy approach is justified and consistent with national policy.
347. However, as currently drafted Policy REC 1 is ambiguous. Firstly, criterion 1 states that development will not be permitted which would result in the loss of green/open space, but criterion 2 permits the loss of green/open space where certain criteria are met. Secondly, the policy uses the term 'green space', which is not defined in the glossary to the SADPD or in the NPPF. The policy concerns 'open space',

¹⁶⁴ Reference 19/1067M

¹⁶⁵ PM11 in the Schedule of Proposed Modifications to the Draft Policies Map

which is defined in national policy and is the term used in the evidence base to cover the full range of types of open space. For clarity and effectiveness, therefore, **MM64** is necessary to remove references to 'green space' and to restructure the wording of the policy, so that its primary part comprises the tests to be satisfied for development proposals involving the loss of open space, supplemented by the types of open space to which the tests will be expected to apply.

Indoor sport and recreation implementation (Policy REC 2)

348. Policy REC 2 builds on LPS Policy SC 2 by requiring developer contributions for the provision of indoor sport and recreation facilities to meet the increase in demand from new housing development, in line with Sport England demand calculation tools and the Council's Indoor Built Facilities Strategy¹⁶⁶. Paragraph 98 of the NPPF expects that such policies should take into account both deficits and surpluses in provision, which Policy REC 2 as submitted does not recognise. Therefore, to ensure it is consistent with national policy, **MM65** is necessary. I have amended the wording of the MM as it was published for consultation to refer to surpluses as well as deficits for consistency with the NPPF. Policy REC 2 is otherwise positively prepared, justified and effective.

Green space implementation (Policy REC 3)

349. LPS Policy SE 6 requires all development to provide adequate open space in line with the standards specified in Table 13.1 of the LPS. Policy REC 3 builds on this by clarifying how this requirement will be applied to non-residential development, establishing the presumption that provision will be made on-site, with commuted sums for off-site provision, and the expectation that strategic open spaces should be conveyed to the Council with a 20-year commuted sum for their maintenance. In addition, it specifies the developer contribution towards outdoor sports pitches, which is not included in Table 13.1.

350. Based on the evidence, I am satisfied that these requirements are justified and consistent with the expectations of national policy. In particular, it is reasonable and justified that major non-residential development should provide open space as part of good design and to support the health and well-being of occupiers and users. It is also consistent with the aim in national policy for access to a high quality network of open space¹⁶⁷, to expect that strategic open spaces formed within new development should be adopted by the local authority with an appropriate long-term commuted sum for maintenance.

351. For clarity and effectiveness, **MM66** is necessary to amend the policy and the supporting text to refer to 'open space' rather than 'green space', which is defined in national policy and is the term used in the evidence base to cover the full range of types of open space.

¹⁶⁶ Core documents ED20 and 20a

¹⁶⁷ Paragraph 98 of the NPPF

Community Facilities (Policy REC 5)

352. Policy REC 5 seeks to protect valued community facilities in the Borough. It is positively worded and consistent with paragraph 93(c) of the NPPF, which expects policies to guard against the unnecessary loss of valued facilities and services. The need for an assessment of the value of a community facility and the suitability of any alternative provision, as part of any planning application proposing the loss of such a facility, is implicit within the policy.

Conclusion

353. Overall, subject to the MMs identified above, I conclude that the policies for recreation and community facilities in the SADPD are justified, positively prepared, effective and consistent with the LPS and national policy.

Issue 13 – Are the policies for general requirements, transport and infrastructure in the SADPD justified, positively prepared, effective and consistent with the LPS and national policy?

General Requirements

Design Principles (Policy GEN 1)

354. Policy SE 1 of the LPS provides a series of strategic design principles to ensure that development proposals make a positive contribution to the Borough. Paragraph 13.13 of the supporting text states that detailed design policies will be included in the SADPD. Policy GEN 1 sets out a series of more detailed design principles, but it does duplicate some elements of Policy SE 1, which the NPPF says should be avoided. The policy was also written before the revised NPPF was published in July 2021, which substantially updated national design policies.
355. Accordingly, **MM2** is necessary to ensure Policy GEN 1 and its supporting text are consistent with national policy on design, including the National Model Design Code and the emphasis on development reflecting local design policies and guidance. The modification also restructures the policy to provide detailed design guidelines, which compliment rather than duplicate LPS Policies SE 1 and SD 1.
356. I have amended the wording of the MM, as it was published for consultation. Firstly, to delete the reference to 'standard house types' from the policy, as the negative connotation implied is not justified or consistent with the approach to the use of standard house types in the Council's own design guide¹⁶⁸, or national policy on creating character and identity in the National Design Guide. The wording of criterion 1 is clear and effective on the need to avoid standardised design solutions in creating a sense of place without this phrase. Secondly, to reference the need for the requirements for electric vehicle charging points to be considered early in the design process. This wording was included in MM60 as published for consultation, but would be more effective in support of Policy GEN 1.

¹⁶⁸ Paragraph ii|100 of The Cheshire East Borough Design Guide: Volume 2, May 2017 (p27)

Recovery of forward-funded infrastructure costs (Policy GEN 4)

357. Policy GEN 4 seeks the recovery of costs for infrastructure schemes, which have been forward funded by the Council to help facilitate development. Criterion 1 of the policy states that this will apply where the Council has approved the forward funding of infrastructure, a supplementary planning document (SPD) is in place which sets out the amount to be recovered and the mechanism for proportionately calculating contributions, and it meets the tests for planning obligations¹⁶⁹.
358. I have reviewed the evidence on Policy GEN 4, including the matters that were discussed at the Hearing, and find that the principle of using S106 obligations to secure contributions to the cost of infrastructure schemes, which have been forward funded by the LPA to enable the delivery of development, would be consistent with national policy. The PPG expressly allows this for education contributions¹⁷⁰, and I can see no reason why the same principle could not apply to other forms of infrastructure, provided that the contribution meets the tests for planning obligations, which criterion 1(iii) of Policy GEN 4 requires.
359. However, as drafted, criterion 1(ii) of the policy is not consistent with national policy in delegating to an SPD the details of the infrastructure schemes for which funding has been sought, the LPS sites that will be expected to contribute, and the mechanism for calculating the cost of contributions. The PPG¹⁷¹ makes clear that it is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in SPDs or supporting evidence base documents, as these would not be subject to Examination.
360. Therefore, to ensure Policy GEN 4 is consistent with national policy and justified, modifications to the policy and its supporting text are necessary, as set out in **MM3**, to include the infrastructure schemes and sites, together with the mechanism for calculating contributions. Evidence submitted by the Council after the Hearing, set out details of the schemes and sites¹⁷² and this was available as part of the consultation on the proposed MMs. I have taken account of the representations made on this MM in reaching my conclusions on Policy GEN 4.
361. The VA concludes that the additional costs of policies in the SADPD do not make a significant difference to the overall levels of viability of development in the Borough. However, it does recommend caution about requiring up-front payments for S106 costs, due to the reliance of developers on an element of debt finance to fund development schemes, and the difficulty of securing borrowing to fund up-front payments of S106 contributions¹⁷³. Therefore, for effectiveness **MM3** also amends Policy GEN 4 and the supporting text to allow flexibility over the stage in development programmes at which contributions for the recovery of forward funded infrastructure would be required. Additionally, for clarity, it confirms that contributions will only be sought at a level which can be viably supported by

¹⁶⁹ In Regulation 122 of the Community Infrastructure (CIL) Regulations

¹⁷⁰ PPG Paragraph: 008 Ref ID: 23b-008-20190315

¹⁷¹ PPG Paragraph: 004 Ref ID: 23b-004-20190901

¹⁷² Examination document CEC/28

¹⁷³ Paragraph 10.26 of Core Document ED52

developments, with obligations reduced on viability grounds recovered over the lifetime of developments in line with Policy GEN 7.

362. With these changes Policy GEN 4 will be positively prepared, justified, effective and consistent with national policy in enabling the delivery of infrastructure required to support the development of the Borough.

Aerodrome Safeguarding (Policy GEN 5)

363. Policy GEN 5 seeks to control development which would adversely affect the operational integrity or safety of Manchester Airport or Manchester Radar. A safeguarding zone for the airport is defined on a map issued by the Civil Aviation Authority (CAA), within which certain types of development require prior consultation with the Airport Operator or National Air Traffic Services (NATS). This covers a large part of Cheshire East. The safeguarding zones for Liverpool John Lennon and Hawarden (Chester) airports also extend into parts of the Borough.
364. However, these safeguarding zones are not shown on the Policies Map. To ensure that the Policies Map illustrates geographically the application of Policy GEN 5, it should be amended to include the outer limits of the safeguarding zones for Manchester, Liverpool John Lennon and Hawarden (Chester) airports, as shown in the Schedule of Proposed Modifications to the Policies Map, which was consulted upon alongside the MMs¹⁷⁴.
365. To ensure Policy GEN 5 and its supporting text are effective and consistent with national policy, **MM4** is necessary to include reference to the safeguarding of Liverpool John Lennon and Hawarden (Chester) airports and any other officially safeguarded civil aerodrome or associated aerodrome navigation aids, radio aids or telecommunications systems, for which their safeguarding zones extend into Cheshire East. I have amended the wording of the MM as it was published for consultation, to clarify the supporting text in respect of the issuing authority for safeguarding maps, the purpose of the safeguarding zones and the potential for future review and amendment of their boundaries.

Airport Public Safety Zones (Policy GEN 6)

366. Airport public safety zones are areas of land at end of runways of major airports in which development is restricted, to ensure there is no increase in people living, working or congregating there. Policy GEN 6 seeks to reinforce this in relation to Manchester Airport, albeit this is not clear from the policy title and the zones are not shown on the Policies Map. The Department for Transport Circular referred to in the policy, which defines the types of development deemed permissible in the public safety zones, has also been replaced. Accordingly, **MM5** is necessary to amend the policy and supporting text so it is clear, justified and consistent with national policy.
367. To ensure that the Policies Map illustrates geographically the application of Policy GEN 6, it should be amended to include the Manchester Airport Public Safety Zone and the Manchester Airport Public Safety Restricted Zone, as shown in the

¹⁷⁴ PM02 in the Schedule of Proposed Modifications to the Draft Policies Map

Schedule of Proposed Modifications to the Policies Map, which was consulted upon alongside the MMs¹⁷⁵.

Recovery of planning obligations reduced on viability grounds (Policy GEN 7)

368. Policy GEN 7 seeks the recovery of planning obligations, where at the planning application stage the Council has agreed to reduce them on viability grounds. Criterion 2 of the policy explains that this will be achieved through viability reviews at future trigger points, with any higher than agreed developer returns used to deliver policy requirements previously shown not to be deliverable. The PPG supports the use of viability reviews to ensure full policy compliance over the lifetime of developments, and encourages plans to set out the mechanisms by which this should be achieved¹⁷⁶. Policy GEN 7 does this and, as such, is consistent with national policy and justified.

Transport and Infrastructure

Cycleways, bridleways and footpaths (Policy INF 1)

369. Policy INF 1 is positively prepared and consistent with the aims of national policy to promote sustainable transport, in seeking to ensure that development proposals avoid the degradation of the public rights of way (PRoW) network and contribute to the improvement of walking, cycling and riding facilities. However, criterion 2 only permits development involving the diversion of a PRoW, where the diversion provides clear and demonstrable benefits for the wider community. This goes beyond the legal provisions for diversion orders, which expect the diverted route will not be substantially less convenient to the public as a result¹⁷⁷. Accordingly, the amendment to criterion 2 in **MM59** is necessary to ensure it is consistent with national policy.

Highway Safety and Access (Policy INF 3)

370. Policy INF 3 builds on the strategic policy framework for sustainable transport set out in the LPS. It contains a range of detailed requirements to ensure new developments do not undermine the safe and efficient operation of the highway network, provide electric vehicle (EV) charging points and maximise the use of sustainable transport through travel plans. However, the provision of EV charging points in residential and non-residential development is now a requirement of the Building Regulations, Part S of which sets out the standards and technical requirements. Accordingly, it is not necessary for Policy INF 3 to specify a standard, as to do so would duplicate or potentially conflict with the Building Regulations. To ensure consistency with national policy, therefore, **MM60** deletes criterion vi and paragraph 10.5a, which contain the proposed EV charging point standards. For clarity, I have amended the wording of the MM as it was published for consultation, to remove the reference to the need for EV charging points to be

¹⁷⁵ PM03 in the Schedule of Proposed Modifications to the Draft Policies Map

¹⁷⁶ PPG Paragraph: 009 Reference ID: 10-009-20190509

¹⁷⁷ S119(6) of the Highways Act 1980

considered early in the design process. This text forms part of **MM2** within the supporting text to Policy GEN 1 on Design, where it would be most effective.

371. Criterion 1iii of Policy INF 3 contains requirements to manage the impact of development traffic on the operation of the highway network and road safety. However, its wording is not consistent with paragraph 111 of the NPPF, which stipulates that development should only be refused where the residual cumulative impacts on the road network would be 'severe'. Accordingly, **MM60** amends the criterion to ensure it is consistent with national policy.

Manchester Airport (Policy INF 4)

372. Policy INF 4 defines the types of development and uses that will 'usually be permitted' within the operational area for Manchester Airport, including passenger and cargo facilities, airport ancillary infrastructure, landscaping works, internal highways and transport infrastructure. The supporting evidence states that national aviation policy recommends the definition of such areas to protect land which may be needed for airport expansion, and that defining operational areas helps to control and mitigate the impacts of airport growth on local communities.
373. However, as submitted, Policy INF 4 gives unqualified support to a wide range of operational development and uses, which could have significant impacts on the surrounding area and communities, in terms of traffic, noise, air quality, biodiversity, climate change, landscape and visual impacts, without any requirements to assess, minimise or mitigate such impacts. The only requirement in Policy INF 4 is that any development or uses must be necessary for the operational efficiency and amenity of the airport.
374. The same approach is not reflected in the companion policy for the remaining part of the Manchester Airport operational area, in the Manchester Core Strategy 2012 (Policy MA 1), nor in the relevant policies for the operational areas at Heathrow and Gatwick airports, contained in the Hillingdon and Crawley Local Plans respectively. Whilst each of these policies offer support to development for airport operational purposes, this is provided that the impacts are assessed, minimised and mitigated.
375. As such, Policy INF 4 is not justified, effective or consistent with national policy. Therefore, **MM61** is necessary to amend the policy wording to ensure it safeguards the operational area for airport operational development and requires the impacts of such development to be appropriately assessed, minimised and mitigated.

Telecommunications infrastructure (Policy INF 8)

376. Policy INF 8 supplements LPS Policy CO3 on digital connections, providing detailed development management criteria for proposals for telecommunications infrastructure, including the impact of masts on visual and residential amenity, and on air traffic safety. The policy is justified and consistent with the LPS and national policy. However, for clarity and effectiveness, an addition to the supporting text is necessary to cross refer to Policy GEN 5, which deals specifically with the assessment of the impact of proposals for telecommunications infrastructure on air traffic safety (**MM62**).

Canals and mooring facilities (Policy INF 10)

377. The Borough has over 115 km of canals, which are important for recreation, health and well-being, the visitor economy, and ecology. It is important, therefore, that development along the canals is sympathetic to their character, protects biodiversity and preserves their heritage, and that public access and recreational use are safeguarded. Policy INF 10 seeks to secure these essential attributes of canals, where new development along the waterways is proposed. The policy is positively prepared, justified and consistent with national policy. However, it is unclear as to whether the requirements under criteria 1 and 2 apply to proposals for new moorings and new permanent residential moorings. Therefore, for effectiveness, **MM63** is necessary to make this clear.

Motorway Service Areas (MSAs) and Roadside Facilities

378. The SADPD does not include a policy or allocations to guide proposals for MSAs and roadside facilities. However, whether it should was a matter discussed at the Hearing, and, therefore, I have set out my conclusions on this issue in my Report.
379. Paragraph 106(e) of the NPPF states that planning policies should provide for any large scale transport facilities that need to be located in the area. Footnote 44 of the NPPF confirms that this includes roadside facilities, but that such policies should be developed through collaboration between strategic policy-making authorities and other relevant bodies. Therefore, whether or not the Cheshire East Local Plan should make provision for further roadside facilities, including MSAs, is a strategic matter.
380. The LPS does not make specific provision for any such facilities and does not require the SADPD to do so. These are matters for a future review of the LPS to consider, rather than the SADPD. The strategic policies in the LPS for the Green Belt (Policy PG 3), Open Countryside (Policy PG 6) and Transport Infrastructure (Policy CO 2), provide an appropriate policy framework to guide decisions on planning applications for roadside facilities that may come forward in the meantime.

Conclusion

381. Overall, subject to the MMs identified above, I conclude that the policies for general requirements, transport and infrastructure in the SADPD are positively prepared, justified, effective and consistent with the LPS and national policy.

Issue 14 – Is the framework for monitoring and implementation of the SADPD appropriate, robust and consistent with the LPS?

382. Paragraph 13.1 of SADPD proposes to replace the adopted Local Plan Monitoring Framework (LPMF), in Table 16.1 of the LPS, with a new LPMF¹⁷⁸, which would sit outside of the development plan, providing the flexibility to update and amend it as other local plan documents are revised or adopted. However, the proposed new

¹⁷⁸ Core document ED54

LPMF omits key elements of the adopted LPMF, including the triggers for action and the proposed actions if targets are not being met.

383. Such a change to the adopted LPS is not within the remit of the SADPD or this examination. Any changes to the adopted LPMF are a matter for a review of the LPS. Rather, for soundness so that the SADPD is justified and effective, it should supplement the LPMF, with new indicators, triggers and actions which are necessary to monitor the effectiveness of the SADPD policies and allocations.
384. Whilst there is no legal requirement for a monitoring framework to be contained within the local plan, the PPG¹⁷⁹, clearly anticipates that the indicators against which the success of policies are measured should sit within the development plan. In addition, monitoring of key elements of the local plan, such as housing delivery and distribution and employment land take-up, may trigger a review of the LPS and SADPD. Therefore, any such triggers should be identified within the Local Plan so its implementation is effective. Accordingly, so that the SADPD is justified, effective and consistent with the LPS and national policy, **MM72** incorporates a revised monitoring framework (MF) within the SADPD, with indicators, targets and triggers for policies in the SADPD, in line with the content of the adopted LPMF. The requirement for 5 years' of figures to indicate a persistent change to trigger action against a target is justified.
385. I have considered whether an additional indicator is required to trigger a review of the need to bring forward Safeguarded Land (SL) identified in the LPS and SADPD within the plan period, if required. However, this is a strategic matter and the circumstances in which the development of SL may be considered are clearly set out in Policy PG 4 of the LPS. Therefore, a separate trigger mechanism for the early release of SL is not necessary to make the SADPD sound. Likewise, changes to the trigger in Indicator MF8 in the adopted LPMF, for a review of policies due to higher jobs growth, or to take account of the fact that the western arm of HS2 to Manchester is now committed, are not necessary to make the SADPD sound. Rather these are strategic matters to be dealt with through a review of the LPS, for which the Council has a statutory duty.

Conclusion

386. Subject to the MM discussed above, I conclude that the framework for monitoring and implementation of the SADPD is appropriate, robust and consistent with the LPS.

¹⁷⁹ PPG Paragraphs: 065 Reference ID: 61-065-20190723 and 073 Reference ID: 61-073-20190315

Overall Conclusion and Recommendation

387. The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

388. The Council has requested that I recommend MMs to make the Plan sound and legally compliant and capable of adoption. I conclude that the duty to cooperate has been met and that with the recommended MMs set out in the Appendix to this Report, the Cheshire East Local Plan Site Allocations and Development Policies Document satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Mike Hayden

Inspector

This report is accompanied by an Appendix containing the schedule of Main Modifications.

Appendix - Cheshire East Local Plan Site Allocations and Development Policies Document - Schedule of Main Modifications to Inspector's Report

The main modifications below are expressed either in the conventional form of ~~striketrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission version of the Plan [Core Document ED 01b].

Ref	Policy/Section	Page	Proposed Main Modification
MM1	Policy PG 9	7	<p><i>Amend Policy PG 9:</i></p> <p>Settlement boundaries</p> <p>1. Settlement boundaries for principal towns, key service centres and local service centres are defined on the adopted Policies Map². <u>Where a neighbourhood plan defines a settlement boundary for a principal town, key service centre or local service centre, the council will apply the most recent settlement boundary, where relevant.</u></p> <p>2. Settlement boundaries for settlements in the other settlements and rural areas may be defined in neighbourhood plans, where <u>this is justified as appropriate</u>³. <u>Where the settlement is defined as an infill village in Policy PG 10 'Infill villages', the village infill boundary should be the starting point for determining a settlement boundary in a neighbourhood plan.</u></p> <p>3. Within settlement boundaries, development proposals (including change of use) will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with any other relevant policy in the local plan."</p> <p><i>Delete the footnote to Criterion 1 of Policy PG 9:</i></p> <p>"2. Where a neighbourhood plan defines a settlement boundary for a principal town, key service centre or local service centre, the council will apply the most recent settlement boundary, where relevant."</p> <p><i>Amend the footnote to Criterion 2 of Policy PG 9:</i></p> <p>"At July 2020 the time of adoption of the SADPD, Calveley and Weston have settlement boundaries defined in neighbourhood plans, which will apply under this policy. In consultation with Brereton Parish Council, the settlement boundaries for Brereton Green and Brereton Heath defined in the Brereton</p>

Ref	Policy/Section	Page	Proposed Main Modification
			Neighbourhood Plan are not brought forwards to be covered by this policy, and under <u>Under the SADPD, Brereton Green and Brereton Heath do not have defined settlement boundaries, but Brereton Green is defined as an infill village in Policy PG 10 'Infill villages', with a village infill boundary defined on the adopted Policies Map.</u>
MM2	Policy GEN 1	14-15	<p><i>Amend Policy GEN 1:</i></p> <p>Design principles</p> <p>In line with LPS Policy SE 1 'Design', development proposals should:</p> <ol style="list-style-type: none"> 1. contribute positively to the borough's quality of place and local identity through appropriate character, appearance and form in terms of scale, height, density, layout, grouping, urban form, siting, good architecture, massing and materials. Development that fails to take the opportunity to support the quality of place of the local area will be resisted; 2. create safe places by reflecting 'secured by design' measures and principles, including providing active frontages, where possible, to maximise natural surveillance from buildings, particularly over public areas; 3. create a sense of identity and legibility in the development by using landmarks and incorporating key views into and out of new development; 4. create buildings and spaces that function well, are fit for purpose and yet are innovative, adaptable and flexible to respond to changing social, environmental, technological and economic conditions over the lifetime of the development; 5. be accessible and inclusive – ensuring that developments and spaces can be used safely, easily and with dignity by all, regardless of disability, age, gender, ethnicity or economic circumstances; 6. promote active lifestyles and health and wellbeing through design, wherever possible, including through play, walking, cycling, contact with nature and opportunities for food growing; 7. be comprehensively planned and co-ordinated to enable the efficient and effective use of land to allow a sustainable mix of uses, support local facilities and transport networks;

Ref	Policy/Section	Page	Proposed Main Modification
			<p>8. integrate car and cycle parking so that it is safe and does not have a detrimental impact upon the character and appearance of the area;</p> <p>9. provide for future management and maintenance to retain a high quality public realm;</p> <p>10. maintain or improve access, connectivity and permeability in and through the development site and wider area including to local services and facilities, particularly for walking and cycling routes;</p> <p>11. incorporate measures that can adapt to and/or show resilience to climate change and its impacts within the development layout;</p> <p>12. incorporate appropriate arrangements for recycling and waste management including bin storage and collection; and</p> <p>13. interact positively with the natural environment in line with the mitigation hierarchy set out in criterion 2 of Policy ENV 2 'Ecological implementation'.</p> <p><u>Design principles</u></p> <p><u>In line with LPS policies SD 2 'Sustainable Development Principles' and SE 1 'Design', development proposals should:</u></p> <p><u>Sense of place</u></p> <p><u>1. create high quality, beautiful and sustainable buildings and places, avoiding the imposition of standardised and/or generic design solutions where they do not establish and/or maintain a strong sense of quality and place;</u></p> <p><u>2. create a sense of identity and legibility by using landmarks and incorporating key views into, within and out of new development;</u></p> <p><u>3. reflect the local character and design preferences set out in the Cheshire East Borough Design Guide supplementary planning document unless otherwise justified by appropriate innovative design or change that fits in with the overall form and layout of their surroundings;</u></p>

Ref	Policy/Section	Page	Proposed Main Modification
			<p><u>Managing design quality</u></p> <p><u>4. ensure that design codes, prepared for major development schemes are based on effective engagement, reflect local design aspirations and take into account the Cheshire East Borough Design Guide supplementary planning document for residential schemes, relevant design policies in Neighbourhood Plans and the Design Guide and National Model Design Code;</u></p> <p><u>5. provide evidence for all major development schemes of how design assessment frameworks, including Building or a Healthy Life have influenced the proposed design. This should include an appropriate level of engagement with the council and local communities;</u></p> <p><u>6. ensure any changes made to development proposals between permission and completion do not materially diminish the quality of development;</u></p> <p><u>Sustainable urban, architectural and landscape design</u></p> <p><u>7. create buildings and spaces that function well, are fit for purpose and yet are innovative, adaptable and flexible to respond to changing social, environmental, technological and economic conditions over the lifetime of the development;</u></p> <p><u>8. wherever possible, retain and creatively re-use existing buildings as part of new development;</u></p> <p><u>Safety, inclusivity and accessibility</u></p> <p><u>9. be accessible and inclusive – ensuring that developments and spaces can be used safely, easily and with dignity by all, regardless of disability, age, gender, ethnicity or economic circumstances;</u></p> <p><u>10. ensure that car parking and electric vehicle charging infrastructure are carefully sited and designed.”</u></p> <p><i>Delete paragraph 3.2:</i></p> <p>“3.2 Good design is indivisible from good planning. It makes sure that new developments function well socially, economically and physically, and that they are attractive places where people want to live, work and visit. It goes beyond visual appearance and considers the relationship between buildings, how they are used over their lifetime and the spaces and connections between places.”</p>

Ref	Policy/Section	Page	Proposed Main Modification
			<p><i>Amend paragraph 3.4:</i></p> <p>“3.4 Developers should engage with the council, the local community and relevant statutory consultees at the earliest opportunity, <u>such as at concept/pre-design stage</u>, in order to make sure that new development responds appropriately to the unique character and quality of place in the borough. <u>This can also lead to an enriched design and improved levels of community ownership.</u> Engagement can also help to consider the evidence required to support planning applications such as the requirement for design coding, testing layouts, illustrative masterplans, massing studies and modelling for larger proposals, as appropriate in line with LPS Policy SE 1 'Design'.”</p> <p><i>Amend paragraph 3.5:</i></p> <p>“3.5 To provide clarity about design expectations at an early stage, proposals should take account of any formally adopted supplementary planning documents (including the Cheshire East Borough Design Guide), the National Design Guide (or as updated), <u>and National Model Design Code (or any replacements)</u>, area specific design guidance, masterplans, character appraisals or area specific management plans. Neighbourhood plans can also be used to help identify the special and distinctive qualities of a local area.”</p> <p><i>Amend paragraph 3.6:</i></p> <p>“3.6 The council will also use design assessment frameworks including Building for <u>a Healthy Life</u> 12 (or as updated) consistent with the approach set out in LPS Policy SE 1 'Design'.”</p> <p><i>Amend paragraphs 3.7 & 3.8:</i></p> <p>“3.7 The design of new development should take account of the effects of and adapt to the impacts of climate change through the implementation of appropriate design measures in line with <u>LPS Policy SD 2 'Sustainable Development Principles and Policy ENV 7 'Climate change'</u>. This includes taking opportunities to incorporate sustainable drainage and water efficiency measures within the development layout in line with Policy ENV 16 'Surface water management and flood risk'. <u>Schemes should consider 'passive' opportunities presented by the site and the way it functions, for example through solar orientation, topography, and existing landscape features etc.</u> Massing strategies should seek to work with <u>opportunities presented by the site to help reduce energy demands and create high quality and comfortable living and working environments.</u></p>

Ref	Policy/Section	Page	Proposed Main Modification
			<p>3.8 Developments should make sure that there are suitable arrangements for bin storage and recycling. Sufficient space and access should be included for the sorting and storage of recyclable waste materials in a convenient location, the composting of household waste (where practicable), and the collection of these and other waste materials. Cars should be accommodated in, but not overly dominate layouts and be positively integrated within the overall design. Innovative solutions should be employed to reduce the dominance of parking within streets and spaces. Applicants should be aware that Part S in Schedule 1 to the Building Regulations sets out requirements for electric vehicle charging points within new residential and non-residential development schemes. These requirements should be considered early in the design process.</p> <p><i>Amend 'Related documents':</i></p> <p>“• Cheshire East Borough Design Guide supplementary planning document (2017, Cheshire East Council and e*SCAPE Urbanists) • Secured by Design: design guides • Made neighbourhood plans • National Design Guide (2019, MHCLG) • National Model Design Code (2021, MHCLG) • Building for a Healthy Life (2021, Birkbeck & Kruczkowski with Jones, McGlynn & Singleton)”</p>
MM3	Policy GEN 4	18-19	<p><i>Amend Policy GEN 4:</i></p> <p>Recovery of forward funded infrastructure</p> <p>“1. The council will recover the costs associated with forward funded infrastructure from applicants that rely on this infrastructure to mitigate the effects of their development and make it acceptable in planning terms where:</p> <p>i. the council or its funding partners have specifically approved the forward funding of the infrastructure in question on the basis that all or part of its costs will be subsequently recovered from the developers that benefit from it site and the forward funded scheme it contributes towards is identified in Table 3.1 <u>‘Breakdown of LPS sites and areas expected to contribute to the recovery of forward funded infrastructure schemes’ in the accompanying supporting information to this policy;</u></p>

Ref	Policy/Section	Page	Proposed Main Modification
			<p>ii. the council has an approved supplementary planning document that details <u>used the following mechanism for calculating the level of forward funding contribution required to be recovered:</u></p> <p>a. the overall amount to be recovered <u>for each scheme is established by the council;</u></p> <p>b. the individual sites, areas or types of development that will be required to contribute <u>overall number of residential units and/or employment floorspace likely to be developed on the linked sites identified for each scheme in Table 3.1 'Breakdown of LPS sites and areas expected to contribute to the recovery of forward funded infrastructure schemes' is established by the council;</u> and</p> <p>c. the mechanism to be used for proportionately calculating the cost of contributions from applicants seeking development on the identified sites, areas or types of development requiring contribution <u>a forward funding contribution cost per residential unit and/or employment floorspace measure is identified by the council for each scheme by dividing 1(ii)(a) by 1(ii)(b);</u></p> <p>d. the council undertakes individual legal agreement negotiations for planning applications relevant to the <u>sites or areas identified in Table 3.1 'Breakdown of LPS sites and areas expected to contribute to the recovery of forward funded infrastructure schemes' to establish whether the cost per dwelling or employment floorspace figure identified at 1(ii)(c) can be viably delivered as part of the development. The applicant will be required to submit a viability assessment, prepared in accordance with guidance, to support any reduced cost per dwelling or employment floorspace figure to that proposed by the council;</u></p> <p>e. the council agrees a forward funding contribution cost per residential unit or employment floorspace <u>with the applicant based on the applicant's viability assessment, where the council is satisfied that the assessment has been properly prepared in accordance with guidance. If a reduced figure to that identified in 1(ii)(c) has been agreed, this will be subject to review in line with Policy GEN 7 'Recovery of planning obligations reduced on viability grounds' and form part of a legal agreement;</u></p> <p>iii. the <u>forward funding contribution and</u> recovery of costs meets all the planning obligation tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 or as required by any subsequent amendment to these Regulations or to national planning guidance;</p> <p>iv. the <u>forward funding contribution and</u> recovery of costs is secured through a Section 106 <u>legal agreement and includes. This will include flexibility to the developer to enable agreed forward funding contributions to be made as stage payments linked to the progress of development at a site. It will also</u></p>

Ref	Policy/Section	Page	Proposed Main Modification
			<p><u>include any administrative, legal and financing costs to the council associated with both providing the infrastructure and its subsequent recovery through the planning obligations process;</u></p> <p><u>v. the council will cease to require a forward funding contribution once all the costs associated with the forward funding element of a scheme have been recovered.</u></p> <p>2. The council will refuse planning applications where applicants seek to rely on forward funded infrastructure to make proposals acceptable in planning terms but are not prepared to make the required contribution towards refunding the cost of its provision through planning obligations.”</p> <p><i>Amend paragraph 3.19:</i></p> <p>“3.19 This <u>The</u> policy is intended to help facilitate development in the borough. As a proactive authority, Cheshire East Council is seeking to assist developers in achieving agreed levels of growth in the borough as detailed in its local plan. For this reason, the council recognises that in certain circumstances, such as the provision of a road or a new school required as part of a strategic/comprehensive approach to development in an area, it is necessary or desirable for infrastructure to be provided in advance of planned development This can be because a new road is needed to open up parcels of land to enable development to happen or because it enables the provision of important infrastructure at an earlier stage than would otherwise have been possible. This acts as an enabler and helps to bring forward individual schemes that would not otherwise be able to progress on their own.”</p> <p><i>Amend paragraph 3.20a:</i></p> <p>“3.20a It <u>Policy GEN 4 ‘Recovery of forward funded infrastructure costs’</u> will apply only to infrastructure schemes funded by the council or its partners where the funding approval was made on the basis that all or part of the costs incurred will be subsequently recovered from developers benefiting from it i.e. where the council has borrowed; used its reserves; or diverted funding from other budgets in the short term to help bring forward development on the understanding that it will be repaid. <u>These infrastructure schemes are derived from the council’s LPS, including its supporting Infrastructure Delivery Plan, and are identified in Table 3.1 ‘Breakdown of LPS sites and areas expected to contribute to the recovery of forward funded infrastructure schemes’ below.</u>”</p>

Ref	Policy/Section	Page	Proposed Main Modification								
			<p><i>Insert new Table 3.1 ‘Breakdown of LPS and other sites expected to contribute to the recovery of forward funded infrastructure schemes’ after paragraph 3.20a:</i></p> <table><tr><th><u>Forward funded infrastructure scheme</u></th><th><u>LPS sites expected to contribute</u></th></tr><tr><td><u>Congleton Link Road</u></td><td><ul style="list-style-type: none">• <u>Site LPS 26 ‘Back Lane / Radnor Park, Congleton’</u>• <u>Site LPS 27 ‘Congleton Business Park Extension’</u>• <u>Site LPS 28 ‘Giantswood Lane South, Congleton’</u>• <u>Site LPS 29 ‘Giantswood Lane to Manchester Road, Congleton’</u>• <u>Site LPS 30 ‘Manchester Road to Macclesfield Road, Congleton’</u>• <u>Site LPS 31 ‘Tall Ash Farm, Congleton’</u>• <u>Other sites where transport assessments or modelling show a significant distribution of traffic to this infrastructure scheme</u></td></tr><tr><td><u>Poynton Relief Road</u></td><td><ul style="list-style-type: none">• <u>Site LPS 33 ‘North Cheshire Growth Village, Handforth East’</u>• <u>Site LPS 48 ‘Land adjacent to Hazelbadge Road, Poynton’</u>• <u>Site LPS 49 ‘Land at Sprink Farm, Poynton’</u>• <u>Site LPS 50 ‘Land South of Chester Road, Poynton’</u>• <u>Site LPS 51 ‘Adlington Business Park Extension, Poynton’</u>• <u>Other sites where transport assessments or modelling show a significant distribution of traffic to this infrastructure scheme</u></td></tr><tr><td><u>A500 dualling, Crewe</u></td><td><ul style="list-style-type: none">• <u>Site LPS 2 ‘Basford East, Crewe’</u>• <u>Site LPS 3 ‘Basford West, Crewe’</u>• <u>Site LPS 7 ‘Sydney Road, Crewe’</u>• <u>Site LPS 8 ‘South Cheshire Growth Village South East Crewe’</u></td></tr></table>	<u>Forward funded infrastructure scheme</u>	<u>LPS sites expected to contribute</u>	<u>Congleton Link Road</u>	<ul style="list-style-type: none">• <u>Site LPS 26 ‘Back Lane / Radnor Park, Congleton’</u>• <u>Site LPS 27 ‘Congleton Business Park Extension’</u>• <u>Site LPS 28 ‘Giantswood Lane South, Congleton’</u>• <u>Site LPS 29 ‘Giantswood Lane to Manchester Road, Congleton’</u>• <u>Site LPS 30 ‘Manchester Road to Macclesfield Road, Congleton’</u>• <u>Site LPS 31 ‘Tall Ash Farm, Congleton’</u>• <u>Other sites where transport assessments or modelling show a significant distribution of traffic to this infrastructure scheme</u>	<u>Poynton Relief Road</u>	<ul style="list-style-type: none">• <u>Site LPS 33 ‘North Cheshire Growth Village, Handforth East’</u>• <u>Site LPS 48 ‘Land adjacent to Hazelbadge Road, Poynton’</u>• <u>Site LPS 49 ‘Land at Sprink Farm, Poynton’</u>• <u>Site LPS 50 ‘Land South of Chester Road, Poynton’</u>• <u>Site LPS 51 ‘Adlington Business Park Extension, Poynton’</u>• <u>Other sites where transport assessments or modelling show a significant distribution of traffic to this infrastructure scheme</u>	<u>A500 dualling, Crewe</u>	<ul style="list-style-type: none">• <u>Site LPS 2 ‘Basford East, Crewe’</u>• <u>Site LPS 3 ‘Basford West, Crewe’</u>• <u>Site LPS 7 ‘Sydney Road, Crewe’</u>• <u>Site LPS 8 ‘South Cheshire Growth Village South East Crewe’</u>
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Ref	Policy/Section	Page	Proposed Main Modification	
				<ul style="list-style-type: none"> • <u>Other sites where transport assessments or modelling show a significant distribution of traffic to this infrastructure scheme</u>
			<u>Flowerpot junction, Macclesfield (part of the Macclesfield Town Centre Movement Strategy)</u>	<ul style="list-style-type: none"> • <u>Site LPS 13 'South Macclesfield Development Area'</u> • <u>Site LPS 15 'Land at Congleton Road, Macclesfield'</u> • <u>Site LPS 17 'Gaw End Lane, Macclesfield'</u> • <u>Sites where transport assessments or modelling show a significant distribution of traffic to this infrastructure scheme</u>
			<u>Crewe Green roundabout</u>	<ul style="list-style-type: none"> • <u>Site LPS 6 'Crewe Green'</u> • <u>Site LPS 7 'Sydney Road, Crewe'</u> • <u>Other sites where transport assessments or modelling show a significant distribution of traffic to this infrastructure scheme</u>
			<u>Sydney Road bridge, Crewe</u>	<ul style="list-style-type: none"> • <u>Site LPS 7 'Sydney Road, Crewe'</u> • <u>Other sites where transport assessments or modelling show a significant distribution of traffic to this infrastructure scheme</u>
			<u>North West Crewe Package</u>	<ul style="list-style-type: none"> • <u>Site LPS 4 'Leighton West, Crewe'</u> • <u>Site LPS 5 'Leighton, Crewe'</u> • <u>Other sites where transport assessments or modelling show a significant distribution of traffic to this infrastructure scheme</u>
			<u>Middlewich Eastern Bypass</u>	<ul style="list-style-type: none"> • <u>Site LPS 42 'Glebe Farm, Middlewich'</u> • <u>Strategic Location LPS 43 'Brooks Lane, Middlewich'</u> • <u>Site LPS 44 'Midpoint 18, Middlewich'</u> • <u>Site LPS 45 'Land off Warmingham Lane West (Phase II), Middlewich'</u>

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			<p><i>Insert new paragraph after paragraph 3.25:</i></p> <p><u>“Table 3.2 ‘Breakdown of Costs Associated with Forward Funded Schemes as of October 2021’ below provides information on the overall cost of these schemes and the extent of the forward funding it is seeking to recover as a guide, together with the status of each scheme, as of February 2022. Up to date costings from the council’s latest published Medium Term Financial Strategy will be used for each scheme to calculate the level of forward funding contribution at the time an application is submitted. The council will cease to require the recovery of the identified forward funded element of each scheme once it has recovered all the related forward funded costs i.e. the council is seeking only to recover relevant costs rather than generate a surplus through the application of this policy.”</u></p> <p><i>Insert new Table 3.2 ‘Breakdown of costs associated with forward funded schemes as of February 2022’ and three new footnotes after new paragraph:</i></p> <table border="1"> <thead> <tr> <th><u>Forward Funded Road Scheme</u></th><th><u>Total Scheme Estimate (£m)^[New footnote 1]</u></th><th><u>External Public Sector Funding (£m)^[New footnote 2]</u></th><th><u>Council & Received S106 Contribution (£m)^[New footnote 3]</u></th><th><u>Underwritten Forward Funded Element (£m)</u></th><th><u>Scheme Status</u></th></tr> </thead> <tbody> <tr> <td><u>Congleton Link Road</u></td><td><u>89.6</u></td><td><u>45.8</u></td><td><u>17.1</u></td><td><u>26.7</u></td><td><u>Completed</u></td></tr> <tr> <td><u>Poynton Relief Road</u></td><td><u>50.7</u></td><td><u>22.7</u></td><td><u>21.8</u></td><td><u>6.2</u></td><td><u>Under Construction</u></td></tr> <tr> <td><u>A500 dualling, Crewe</u></td><td><u>68.7</u></td><td><u>55.1</u></td><td><u>8.5</u></td><td><u>5.1</u></td><td><u>Not Started</u></td></tr> </tbody> </table>			<u>Forward Funded Road Scheme</u>	<u>Total Scheme Estimate (£m)^[New footnote 1]</u>	<u>External Public Sector Funding (£m)^[New footnote 2]</u>	<u>Council & Received S106 Contribution (£m)^[New footnote 3]</u>	<u>Underwritten Forward Funded Element (£m)</u>	<u>Scheme Status</u>	<u>Congleton Link Road</u>	<u>89.6</u>	<u>45.8</u>	<u>17.1</u>	<u>26.7</u>	<u>Completed</u>	<u>Poynton Relief Road</u>	<u>50.7</u>	<u>22.7</u>	<u>21.8</u>	<u>6.2</u>	<u>Under Construction</u>	<u>A500 dualling, Crewe</u>	<u>68.7</u>	<u>55.1</u>	<u>8.5</u>	<u>5.1</u>	<u>Not Started</u>
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			<u>Flowerpot junction, Macclesfield</u>	<u>10.0</u>	<u>3.5</u>	<u>4.5</u>	<u>2.0</u>	<u>Not Started</u>
			<u>Crewe Green roundabout</u>	<u>7.6</u>	<u>5.3</u>	<u>0.2</u>	<u>2.1</u>	<u>Completed</u>
			<u>Sydney Road Bridge, Crewe</u>	<u>11.0</u>	<u>6.0</u>	<u>0.5</u>	<u>4.5</u>	<u>Completed</u>
			<u>North West Crewe Package</u>	<u>40.3</u>	<u>15.0</u>	<u>11.0</u>	<u>14.3</u>	<u>Not Started</u>
			<u>Middlewich Eastern Bypass</u>	<u>74.0</u>	<u>48.2</u>	<u>5.4</u>	<u>20.4</u>	<u>Not Started</u>
			<u>Total</u>	<u>351.9</u>	<u>201.6</u>	<u>69.0</u>	<u>81.3</u>	
<p><u>“New footnote 1. These costs represent the latest scheme forecast costs. The total scheme costs to be used in any calculation will be the latest scheme costs published in the council’s most recent Medium Term Financial Strategy.</u></p> <p><u>New footnote 2. External funding sources include the Department for Transport, Local Growth Fund and Local Transport Plan funding.</u></p> <p><u>New footnote 3. The council’s contribution to the total £69m identified in this column is £64m i.e. £5m has so far been received via S106 contributions to these strategic highway schemes (comprising some £1.8m Congleton Link Road, £1.6m A500 dualling, £0.2m Crewe Green roundabout, £0.4m Sydney Road bridge and £1m Middlewich Eastern Bypass).”</u></p>								

Ref	Policy/Section	Page	Proposed Main Modification
			<p><i>Amend paragraph 3.25a:</i></p> <p>“3.25a Recovery of costs will be calculated on a proportionate basis taking account of the size of each development site as a proportion of the total size of all the contributing development sites, the uses proposed on each site (employment sites are likely to contribute less to the total recovered costs than housing sites for viability reasons) and the level of need generated for the forward funded infrastructure. Details will be provided in an accompanying supplementary planning document so that developers are able to understand at an early stage, while negotiating a land purchase and preparing a planning application, the likely contribution towards the forward funded infrastructure that will be required from them. Recoverable costs will include any administrative, legal and financing costs associated with both providing the infrastructure and its subsequent recovery through the planning obligations process using the mechanism identified in the policy. For viability reasons it is likely that in most cases only the residential element of schemes will be used by the council to calculate forward funding contributions. However, where employment sites are shown to have sufficient economic viability, they will also be expected to contribute to the cost of forward funded infrastructure. Viability assessments will be prepared and funded by applicants for individual sites and used by the council as a basis for negotiations around forward funded contributions. As a principle the council will only require a level of contribution that it believes can be achieved without making a scheme unviable and thereby preventing its development. Policy GEN 7 ‘Recovery of planning obligations reduced on viability grounds’ will be used to review and recover any reduced planning obligations, should a proposal deliver higher returns than the normal developer profit already accounted for in the agreed viability assessment.”</p> <p><i>Insert new paragraph before paragraph 3.25b:</i></p> <p><u>“The council will not require up-front payments of S106 contributions. Instead, stage payments will be agreed linked to on site housing or employment floorspace completions and included as part of the legal agreement. Recoverable costs for the council will include any administrative, legal and financing costs associated with both providing the infrastructure and its subsequent recovery through the planning obligations process.”</u></p> <p><i>Amend ‘Related documents’:</i></p> <ul style="list-style-type: none"> • <u>Cheshire East Community Infrastructure Levy Charging Schedule (2019, Cheshire East Council)</u> • <u>Cheshire East Medium Term Financial Strategy 2022-26 (2022, Cheshire East Council)</u> • <u>Cheshire East Infrastructure Delivery Plan Update (2016, Cheshire East Council)</u>”

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MM4	Policy GEN 5	19	<p><i>Amend Policy GEN 5:</i></p> <p>Aerodrome safeguarding</p> <p>“Development that would adversely affect the operational integrity or safety of Manchester Airport or Manchester Radar any officially safeguarded civil aerodrome or associated aerodrome navigation aids, radio aids or telecommunications systems will not be permitted.”</p> <p><i>Amend paragraph 3.26:</i></p> <p>“3.26 The aerodrome safeguarding zones for Manchester Airport is are defined on a safeguarding maps issued authorised by the Civil Aviation Authority and issued by the Safeguarding Authority / Airport Licence Holder. Their purpose is to define certain types of development that, by reason of their height, attraction to birds, or inclusion of or effect upon aviation activity require prior consultation with the Airport Operator Safeguarding Authority or National Air Traffic Services Ltd in order for them to assess the implications of these developments for the safe operation of aircraft using the airport and its airspace. Government advice in OPDM Circular 1/2003 ‘Advice to Local Planning Authorities on Safeguarding Aerodromes and Military Explosives Storage Areas’ sets out the detailed guidance on how safe and efficient operations can be secured.”</p> <p><i>Insert new paragraphs after paragraph 3.28:</i></p> <p>“3.28a In addition, the outer limits of safeguarding zones for Liverpool John Lennon Airport and Hawarden (Chester) Airport extend into parts of the borough, within which the airport operators for these civil aerodromes are statutory consultees for wind turbine development.</p> <p>3.28b As required by Circular 1/2003, the current outer boundary of the safeguarding zones is shown on the adopted Policies Map. These boundaries may be subject to future review and amendment.”</p>
MM5	Policy GEN 6	20	<p><i>Amend the title of Policy GEN 6:</i></p> <p><u>Manchester Airport public safety zones</u></p> <p><i>Amend Policy GEN 6:</i></p> <p>“In the airport public safety zones as defined by the Civil Aviation Authority, development or changes of use will not be permitted except for development deemed to be permissible under paragraphs 11 and 12-</p>

Ref	Policy/Section	Page	Proposed Main Modification
			<p>of DfT Circular 01/2010 'Control of Development in Airport Public Safety Zones' <u>on the adopted Policies Map, there is a general presumption against new development, including changes of use and extensions to existing properties, except for development listed as 'Development permissible within PSZs' in the Department for Transport's policy paper 'Control of development in airport public safety zones' or any replacement guidance.</u></p> <p><i>Amend paragraph 3.29:</i></p> <p>"3.29 Public safety zones are designated areas of land at the end of runways at major airports, in which development is restricted so that there should be no increase in the number of people living, working or congregating in public safety zones and that, over time, the number should be reduced as circumstances allow. <u>Public safety zones have been defined at the ends of Manchester Airport's runways and consist of an inner public safety restricted zone and an outer public safety controlled zone.</u>"</p> <p><i>Insert new paragraph after paragraph 3.29:</i></p> <p><u>"3.29a Within the public safety zones, there is a general presumption against development unless it is an exception specified in the Department for Transport policy paper 'Control of development in airport public safety zones'. Within the inner public safety restricted zones, the airport operator is also expected to purchase and remove residential and commercial properties."</u></p> <p><i>Amend 'Related documents':</i></p> <p><u>"• Circular 01/2010—Control of Development in Airport Public Safety Zones (2010-2021, DfT-Department for Transport)"</u></p>
MM6	Policy ENV 1 'Ecological network'	24-26	<p><i>Amend Policy ENV 1 Criterion 4:</i></p> <p>"4. In line with LPS Policy SE 3 'Biodiversity and geodiversity', new development should seek proportionate opportunities to protect, conserve, restore and enhance the ecological network for the borough as follows:</p> <p>i. Development in core areas, or corridors and stepping stones should:</p>

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			<p>a. increase the size of core areas;</p> <p>b. increase the quality and quantity of priority habitat; and</p> <p>c. create new priority habitat that can act as stepping stones or corridors.</p> <p>ii. Development in restoration areas should meet the above criteria and increase the structural connectivity between stepping stones.</p> <p>iii. 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.</p> <p>iv. Development in the Meres and Mosses catchments (buffer zones) must avoid any contamination and hydrological impacts on the associated catchment.</p> <p><u>4. Within the components of the ecological network, as identified on the Policies Map, development proposals should:</u></p> <p><u>i. increase the size, quality or quantity of priority habitat within core areas, corridors or stepping stones;</u></p> <p><u>ii. within corridors and stepping stones, improve the connectivity of habitats for the movement of mobile species;</u></p> <p><u>iii. in restoration areas, improve the structural connectivity, resilience and function of the network;</u></p> <p><u>iv. in buffer zones within core areas and around protected meres and mosses, minimise adverse impacts from pollution and disturbance.”</u></p> <p><i>Insert new Criterion 5 for Policy ENV 1:</i></p> <p><u>“5. Areas of ecological value may be designated within neighbourhood plans and where relevant, policies for them within neighbourhood plans will also be applied when considering planning applications that might affect them.”</u></p>

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			<p><i>Insert new paragraph after paragraph 4.8:</i></p> <p><u>“4.8a Neighbourhood Plans may also include policies to protect and enhance biodiversity, including through the designation of wildlife corridors. These policies, where relevant, will need to be applied to development schemes alongside the policies in the Local Plan. Local wildlife corridors refine and compliment the wider ecological network.”</u></p>
MM7	Policy ENV 2 'Ecological implementation'	26-27	<p><i>Amend Policy ENV 2 criteria 1 and 2:</i></p> <p>“1. Net gain: development proposals must deliver an overall net gain for biodiversity. Major developments and developments affecting semi-natural habitats must be supported by a biodiversity metric calculation to ensure the delivery of a biodiversity measurable net gain <u>should provide for a net gain in biodiversity in line with the expectations of national policy and be supported by a biodiversity metric calculation.</u></p> <p>2. Mitigation hierarchy: in accordance with the mitigation hierarchy, all development proposals must make sure losses of, and impacts to, biodiversity and geodiversity are <u>that significant harm to biodiversity and geodiversity is:</u></p> <p>i. firstly avoided; then</p> <p>ii. if impacts cannot be avoided, identify and implement measures to acceptably mitigate these impacts; then</p> <p>iii. finally, and as a last resort, if impacts are unavoidable and cannot be acceptably mitigated, compensation measures should be provided. This may include off-site provision where adequate on-site provision cannot be made. To maximise its benefits, off-site habitat provision should be prioritised firstly towards those areas identified <u>on the adopted Policies Map as nature improvement areas and those areas identified by the ecological network map as delivering the most benefit for biodiversity (see Policy ENV 1 'Ecological network').”</u></p> <p><i>Insert new paragraphs after paragraph 4.13:</i></p> <p><u>“4.13a The Meres and Mosses of the Marches Nature Improvement Area (NIA) was established in 2012 as one of twelve NIAs nationally following the publication of the 2011 Natural Environment White Paper. It covers an area to the south of Crewe and Nantwich and extends into Cheshire West and Chester, and</u></p>

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			<p><u>Shropshire. It comprises the largest and most ecologically diverse cluster of natural wetlands in lowland England with 13,000 ha of peat deposits, Europe's greatest concentration of ponds, rare floating bogs, glacial lakes and a wealth of wetland species. NIAs were identified for the opportunity they offer to restore nature at a landscape scale.</u></p> <p><u>4.13b The Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species (amendment) (EU Exit) Regulations 2019), also known as the 'Habitats Regulations', provide legal protection to habitats and species of national importance. A Habitats Regulations Assessment (HRA) is needed for plans and projects that are likely to have a significant effect on European sites. As a competent authority under the Habitats Regulations, the council will carefully consider the nutrient impacts of any new plans and projects (including new development proposals) on European sites and whether those impacts may have an adverse effect on the integrity of a European site that requires mitigation, including through nutrient neutrality. Following the 16 March 2022, Ministerial Statement Delivering the Environment Act: taking action to protect and restore nature (statement UIN HCWS688) reference is made to Rostherne Mere Ramsar (nitrogen and phosphorus impacts), Oak Mere SAC (phosphorus impacts) and the catchments of Abbotts Moss SSSI and Wybunbury Mosses SSSI, part of the West Midlands Mosses SAC (nitrogen and phosphorus impacts)."</u></p>
MM8	Policy ENV 3 'Landscape character'	28	<p><i>Amend Policy ENV 3:</i></p> <p>"Landscape character</p> <p><u>1. Development proposals should respect the qualities, features and characteristics that contribute to the distinctiveness of the local area, as described in the Cheshire East Landscape Character Assessment (2018) or subsequent update, taking into account any cumulative effects alongside any existing, planned or committed development.</u></p> <p><u>2. The areas listed below are designated as Local Landscape Designations and are defined on the adopted Policies Map. They represent the highest quality and most valued landscapes in the area of the borough covered by the Cheshire East Local Plan. In line with LPS Policy SE 4 'The landscape', development that is likely to have an adverse effect on their special qualities, as described in the Cheshire East Local Landscape Designation Review (2018), should be avoided.</u></p> <p><u>i. Bollin Valley;</u></p>

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			<p><u>ii. Rostherne/Tatton Park;</u></p> <p><u>iii. Arley, Tabley and Holford Estatelands;</u></p> <p><u>iv. Alderley Edge and West Macclesfield Wooded Estates;</u></p> <p><u>v. Peak Fringe;</u></p> <p><u>vi. Dane Valley;</u></p> <p><u>vii. Peckforton and Bickerton Hills;</u></p> <p><u>viii. Cholmondeley, Marbury and Combermere Estatelands; and</u></p> <p><u>ix. Audlem/Buerton."</u></p> <p><i>Amend paragraph 4.19:</i></p> <p>"4.19 LPS Policy SE 4 'The landscape' looks at the landscape in general, specifies criteria to be met by development proposals and deals with local landscape designations. Local landscape designation areas are shown on the adopted policies map. <u>These reflect the findings of the Cheshire East Local Landscape Designation Review (2018). Chapter 4 of the Review includes a Statement of Significance for each Local Landscape Designation area, describing its special qualities.</u>"</p>
MM9	Policy ENV 4 'River corridors'	29	<p><i>Insert new paragraph after paragraph 4.27:</i></p> <p><u>"4.27a There are a variety of ways that development schemes can protect and enhance river corridors. These include:</u></p> <ul style="list-style-type: none"> <u>• Locating open space next to the river</u> <u>• Designing front facing schemes that positively integrate with the river</u> <u>• Providing for good daytime light provision along the river corridor through the location, scale and massing of buildings</u> <u>• Integrating flood attenuation with landscape and biodiversity enhancements</u> <u>• Using bio-engineering solutions rather than hard bankside engineering</u> <u>• Restoring the natural course and corridor of a river where it has been heavily modified or channelled</u> <u>• Incorporating features to support fish and other aquatic wildlife"</u>

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MM10	Policy ENV 5 'Landscaping'	30	<p><i>Insert new Criterion 7 for Policy ENV 5:</i></p> <p>"5. utilises plant species that are in sympathy with the character of the area and, in line with Policy ENV 7 'Climate change', takes account of the need for climate change mitigation and adaptation;and</p> <p>6. makes satisfactory provision for the maintenance and aftercare of the scheme to make sure it reaches maturity and thereafter;<u> and</u></p> <p><u>7. reflects the outcome of any ecological assessment."</u></p>
MM11	Policy ENV 6 'Trees, hedgerows and woodland implementation'	31-32	<p><i>Amend Policy ENV 6:</i></p> <p>"Trees, hedgerows and woodland implementation</p> <p>1. Development proposals should seek to retain and protect trees, woodlands and hedgerows.</p> <p>2. The layout of the development proposals must be informed and supported by an arboricultural impact and/or hedgerow survey. Trees, woodlands and hedgerows considered worthy of retention should be sustainably integrated and protected in the design of the development to ensure their long-term survival.</p> <p>3. Where the loss of significant trees is unavoidable it must be compensated for on the basis of at least three replacement trees for every tree removed, replacement tree planting should be provided, of a commensurate amenity value to the trees that are lost and to secure environmental net gain.</p> <p>4. 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, prioritised in the locality of the development.</p> <p><u>5. New streets should be tree-lined unless there are clear, justified and compelling reasons why this would be inappropriate.</u></p> <p><u>6. Development proposals should put in place appropriate measures to secure the long-term maintenance of newly planted trees.</u></p>

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			<p>Ancient woodland <u>and veteran trees</u></p> <p>5.7. Appropriate buffers must be provided adjacent <u>to/around</u> ancient woodland to avoid any harm to the woodland arising from new development. Development proposals on any site adjacent to ancient woodland must be supported by evidence to justify the extent of the undeveloped buffer proposed.</p> <p>Ancient or veteran trees</p> <p>6.8. Ancient or veteran trees must be retained in development schemes and, wherever possible, located in public open space. Retained veteran trees must be protected through a management plan in accordance with Natural England guidelines (Veteran Trees: A Guide to Good Management).</p> <p>Hedgerows</p> <p>7. Hedgerows deemed to be important under the Hedgerow Regulations 1997 must be retained and their loss, by exception, would require a particularly compelling justification."</p> <p><i>Amend paragraph 4.32:</i></p> <p>"4.32 Trees, woodlands and hedgerows contribute to the identified landscape character and townscapes of Cheshire East and their retention and proper management is essential in maintaining local distinctiveness. The council will seek to retain and protect important trees, hedgerows and woodlands that are significant in terms of their amenity, cultural, biodiversity, landscape and heritage value. Where necessary the council will make Tree Preservation Orders (TPOs) in order to retain individual trees, groups of trees and woodlands that make a significant contribution to the amenity of an area or are likely to do so in the future. <u>In assessing significant trees, the council will consider the species, size, form, age, condition, life expectancy and visual impact."</u></p> <p><i>Amend paragraph 4.36:</i></p> <p>"4.36 Ancient woodlands, including plantations on ancient woodland sites, and semi-natural woodland protected as a local wildlife site covered by Section 41 of the Natural Environment and Rural Communities Act 2006, are highly valuable and sensitive to a number of indirect impacts associated with development. Ancient woodlands receive protection through LPS Policy SE 3 'Biodiversity and geodiversity' criterion (4) and paragraph 175(e) <u>180(c)</u> of the NPPF (2021). Woodland is also an important element of LPS Policy SE 6 'Green infrastructure' and is part of the ecological network in criterion (3.x)."</p>

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			<p><i>Amend paragraph 4.40:</i></p> <p>“4.40 Hedgerows are a traditional form of field boundary, a distinctive feature of the countryside of Cheshire East, and are a habitat subject of a biodiversity action plan. Where there are existing agricultural hedgerows that are more than 30 years old and are proposed to be removed as part of a development proposal, the hedge should be assessed against the criteria in the Hedgerow Regulations 1997 in order to determine if it qualifies as ‘important’ under the Regulations.”</p> <p><i>Delete paragraph 4.41:</i></p> <p>“4.41 The government’s 25 year plan to improve the environment stresses the importance of net environmental gain. The requirement of three replacement trees for every tree removed ensures this net gain. A two for one replacement would not result in net gain should one of the replacement trees fail to reach maturity, resulting in one for one replacement only.”</p>
MM12	Policy ENV 7 ‘Climate change’	33-35	<p><i>Delete Policy ENV 7 Criterion 1(vii):</i></p> <p>“vii. implement opportunities to retrofit resistance and resilience measures into the existing building stock;”</p> <p><i>Amend Policy ENV 7 Criterion 3(i):</i></p> <p>“i. in line with criterion 2 of LPS Policy SE 9 ‘Energy efficient development’ non-residential development over 1,000 sq.m. is expected to secure at least 10% of its predicted energy needs from decentralised, renewable or low carbon sources, unless not feasible or viable non-residential development over 1,000 sq.m will be expected to secure the minimum standards set out in Criterion 2 of LPS Policy SE 9 ‘Energy efficient development’; and/or”</p> <p><i>Amend paragraph 4.42a:</i></p> <p>“4.42a In line with LPS Policy SE 8 ‘Renewable and low carbon energy’, the council will look favourably upon development that follows the principles of the Energy Hierarchy, and seeks to achieve a high rating under schemes such as BREEAM (for non-residential development), CEEQUAL (for public-realm development) and Building for <u>a Healthy Life (or as updated).</u>”</p>

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			<p><i>Amend 'Related documents':</i></p> <ul style="list-style-type: none"> • Local Plan Site Allocations and Development Policies Viability Assessment (2020, HDH Planning and Development) [ED 52] • Cheshire East Energy Framework (2015, Cheshire East Council) • Climate Change and Sustainable Energy Planning Research (2011, LDA Design) • Industrial Strategy Construction Sector Deal (2018, HM Government) • Cheshire East Council Environment Strategy 2020-2024 (2020, Cheshire East Council) • <u>Building for a Healthy Life (2021, Birkbeck & Kruczkowski with Jones, McGlynn & Singleton)</u>
MM13	Policy ENV 8 'District heating network priority areas'	35	<p><i>Amend Policy ENV 8 Criterion 2:</i></p> <p>"2. Development <u>The requirements of Criterion 3 of LPS Policy SE 9 'Energy efficient development' apply to development</u> in district heating network priority areas or in large scale development elsewhere should contribute to the development of a strategic district heating network in accordance with LPS Policy SE 9 'Energy efficient development', unless it is demonstrated that this is not feasible or viable. Consideration should be given to opportunities to connect into an existing network or to establish a new network to serve both the proposed development and surrounding land uses."</p>
MM14	Policy ENV 9 'Wind energy'	36-38	<p><i>Amend Policy ENV 9 Criterion 1(i):</i></p> <p>"i. proposals are located outside of those areas identified on the adopted policies map as being highly sensitive to wind energy development, including local landscape designations, <u>and</u> the Peak District National Park fringe and their settings;"</p> <p><i>Amend Policy ENV 9 Criterion 1(iv):</i></p> <p>"iv. the individual and cumulative impact of schemes is acceptable in line with the landscape, ecological, amenity and operational factors set out in LPS Policy SE 8 'Renewable and low carbon energy'. Proposals should not have an a detrimental impact on air traffic safety or give rise to unacceptable harm to the natural or historic environment, heritage assets and their settings; and"</p>

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			<p><i>Amend paragraph 4.46:</i></p> <p>“4.46 Planning applications for wind energy development will also be considered alongside national planning policy as a material consideration. The NPPF <u>2021</u> (footnote 49 <u>54</u>) and LPS Policy SE 8 ‘Renewable and low carbon energy’ say, amongst other things, that proposed new wind turbines (except where they involve repowering of existing turbines) should not be considered acceptable unless, following consultation, it can be demonstrated that the planning impacts identified by the local community have been fully addressed and the proposal has their backing.”</p> <p><i>Amend paragraph 4.60:</i></p> <p>“4.60 LPS Policy SE 15 ‘Peak District National Park fringe’ notes the value of the Peak District National Park as an asset of national, regional, and local importance and this policy will seek to protect the setting of the national park, where development comprises <u>compromises</u> its statutory designation and purpose.”</p>
MM15	Policy ENV 10 ‘Solar energy’	39	<p><i>Amend Policy ENV 10 Criterion 5:</i></p> <p>“5. Proposals should not have an <u>a detrimental</u> impact on air traffic safety or give rise to unacceptable harm to the natural or historic environment, heritage assets and their settings.”</p>
MM16	Policy ENV 11 ‘Proposals for battery energy storage systems’	40	<p><i>Amend the first paragraph of Policy ENV 11:</i></p> <p>“In line with LPS Policy SE 8 ‘Renewable and low carbon energy’, proposals <u>Proposals</u> for battery energy storage systems will be supported where they assist with the balancing of the electricity grid and support renewable energy sources (such as wind and solar) alongside meeting the following criteria:”</p>
MM17	Policy ENV 12 ‘Air quality’	41	<p><i>Amend paragraphs 4.69-4.71:</i></p> <p>“4.69 Every local authority in England and Wales has a statutory duty to review local air quality under the Environment Act 1995. The aim of the review process is to identify any areas where the government’s national air quality standards and objectives for eight key pollutants (benzene; 1,3-butadiene; carbon monoxide; lead; nitrogen dioxide (NO₂); sulphur dioxide; particulates (PM₁₀); and ozone) are likely to be exceeded; <u>If the objective is breached, local authorities are required to declare any such areas an air quality management area (AQMA) as Air Quality Management Areas (AQMAs) and then to prepare action plans to set out ways towards improving setting out measures to improve air quality in these areas.</u></p>

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			<p>4.70 Cheshire East Council <u>The council</u> has declared 19 several AQMAs. All the areas (with one exception) AQMAs are declared on the basis of being likely to breach the air quality standard for the annual (mean) concentration concentrations of nitrogen dioxide. Further information on this, including maps of these areas, can be viewed on the council's website⁶. The council regularly produces updated screening assessments, progress reports and amendments to the air quality action plan that it has produced to try to improve air quality has produced an Air Quality Action Plan, which outlines the <u>measures needed to improve air quality and is reviewed every five years as a minimum. In addition, an Annual Status Report is published, which provides an overview of air quality for that year.</u></p> <p>4.71 An air quality assessment will be required where proposals are of a <u>large nature or scale</u> and/or likely to have a significant or cumulative impact upon local air quality, particularly where development is located in or within relative proximity to an AQMA. The level of assessment will depend on the nature, extent and location of the development.</p> <p><i>Insert new paragraph after paragraph 4.71 and add a new footnote:</i></p> <p><u>4.71a Where an air quality assessment indicates a development is likely to have a significant impact upon local air quality, mitigation measures should be applied. Mitigation measures should be locationally-specific, with the nature and scale of mitigation required being proportionate to the extent of the impact. Examples of mitigation are cited within National Planning Practice Guidance (paragraph 008 Reference ID: 32-008-20191101). The Low Emissions Strategy Partnership^(new footnote) also provides mitigation advice, particularly regarding how large developments can minimise traffic emissions. If on-site mitigation cannot be fully achieved, contributions towards projects within the council's Air Quality Action Plan and/or Low Emission Strategy in lieu of mitigation may be negotiated."</u></p> <p><u>"New footnote: https://www.lowemissionstrategies.org"</u></p> <p><i>Amend paragraph 4.72:</i></p> <p>"4.72 Developments that introduce sensitive receptors (such as housing, schools, care homes, hospitals) in locations of poor air quality should take into account Policy ENV 15 'New development and existing uses', and will not be acceptable unless designed to mitigate the impact. Mitigation measures will need to be locationally specific; will depend on the proposed development; and will be proportionate to the likely impact. <u>Policy ENV 15 'New development and existing uses' sets out that existing uses should not have unreasonable restrictions placed upon them by new development ('agent of change' principle). This policy will also be considered if the introduction of 'sensitive receptors' into an area of poor air quality is proposed."</u></p>

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			<p><i>Delete paragraph 4.73 and footnote:</i></p> <p>“4.73 The Low Emissions Strategy Partnership⁷ provides advice on how large developments can minimise their air quality impacts, particularly in relation to reducing traffic emissions.”</p> <hr/> <p>“⁷ www.lowemissionstrategies.org/”</p> <p><i>Amend ‘Related documents’:</i></p> <ul style="list-style-type: none"> • Cheshire East Local Air Quality Strategy (2018, Cheshire East Council) • Cheshire East Air Quality Management Areas Maps (Cheshire East Council) • Cheshire East Air Quality Action Plan (2018 <u>2021</u>, Cheshire East Council) • Cheshire East Air Quality Annual Status Report (2019 <u>2021</u>, Cheshire East Council) • Guidance on Land-Use Planning and Development Control: Planning for Air Quality (2017, Institute of Air Quality Management) • Guidance on the Assessment of Dust from Demolition and Construction (2014, Institute of Air Quality Management)”
MM18	Policy ENV 13 ‘Aircraft noise’	42-45	<p><i>Amend Policy ENV 13 Criterion 1(ii)(a):</i></p> <p>“a. the internal ambient noise levels under summertime conditions with windows closed (and with the necessary ventilation to prevent overheating and ensure good indoor air quality) shall not exceed the levels set out in BS8233:2014 (or any successor to this standard), which are repeated in the table below. The application should demonstrate that the acoustic design of the proposed development will achieve the below indoor ambient noise levels and has been developed in combination with ventilation and overheating strategies. The application should maximise natural ventilation, avoid overheating, minimise sound pollution and have good air quality in accordance with policy H1 of the National Design Guide and avoid a situation where occupants would have to choose between good internal ambient noise levels and thermal comfort or good indoor air quality¹⁰. The acoustic, ventilation and overheating strategies must not rely upon continuous mechanical extract (MEV) or continuous mechanical supply and extract with heat recovery (MVHR) ventilation systems that require energy use unless these can be powered by renewable energy generation within the development; and”</p>

Ref	Policy/Section	Page	Proposed Main Modification																				
			<table border="1"> <tr> <th colspan="4">Indoor ambient noise levels for dwellings</th></tr> <tr> <th>Activity</th><th>Location</th><th>07:00 to 23:00</th><th>23:00 to 07:00</th></tr> <tr> <td>Resting</td><td>Living room</td><td>35 dB L_{Aeq,16hour}</td><td>-</td></tr> <tr> <td>Dining</td><td>Dining room/area</td><td>40 dB L_{Aeq,16hour}</td><td>-</td></tr> <tr> <td>Sleeping (daytime resting)</td><td>Bedroom</td><td>35 dB L_{Aeq,16hour}</td><td>30 dB L_{Aeq,16hour} 8 hour</td></tr> </table> <p>“10. The Acoustics, Ventilation and Overheating Residential Design Guide published by the Association of Noise Consultants provides advice to designers on adopting an integrated approach to the acoustic design within the context of the ventilation and thermal comfort requirements.”</p> <p><i>Amend Policy ENV 13 Criterion 1(ii)(b):</i></p> <p>“b. private gardens, sitting out areas and balconies that are intended to be used for relaxation that form an intrinsic part of the overall scheme are designed to achieve the lowest practicable noise level and will not exceed 55dB L_{Aeq,16hour} across a reasonable proportion of them across private gardens and balconies, a reasonable proportion - typically comprising a sitting out area that is intended to be used for relaxation and that forms an intrinsic part of the overall scheme - is designed to achieve the lowest practicable noise level. In higher noise areas, applicants should aim not to exceed an upper guideline level of 55dB L_{Aeq,16hour}, including through noise mitigation measures.”</p> <p><i>Delete paragraph 4.75b:</i></p> <p>“The council considers it important to avoid building homes that will result in additional carbon emissions through additional energy use associated with mechanical ventilation systems to mitigate aircraft noise. This approach is consistent with the statutory target set by the Climate Change Act 2008 for at least a 80% reduction of UK greenhouse gas emissions by 2050 (compared to 1990 levels) and the council’s commitment to tackling climate change expressed through its Environment Strategy and Carbon Action Plan.”</p> <p><i>Amend ‘Related documents’:</i></p> <p>• Aircraft Noise Policy Background Report (2020, Jacobs) [ED 15]</p>	Indoor ambient noise levels for dwellings				Activity	Location	07:00 to 23:00	23:00 to 07:00	Resting	Living room	35 dB L _{Aeq,16hour}	-	Dining	Dining room/area	40 dB L _{Aeq,16hour}	-	Sleeping (daytime resting)	Bedroom	35 dB L _{Aeq,16hour}	30 dB L _{Aeq,16hour} 8 hour
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			<ul style="list-style-type: none"> • ProPG: Planning and Noise, New Residential Development (2017, Association of Noise Consultants, Institute of Acoustics and Chartered Institute of Environmental Health) • Acoustics Ventilation and Overheating Residential Design Guide, Version 1.1 (2020, Association of Noise Consultants) • BS 8233 Guidance on sound insulation and noise reduction for buildings (2014, British Standards Institute) • BB93: Acoustic design of schools - performance standards (2015, Department for Education) • Health Technical Memorandum 08-01: Acoustics (2013, Department of Health) • BS EN 16798-1 Energy performance of buildings – ventilation for buildings part 1: Indoor environmental input parameters for design and assessment of energy performance of buildings addressing indoor air quality, thermal environment, lighting and acoustics - Module M1 (2019, British Standards Institute) • Cheshire East Council Environment Strategy 2020-2024 (2020, Cheshire East Council) • Cheshire East Council Carbon Neutrality Action Plan 2020-2025 (2020, Cheshire East Council) • National Design Guide (2019, MHCLG)”
MM19	Policy ENV 16 'Surface water management and flood risk'	47	<p><i>Delete Policy ENV 16 Criterion 1 and replace with a new first paragraph to the policy:</i></p> <p>“1. Development proposals will be supported where they relate specifically to reducing the risk of flooding.</p> <p><u>In order to manage surface water drainage effectively and reduce the risk of flooding elsewhere, in accordance with LPS Policy SE 13 'Flood risk and water management', development proposals should satisfy the following criteria:”</u></p>
MM20	Policy ENV 17 'Protecting water resources'	50	<p><i>Insert new paragraph after paragraph 4.102:</i></p> <p><u>“4.103 The Environment Agency’s Groundwater Source Protection Zones 2019 are shown on the adopted Policies Map.”</u></p>
MM21	Policy HER 2 'Heritage at risk'	53-54	<p><i>Amend Policy HER 2 Criterion 1:</i></p> <p>“1. New development should identify specific opportunities where heritage assets have been identified as being at risk, and make provision to secure their future through repair and/or re-use, enabling them to contribute to place-making.”</p>

Ref	Policy/Section	Page	Proposed Main Modification
			<p><i>Amend Policy HER 2 Criterion 4:</i></p> <p><u>“4. Where a development site contains a listed building(s) identified as being at risk, proposals should be phased and secured by legal agreement to secure ensure its/their repair and re-use as early as possible in the development process, and in all cases before the use or occupation of any new buildings. Prior to new development being substantially complete or fully occupied, works required to secure the listed building should be carried out in full.”</u></p> <p><i>Insert new paragraph after paragraph 5.7:</i></p> <p><u>“5.7a Where a listed building is considered to be at risk, based on the evidence in the Heritage At Risk Register held by Historic England and any local list, any development proposal relating to it must include proposals to secure the future of the listed building. Every site and building will differ in its circumstances, however, there should be a legally binding mechanism put in place in all cases to secure the repairs to the listed building(s). The level of works to secure a listed building and prevent that building from being at risk will vary and each case will need to be considered individually.”</u></p> <p><i>Amend paragraph 5.9:</i></p> <p><u>“5.9 The council is currently undertaking a review of all listed buildings, which will form the evidence base for the Cheshire East Buildings at Risk Register. This will include a strategy for how the council will proactively manage listed buildings. This list will be reviewed periodically, and the status of a building could change as new information about its condition becomes available.”</u></p>
MM22	Policy HER 3 'Conservation areas'	54	<p><i>Amend Policy HER 3 Criterion 2:</i></p> <p><u>“2. Proposals for the demolition of a building or group of buildings that positively contribute to the character or appearance of a conservation area will not be supported unless:- i. the harm or loss is outweighed by the public benefits of an approved replacement scheme; and</u></p> <p><u>ii. the building is structurally unsound and its repair is not economically feasible; and</u></p> <p><u>iii. alternative uses for the building have been investigated.”</u></p>

Ref	Policy/Section	Page	Proposed Main Modification
MM23	Policy HER 4 'Listed buildings'	56	<p><i>Amend Policy HER 4:</i></p> <p>"Listed buildings</p> <p>1. Development proposals affecting a listed building or its setting will be expected to preserve and enhance the asset and its setting wherever possible.</p> <p>2. Applications affecting a listed building involving alterations (including partial demolition and extensions) and development in its setting will only be supported where:</p> <p>i. any extensions respect the architectural detail, appearance, character and scale of the existing building;</p> <p>ii. the proposal would retain the identity of the original listed building (usually remaining subservient to it) and avoid harm to its setting;</p> <p>iii. the listed building's architectural features and historic interest are preserved;</p> <p>iv. the original plan form, roof construction and interior features as well as the exterior of the building is retained; and</p> <p>v. the listed building or structures, and any curtilage listed structures or features of special architectural or historic landscape interest are retained.</p> <p><u>1. When considering development proposals or works affecting a listed building, including alterations, extensions and changes of use, in line with its statutory duty, the council will have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest that it possesses.</u></p> <p>3.2. Proposals involving the demolition of listed buildings or structures will not be supported unless exceptional circumstances can be clearly demonstrated <u>loss of or substantial harm to the significance of a listed building or structure will normally be refused, unless it can be demonstrated that this is necessary to achieve substantial public benefits, which outweigh the harm, or the other circumstances in paragraph 201 of the NPPF apply. The council considers the demolition of listed buildings or structures to amount to substantial harm.</u></p>

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			<p>4.3. Proposals Where a proposal would lead to less than substantial harm to the significance of a listed building, the harm will be weighed against the public benefits of the proposal, including securing its optimum viable alternative use. The council will normally support proposals for the change of use or conversion of a listed building will be supported where: the use secured is consistent with the preservation of its heritage significance.</p> <p>i. the building's architectural features and historic significance are preserved;</p> <p>ii. it can accommodate the new use without changes that harm its character or historic significance (such changes include enlargement, subdivision or other alterations to form and mass, inappropriate new window openings or doorways and major rebuilding); and</p> <p>iii. the intended use (or associated development) of the building does not detract from its significance.</p> <p>5. New development affecting the setting of listed buildings should preserve and enhance the setting, taking into account all relevant issues, including (but not limited to):</p> <p>i. topography, landscape setting and natural features;</p> <p>ii. existing townscapes, local landmarks, views and skylines;</p> <p>iii. the need to retain trees;</p> <p>iv. removal of harmful features that have an adverse impact;</p> <p>v. the quality and nature of materials, both traditional and modern;</p> <p>vi. established layout and spatial character;</p> <p>vii. architectural, historical and archaeological features and their settings; and</p> <p>viii. the need to retain historic boundary and surface treatments."</p>

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			<p><i>Amend paragraph 5.18:</i></p> <p>“5.18 LPS Policy SE 7 ‘The historic environment’ seeks to make sure that development proposals protect, preserve and (wherever possible) enhance listed buildings. Development will be required to respect and respond positively to designated heritage assets <u>listed buildings</u> and their settings and features of special interest, avoiding loss or harm to their significance, <u>unless this is outweighed by public benefits.</u>”</p>
MM24	Policy HER 5 ‘Registered parks and gardens’	57-58	<p><i>Amend Policy HER 5:</i></p> <p>“Registered parks and gardens</p> <p>1. Development proposals affecting a Registered Historic Park and Garden or its setting will only be supported where it has been demonstrated that they would be expected to preserve the heritage asset, its setting and any features of special interest that contribute to its significance, including, but not limited to:</p> <ul style="list-style-type: none"> i. cause no unacceptable harm to the asset's significance, taking into account matters including the character, setting and appearance of those features that form part of and contribute to the special historic interest of the Registered Park and Garden <u>the integrity of the landscape, its design and layout;</u> ii. respect the integrity of the landscape and any key views; and iii. not lead to sub-division of the landscape <u>walled gardens or other enclosed gardens and spaces.</u> <p>2. Development within walled gardens will not be supported unless the public benefits of the development clearly outweigh the harm to the asset. Where development proposals would result in substantial or less than substantial harm to the significance of a Registered Historic Park and Garden, the harm should be weighed against any public benefits of the scheme, applying the approach and considerations set out in national policy.</p>
MM25	Policy HER 6 ‘Historic battlefields’	58	<p><i>Amend Policy HER 6:</i></p> <p>“Historic battlefields</p> <p>Development proposals will not be supported that would harm the historic significance, appearance, setting or integrity of the ability to understand and appreciate a battlefield recorded on the Register of Historic Battlefields.</p>

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			<p><u>Development proposals that would lead to substantial harm to the heritage significance of The Battle of Nantwich registered Historic Battlefield site, including its setting, should be wholly exceptional and will be refused unless it can be demonstrated that substantial harm is necessary to achieve substantial public benefits that outweigh that harm. Where development proposals would lead to less than substantial harm to the significance of the site, the harm should be weighed against the public benefits of the proposal.</u></p> <p><i>Amend paragraph 5.25:</i></p> <p><u>“5.25 Historic Registered battlefields are amongst the heritage assets of highest significance. They are important in historic and cultural terms. The site of the 1644 Battle of Nantwich is the only registered Battlefield in the borough Cheshire East. As such it is important to conserve the site of the 1644 Battle of Nantwich, which and is one of only 3 such sites in the North West region to be included on The Historic England Register of important and accurately located Historic Battlefields.”</u></p> <p><i>Insert new paragraph after paragraph 5.25:</i></p> <p><u>“5.25a As such it is important to preserve the battlefield site and its heritage significance. Proposals which would impact the site or its setting, should provide sufficient information to identify the historical and archaeological value, appearance of the landscape, views and visual reference from the battlefield and demonstrate that the cumulative impacts of any proposed development would not prevent the historical interpretation of the site or cause substantial harm to its significance.”</u></p>
MM26	Policy HER 7 'Non-designated heritage assets'	58	<p><i>Amend Policy HER 7:</i></p> <p>“Non-designated heritage assets</p> <p>1. In line with LPS Policy SE 7 ‘The historic environment’, development proposals will be encouraged and supported where they are designed to preserve or enhance the significance of non-designated heritage assets.</p> <p>2. New development will be expected to avoid, minimise and mitigate negative impacts on such non-designated heritage assets. Development proposals that would remove, harm or undermine the significance of non-designated heritage assets, or their contribution to the character of a place, will only be supported where the benefits of the development outweigh the harm having regard to the level of the harm to the significance of the non-designated heritage asset.</p>

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			<p><u>When considering the direct or indirect effects of a development proposal on a non-designated heritage asset (including locally listed buildings), a balanced judgement will be required, having regard to the significance of the heritage asset and the scale of any loss or harm.</u></p> <p><i>Amend paragraphs 5.26 and 5.27:</i></p> <p>“5.26 It should be recognised that not all buildings, structures, parks, gardens or landscapes that may be of local significance are currently documented or captured on a local list. Where these have local architectural or historic significance they will be treated as non-designated heritage assets under this policy. This includes any landscapes, parks, gardens, buildings or structures highlighted in neighbourhood plans, designated as assets of community value, or identified in 'Parks and Gardens of the Cheshire Peaks and Plains' (1986, Ian C Laurie). Some examples of non-designated heritage assets are also set out in paragraph 13.69 of the LPS. Non-designated heritage assets include locally important buildings and structures of architectural or historic interest, historic parks and gardens, heritage landscape or areas of archaeological interest. The council's Local List of Historic Buildings supplementary planning document contains a list of non-designated heritage assets in Cheshire East. Buildings marked on conservation area plans as making a positive contribution to the conservation area are also considered to be non-designated heritage assets. They contribute to the unique character of Cheshire East, individually and sometimes collectively.”</p> <p>5.27 The presumption is for the retention of non-designated heritage assets. An assessment of the non-designated heritage asset will be required to consider the asset's architectural and aesthetic quality and its unique contribution to the remaining architectural, historic, townscape and landscape interest of the area. However, not all assets of local heritage significance are captured in this way. They can be identified by the local planning authority as part of the decision-making process on planning applications, for example, following archaeological investigations, or through neighbourhood plans. The Local List of Historic Buildings supplementary planning document sets out criteria, against which buildings will be assessed for local listing as non-designated heritage assets. An assessment to determine whether a building, structure, park or landscape is a non-designated heritage asset will be required to consider the asset's evidential, historic, aesthetic, and communal value.”</p>
MM27	Policy HER 8 'Archaeology'	59-60	<p><i>Amend Policy HER 8 Criterion 1:</i></p> <p><u>“1. Development proposals affecting a scheduled monument or an archaeological site of national significance, which is demonstrably of equivalent significance to a scheduled monument, should be</u></p>

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			considered subject to the policies for designated heritage assets in national policy and LPS Policy SE 7 The historic environment. Proposals should conserve-preserve those elements that contribute to its significance. Proposals involving harm to such elements will only be supported in exceptional circumstances where the harm is clearly justified and outweighed by the public benefits of the proposal."
MM28	Policy HER 9 'World heritage site'	60	<p><i>Amend the title of Policy HER 9:</i></p> <p><u>"Jodrell Bank World heritage Heritage site Site"</u></p> <p><i>Amend Policy HER 9:</i></p> <p>"1. Proposals that conserve or enhance the outstanding universal value of the world heritage site at Jodrell Bank will be supported.</p> <p>2. Development proposals within the world heritage site at Jodrell Bank (or within its buffer zone) that would cause harm to the significance of the heritage asset (including elements that contribute to its outstanding universal value) will not be supported unless there is a clear and convincing justification; and an appropriate heritage impact assessment has evaluated the likely impact of the proposals upon the significance of the asset and the attributes that contribute to its outstanding universal value.</p> <p>3. Where development has a demonstrable public benefit, and harm to the outstanding universal value is unavoidable and has been minimised, this benefit will be weighed against the level of harm to the outstanding universal value of the world heritage site.</p> <p><u>1. Development proposals within the Jodrell Bank World Heritage Site, its buffer zone or its setting will be supported where they preserve those elements of significance that contribute to Jodrell Bank's Outstanding Universal Value, including its authenticity and integrity.</u></p> <p><u>2. Development proposals within the Jodrell Bank World Heritage Site, its Buffer Zone or its setting that would lead to substantial harm to its significance should be wholly exceptional and will only permitted in the circumstances set out in national planning policy. Proposals leading to less substantial harm should be weighed against the public benefits of the proposal. In all cases, the assessment of harm should take into account the relative significance of the element affected and its contribution to the significance of the World Heritage Site as a whole.</u></p>

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			<p><u>3. Development proposals affecting the Jodrell Bank World Heritage Site must be accompanied by a heritage statement. Consistent with LPS Policy SE 14 'Jodrell Bank', this should address:</u></p> <p><u>(i) the effect of any development proposal falling within the Observatory's Buffer Zone on the operational efficiency of the telescopes through radio interference; and</u></p> <p><u>(ii) the effect of any development proposal on all other historic attributes of the Observatory, including its setting."</u></p> <p><i>Amend paragraphs 5.31-5.35:</i></p> <p><u>"5.31-As a designated heritage asset of the highest significance, there is a strong presumption against development that would result in harm to the outstanding universal value of a world heritage site, its authenticity or integrity. This presumption applies equally to development in the buffer zone of a world heritage site, where key views should also be protected. In recognition of its international, historic, and scientific significance, UNESCO's World Heritage Committee announced its decision to inscribe Jodrell Bank on the World Heritage List in July 2019. This policy addresses the associated need to afford this historic asset appropriate protection, as amongst the most important heritage sites in the world. The Site and its Buffer Zone are defined by the UNESCO World Heritage Committee's inscription and are shown on the adopted Policies Map.</u></p> <p><u>5.32-LPS Policy SE 7 already identifies Jodrell Bank as one of Cheshire East's key heritage assets. In recognition of its international, historic, and scientific significance, it was proposed to UNESCO in January 2018 as the UK government's next candidate for UNESCO world heritage site inscription. The nomination dossier has been reviewed by UNESCO and the World Heritage Committee announced its decision to inscribe Jodrell Bank on the world heritage list in July 2019. This policy addresses the associated need to afford this historic asset appropriate protection through the development plan as amongst the most important heritage sites in the world. Further policy guidance will also be provided through a supplementary planning document. The inscription of a site onto the World Heritage List is accompanied by a statement of outstanding universal value (SOUV) which contains key references for their effective protection and management. The SOUV for Jodrell Bank Observatory recognises its importance in the pioneering phase and later evolution of radio astronomy. It reflects scientific and technical achievements and interchanges related to the development of entirely new fields of scientific research which led to a revolutionary understanding of the nature and scale of the Universe. The site has evidence of every stage of the history of radio astronomy, from its emergence as a new science to the present day. Vitally, the property retains its ongoing scientific use. The property retains all attributes that document its</u></p>

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			<p><u>development as a site of pioneering astronomical research. The location of the property has continued unchanged, and the largely agricultural setting is essentially identical apart from the construction of the Square Kilometre Array building, the headquarters of an international effort to build the world's largest radio telescope.</u></p> <p><u>5.33 The scientific and heritage value of Jodrell Bank are inextricably linked. The site's continuing function as an operational facility at the cutting edge of scientific endeavour is highly relevant to the significance of the heritage asset, its heritage value and outstanding universal value of the world heritage site. This policy must be considered in conjunction with LPS policy SE 14 'Jodrell Bank.' The Buffer Zone identifies the area surrounding the Observatory in which development is most likely to harm its scientific capabilities through radio interference. The Buffer Zone's heritage significance arises from its purpose to protect the continued scientific operation of the Observatory's telescopes which is central to its Outstanding Universal Value, and therefore the heritage significance of the World Heritage Site. The Buffer Zone is based on the Jodrell Bank Radio Telescope Consultation Zone, which has operated effectively to protect the Observatory for many decades from development that would harm its operational efficiency through radio interference. The Consultation Zone was established by the Town and Country Planning (Jodrell Bank Radio Telescope) Direction 1973 and triggers a requirement for the council to notify the Observatory (University of Manchester) when planning applications are submitted for certain categories of development within it.</u></p> <p><u>5.34 Proposals for development within the world heritage site at Jodrell Bank or its buffer zone should take account of advice set out in any related management plan or supplementary planning document. As well as the critical need to protect the Observatory's ongoing scientific capabilities, development proposals must also consider any other heritage impacts they may have on the Observatory. This will include any impact on its immediate or wider landscape setting. Most of its attributes have been listed under the Planning (Listed Buildings and Conservation Areas) Act 1990, with the two major telescopes listed in the highest category, Grade 1.</u></p> <p><u>5.35 The Jodrell Bank Observatory World Heritage Site and the Jodrell Bank Observatory Buffer Zone are defined by the UNESCO World Heritage Committee's inscription and are shown on the adopted policies map. These separate 'tests' are reflected in Criterion 1 of LPS Policy SE 14 and Criterion 3 of Policy HER 9, and together form the basis of assessing whether a proposal will harm the Outstanding Universal Value of the World Heritage Site. They require careful attention to be given to proposals that may affect the efficiency of the telescopes, the site itself and the setting of the site. Further policy guidance on these</u></p>

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			<p><u>matters and how they should be considered in determining applications will be provided through a supplementary planning document.</u></p> <p><i>Insert new paragraphs after paragraph 5.35:</i></p> <p><u>"5.36 The level of detail in any heritage statement should be proportionate to an asset's importance which, in the case of the Observatory, is the highest afforded. However, levels of information needed will vary depending on the nature of the proposal and its location. The information required in the heritage statement should be no more than is necessary to understand the potential impact of the proposal on the significance of the site.</u></p> <p><u>5.37 Within the Buffer Zone, outline planning applications may not be accepted where they do not provide sufficient information to enable the impact of a development proposal on the efficiency of the telescopes to be properly assessed."</u></p>
MM29	Policy RUR 1 'New buildings for agriculture and forestry'	62	<p><i>Amend Policy RUR 1 Criterion 1(i):</i></p> <p>"i. it is demonstrated that there is an established, <u>a</u> clear long-term need for the development in connection with the agricultural or forestry enterprise;"</p> <p><i>Insert new paragraph after paragraph 6.3:</i></p> <p><u>"6.3a A clear long-term need for the development should be evidenced, for example through a clear and succinct business plan that demonstrates how the development is intended to support future business operations."</u></p>
MM30	Policy RUR 3 'Agriculture and forestry workers dwellings'	64-65	<p><i>Amend Policy RUR 3 Criterion 1(iii):</i></p> <p><u>"iii. the size and siting of the dwellings is strictly commensurate with the existing functional need and does not significantly exceed the gross internal floorspace for the intended number of bedrooms, as set out in Table 6.1 'Gross internal floorspace (square metres)' below;"</u></p>

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			<p><i>Insert new paragraph after paragraph 6.11:</i></p> <p><u>“6.11a A functional need may include situations where the provision of an additional dwelling is essential for the continued viability of a farming business through the farm succession process.”</u></p> <p><i>Amend paragraph 6.13:</i></p> <p>“Larger dwellings will be more expensive from the outset and the restrictive occupancy condition could be undermined if the dwelling is outside of the range of property affordable by the local workforce. In order to keep the size of the dwelling commensurate to the functional need and to curtail the future resale value of dwellings intended for persons engaged in agriculture or forestry, the size of dwelling should be guided by that prescribed by the national space standard, taking into account the intended number of bedrooms. The current standards are set out in Table 6.1 'Gross internal floorspace (square metres)' below. The size of the dwelling must be strictly commensurate to the functional need and where additional rooms or space are proposed (such as a farm office, meeting room, additional utility rooms, boot rooms or shower rooms) then a proportionate justification setting out the need for this additional space should be provided, alongside evidence that the additional space could not be reasonably accommodated in existing buildings on the farm holding.”</p> <p><i>Delete Table 6.1:</i></p> <p>“Table 6.1: Gross internal floorspace (square metres)</p> <table><tr><th>Number of bedrooms</th><th>Gross internal floorspace</th></tr><tr><td>1</td><td>39-58 sq.m</td></tr><tr><td>2</td><td>61-79 sq.m</td></tr><tr><td>3</td><td>74-108 sq.m</td></tr><tr><td>4</td><td>90-130 sq.m”</td></tr></table> <p><i>Delete ‘Related documents’:</i></p> <p>“Related documents</p> <p>• Technical Housing Standards: Nationally Described Space Standard (2015, DCLG).”</p>	Number of bedrooms	Gross internal floorspace	1	39-58 sq.m	2	61-79 sq.m	3	74-108 sq.m	4	90-130 sq.m”
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MM31	Policy RUR 6 'Outdoor sport, leisure and recreation outside of settlement boundaries'	68	<p><i>Amend Policy RUR 6 Criterion 4:</i></p> <p>"4. In the Green Belt, the construction of new buildings for the provision of appropriate facilities for outdoor sport and outdoor recreation is not inappropriate development provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Permission for development that falls outside of the definition of 'not inappropriate' will not be granted, except in very special circumstances as set out in LPS Policy PG 3 'Green Belt' will also apply and the relevant paragraphs of the NPPF will be a material consideration."</p>
MM32	Policy RUR 7 'Equestrian development outside of settlement boundaries'	69-70	<p><i>Amend Policy RUR 7 criteria 2 and 3:</i></p> <p>"2. Additional <u>new</u> buildings and structures may be permitted <u>for proposals to facilitate the sustainable growth and expansion of existing businesses, or for new small scale equestrian businesses and non-commercial proposals</u> or for proposals to facilitate the sustainable growth and expansion of existing businesses, provided there are no existing buildings or structures that could be converted or replaced, and where they are restricted to the minimum level reasonably required for the operation of the facility; are well-related to each other and existing buildings; and do not form isolated or scattered development. <u>Larger New larger equestrian businesses and non-commercial proposals and proposals for a new business seeking a location in the countryside</u> should utilise existing buildings and structures <u>(or replacements for existing buildings and structures)</u>; and new <u>additional</u> buildings and structures will not usually be permitted <u>for this scale of new equestrian enterprise</u>.</p> <p>3. Any new building or structure must be constructed of <u>temporary materials such as timber</u> <u>appropriate for its intended use</u>; its design must be appropriate to its intended equestrian use; and must not be designed to be easily converted to any non-equestrian use in the future."</p> <p><i>Amend Policy RUR 7 Criterion 6:</i></p> <p>"6. In the Green Belt, <u>permission for development that falls outside of the definition of 'not inappropriate' will not be granted, except in very special circumstances as set out in LPS Policy PG 3 'Green Belt' will also apply and the relevant paragraphs of the NPPF will be a material consideration.</u>"</p>

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			<p><i>Amend paragraph 6.25:</i></p> <p>“6.25 Under LPS Policy PG 6 'Open countryside', development that is essential for uses appropriate to a rural area will be permitted in the open countryside. Equestrian development related to grazing and equestrian enterprises (including stables, training areas, riding centres and studs) is considered to be a use appropriate to a rural area provided it is small in scale and it can be demonstrated that a countryside location is necessary for the proposal. Larger <u>New larger</u> or commercial proposals may also be appropriate to a rural area where they re-use <u>or replace</u> existing buildings and do not involve the construction of <u>additional</u> new buildings. <u>Any replacement building should be in accordance with the relevant provisions in Policy RUR 13 'Replacement buildings outside of settlement boundaries' as well as LPS Policy PG 3 'Green Belt' and/or LPS Policy PG 6 'Open countryside' (as appropriate).</u>”</p>
MM33	Policy RUR 8 'Visitor accommodation outside of settlement boundaries'	71	<p><i>Amend Policy RUR 8:</i></p> <p>“Visitor accommodation outside of settlement boundaries</p> <p>1. Under LPS Policy PG 6 'Open countryside', development that is essential for uses appropriate to a rural area will be permitted in the open countryside. Certain types of visitor accommodation may be appropriate to a rural area where their scale is appropriate to the location and setting and where there is an identified need for the accommodation, which cannot be met in nearby settlements because the type of accommodation proposed is intrinsically linked with the countryside. This will not include new build hotels or guest houses.”</p> <p>2. In the open countryside, proposals for visitor accommodation that are demonstrated to be appropriate to a rural area under criterion 1 will be supported where they accord with other policies in the development plan and:</p> <p>i. it can be clearly demonstrated that the proposal requires a countryside location;</p> <p>ii. the proposals make the best use of existing infrastructure such as existing buildings, utilities, parking and vehicular access;</p>

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			<p>iii. additional buildings, structures and ancillary development are restricted to the minimum level reasonably required for the existing or planned operation of the accommodation; are well-related to each other and existing buildings and do not form isolated or scattered development;</p> <p>iv. the proposal does not unacceptably affect the amenity and character of the surrounding area or landscape (including visual impacts, noise, odour, design and appearance) either on its own or cumulatively with other developments; and</p> <p>v. appropriate landscaping and screening is provided.</p> <p>3. Where visitor accommodation is permitted in the open countryside that would be physically capable of forming a habitable dwelling, the council will impose planning conditions and/or legal obligations to restrict occupancy of the accommodation to prevent unauthorised permanent occupation. This includes (but is not limited to) <u>hotels, guest houses, static caravans, chalets, cabins and pods.</u></p> <p>4. In the Green Belt, permission for development that falls outside of the definition of 'not inappropriate' will not be granted, except in very special circumstances as set out in LPS Policy PG 3 'Green Belt' <u>will also apply and the relevant paragraphs of the NPPF will be a material consideration."</u></p>
MM34	Policy RUR 9 'Caravan and camping sites'	72	<p><i>Amend Policy RUR 9 Criterion 3:</i></p> <p>"3. In the Green Belt, permission for development that falls outside of the definition of 'not inappropriate' will not be granted, except in very special circumstances as set out in LPS Policy PG 3 'Green Belt' <u>will also apply and the relevant paragraphs of the NPPF will be a material consideration."</u></p>
MM35	Policy RUR 10 'Employment development in the open countryside'	73	<p><i>Amend Policy RUR 10:</i></p> <p>"1. Under LPS policy PG 6 'Open countryside', development that is essential for uses appropriate to a rural area will be permitted in the open countryside. Certain types of small scale employment <u>Employment</u> development may be appropriate to a rural area where:</p> <p><u>i. its scale is appropriate to the location and setting;</u></p> <p><u>ii. the nature of the business means that a countryside location is essential;</u> and</p>

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			<p>iii. the proposals provide local employment opportunities that support the vitality of rural settlements.</p> <p>2. Where it is demonstrated that the proposal is appropriate to a rural area <u>under Criterion 1</u>, small-scale employment development will be supported where it accords with other policies in the development plan and</p> <p>i. the proposals make the best use of existing infrastructure such as existing buildings, utilities, parking and vehicular access;</p> <p>ii. additional buildings, structures and ancillary development are restricted to the minimum level reasonably required for the existing or planned operation of the business; are well-related to each other and existing buildings and do not form isolated or scattered development;</p> <p>iii. the proposal does not unacceptably affect the amenity and character of the surrounding area or landscape (including visual impacts, noise, odour, design and appearance) either on its own or cumulatively with other developments; and</p> <p>iv. appropriate landscaping and screening is provided.</p> <p>3. The design of any new building for employment purposes in the open countryside must be appropriate to its intended function and must not be designed to be easily converted to residential use in the future.”</p>
MM36	Policy RUR 11 ‘Extensions and alterations to buildings outside of settlement boundaries’	74	<p><i>Amend Policy RUR 11 Criterion 2:</i></p> <p>“2. When considering whether a proposal represents disproportionate additions, matters including height, bulk, form, siting and design will be taken into account. <u>Increases, with particular attention given to increases in the overall building height</u> will usually be considered to be disproportionate additions.”</p>
MM37	Policy RUR 12 ‘Residential curtilages outside of settlement boundaries’	75	<p><i>Amend Policy RUR 12:</i></p> <p>“1. Outside of any settlement with a defined settlement boundary, proposals for the extension of residential gardens or curtilages involving the material change of use of land will not only be permitted- unless: <u>where the proposal will</u></p>

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			<p>i. the area of existing curtilage is severely restricted, and could not provide a reasonable sitting out area; or</p> <p>ii. the extension is required to provide space for essential services (such as central heating fuel tanks or septic tanks) where there is insufficient space in the existing curtilage; or</p> <p>iii. the dwelling has no vehicular access, an access with restricted visibility, or no off road parking space and a limited curtilage extension would enable a significant highway safety risk to be removed.</p> <p>2. In cases where an extension may be appropriate, it must be limited to the minimum amount of land reasonably required for the purpose of the extension and must not unacceptably affect <u>cause unacceptable harm to the amenity, and character and appearance of the surrounding area or the open countryside</u>, either on its own or cumulatively with other development.</p> <p>3. <u>2. In the Green Belt, permission for development that falls outside of the definition of 'not inappropriate' will not be granted, except in very special circumstances as set out in LPS Policy PG 3 'Green Belt' will also apply and the relevant paragraphs of the NPPF may be a material consideration.</u></p> <p><i>Amend paragraph 6.45:</i></p> <p>“6.45 LPS Policy PG 6 'Open countryside' allows for development that is essential for uses appropriate to a rural area in the open countryside. Extensions to residential gardens and curtilages <u>into the countryside</u> can have significant impacts on the rural and open character of the countryside by enclosing land, creating new boundaries and introducing <u>ancillary domestic uses buildings and paraphernalia</u>. <u>Such extensions are only considered to be essential for uses appropriate to a rural area in the limited circumstances described by this policy. It will be important to ensure that proposals for such extensions via material changes of use are only permitted where they would not cause unacceptable harm to the character of the countryside.</u>”</p>
MM38	Policy RUR 13 'Replacement buildings outside of settlement boundaries'	76	<p><i>Amend Policy RUR 13:</i></p> <p>“1. The replacement of existing buildings in the open countryside and Green Belt will be only be permitted where the replacement building:</p>

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			<p>i. is not materially larger than the existing building; and</p> <p>ii. would have no materially greater impact on <u>not unduly harm</u> the rural character of the countryside than the existing building, by virtue of prominence, scale, bulk or visual intrusion.</p> <p>2. When considering whether a replacement building is materially larger, matters including height, bulk, form, siting, design, floorspace and footprint will be taken into account. Proposals involving increases <u>Increases</u> in overall building height and development extending notably beyond the existing footprint will usually be considered <u>in particular have the potential</u> to be materially larger.</p> <p>3. In addition to criterion (2) above, proposals will usually be considered to be materially larger where they increase the size of the existing building by more than 5% in the Green Belt or 10% in the open countryside. Exceptions to these size thresholds may be acceptable where the proposal is within a village infill boundary as shown on the adopted policies map.</p> <p>4. 3. The increase in size will usually be determined by <u>When</u> assessing the net increase in floorspace between the existing building and the replacement building. <u>Floorspace as part of the consideration of whether a proposal is materially larger</u>, floorspace from any detached outbuildings in the curtilage will only be taken into account where the buildings to be replaced can sensibly be considered together in comparison with what is proposed to replace them. Applicants must provide clear evidence of the existing and proposed floorspace.</p> <p>5. 4. The existing building means the building as it exists at the time of submitting the planning application.</p> <p>6. 5. Proposals for replacement dwellings should include appropriate provision for domestic storage and garaging.”</p> <p><i>Amend paragraph 6.48:</i></p> <p>“6.48 Determining what is 'materially larger' will depend upon the circumstances of each case. The policy sets out the types of matters that will be taken into account when deciding whether or not proposals are materially larger. It also sets out size thresholds, above which proposals will usually be considered to be materially larger. However, proposals within these size thresholds may still be considered to be materially larger depending on their height, bulk, form, siting, design, floorspace and footprint.”</p>

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			<p><i>Delete paragraph 6.49:</i></p> <p>“6.49 Due to the importance attached to Green Belts through national policy, a less permissive approach to the term ‘materially larger’ is applied in the Green Belt than the open countryside outside of the Green Belt, as defined through the LPS.”</p>
MM39	Policy RUR 14 ‘Re-use of rural buildings for residential use’	77	<p><i>Amend Policy RUR 14 Criterion 1:</i></p> <p>“1. The residential re-use of existing rural buildings will be permitted where the building is:</p> <ul style="list-style-type: none"> i. of permanent and substantial construction so as not to require extensive alteration or rebuilding; and ii. of a size that is able to accommodate a satisfactory living environment in the new dwelling and would not require extending any extension required <u>must be in accordance with the requirements of Policy RUR 11 ‘Extensions and alterations to buildings outside of settlement boundaries’.</u>” <p><i>Amend Policy RUR 14 Criterion 4:</i></p> <p>“4. In the Green Belt, permission for development that falls outside of the definition of ‘not inappropriate’ will not be granted, except in very special circumstances as set out in LPS Policy PG 3 ‘Green Belt’ <u>will also apply and the relevant paragraphs of the NPPF will be a material consideration.</u>”</p> <p><i>Amend paragraph 6.53:</i></p> <p>“6.53 Modern agricultural buildings are often not capable of conversion for residential re-use because the nature of their construction usually means they would require extensive alteration, rebuilding or extension. Proposals for conversion of heritage assets should take also <u>take</u> account of relevant policies relating to the historic environment.”</p>
MM40	Policy EMP 2 ‘Employment allocations’	82	<p><i>Amend paragraph 7.5:</i></p> <p>“7.5 As demonstrated through the Employment Allocations Review (2019 <u>2020</u>), each of these sites is considered to be suitable for employment development, although in some cases mitigation measures will be required. Planning applications for the development of these employment sites should take account of all other policies in the development plan and should submit evidence to demonstrate that mitigation measures proposed will address the impacts of development (for example through transport</p>

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			<p>assessments, flood risk assessments, heritage impact assessments) as necessary. Particular issues that should be addressed through any future planning application include (but are not limited to):”</p> <p><i>Amend supporting information for site EMP 2.8 (after paragraph 7.5):</i></p> <p>“Site EMP 2.8 'Land west of Manor Lane, Holmes Chapel':</p> <ul style="list-style-type: none"> • The site includes water and wastewater infrastructure and a detailed constraints plan will be required to inform any future development layout. • The council is aware from BGS mineral resource mapping that the site is likely to contain sand and gravel, and silica sand resources, as well as being part of a wider adjoining sand resource. As sand is a finite resource essential to support economic growth, it is considered to be of local and national importance in planning policy terms. In line with LPS Policy SE 10 'Sustainable provision of minerals' and national guidance on mineral safeguarding, the council will require the applicant to submit a Mineral Resource Assessment as part of any application to provide information on the feasibility of prior extraction of the mineral resource before the proposed development proceeds and the sterilisation potential that the proposed development will have on any future extraction of the wider resource. The Mineral Resource Assessment should be of a standard acceptable to the council, as the Minerals Planning Authority, and undertaken by a suitably competent person with appropriate qualifications or professional background, such as a minerals surveyor. The findings of the Minerals Resource Assessment will be an important planning consideration in the determination of any planning application for the development of this site.”
MM41	Policy HOU 1 'Housing mix'	84-85	<p><i>Amend Policy HOU 1 Criterion 4:</i></p> <p>“4. Housing developments that do not demonstrate an appropriate mix on the site will not be permitted. <u>Where a housing mix statement is required, the council will consider the extent to which it addresses the factors outlined above in determining whether a scheme provides for an appropriate housing mix on site.</u>”</p> <p><i>Amend paragraph 8.5:</i></p> <p>“8.5 The housing mix statement should be a proportionate and up to date assessment of local circumstances and demonstrate how the proposed mix of housing tenure, type and sizes can help support the creation of mixed, balanced and inclusive communities. <u>The mix of housing coming forward on sites will vary dependent on several site and market factors. Information presented through the housing mix statement, focused on the factors identified in Policy HOU 1, will assist the council in determining whether a proposal provides for an appropriate housing mix.</u> The Cheshire East Residential Mix Study (2019) includes an assessment of the bedroom size and tenure of housing in Cheshire East up to 2030 and</p>

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			<p>should be considered the starting point for the analysis included in the housing mix statement as set out in Table 8.1 'Indicative house type tenures and sizes'¹⁷."</p> <p><i>Amend Table 8.1:</i></p> <table border="1"> <thead> <tr> <th></th><th>Market housing</th><th>Intermediate housing</th><th>Low cost rent <u>Affordable housing for rent</u></th></tr> </thead> <tbody> <tr> <td>1 bedroom</td><td>5%</td><td>14%</td><td>26%</td></tr> <tr> <td>2 bedroom</td><td>23%</td><td>53%</td><td>42%</td></tr> <tr> <td>3 bedroom</td><td>53%</td><td>28%</td><td>20%</td></tr> <tr> <td>4 bedroom</td><td>15%</td><td>4%</td><td>10%</td></tr> <tr> <td>5+ bedroom</td><td>3%</td><td>1%</td><td>3%</td></tr> </tbody> </table>		Market housing	Intermediate housing	Low cost rent <u>Affordable housing for rent</u>	1 bedroom	5%	14%	26%	2 bedroom	23%	53%	42%	3 bedroom	53%	28%	20%	4 bedroom	15%	4%	10%	5+ bedroom	3%	1%	3%
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MM42	Policy HOU 2 'Specialist housing provision'	86-87	<p><i>Amend Policy HOU 2:</i></p> <p>"1. The delivery, retention and refurbishment of supported and specialised <u>specialist</u> housing, which meets an identified need, will be supported. Supported and specialised <u>specialist</u> housing should be designed to satisfy the requirements of the specific use or group it is intended for, whilst being adaptable and responsive to changing needs over the lifetime of the development and meet the requirements of other relevant local plan policies.</p> <p>2. Measures that assist people to live independently in their own homes and to lead active lives in the community will be supported subject to other relevant local plan policies. This could include adaptable homes and the utilisation of assistive technology, which can accommodate the changing needs of occupants as they grow older.</p> <p>3. Schemes that provide specialised older persons accommodation such as nursing homes and elderly persons accommodation <u>specialist housing for older people</u>, whilst promoting independent living, will be supported, provided that the following criteria are met:</p> <p>i. the type of specialised <u>specialist</u> accommodation proposed meets identified needs and contributes to maintaining the balance of the housing stock in the locality;</p>																								

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			<p>ii. the proposal provides easy access to services, community and support facilities, including health facilities and public transport, enabling its residents to live independently as part of the community;</p> <p>iii. the proposal meets the accessibility and wheelchair housing standards set out in Policy HOU 6 'Accessibility and wheelchair housing standards';</p> <p>iv. the design of the proposal, including any individual units of accommodation, should be capable of meeting the specialised <u>specialist</u> accommodation support and care needs of the occupier. This includes pick up and drop off facilities close to the principal entrance suitable for taxis (with appropriate kerbs), minibuses and ambulances and the ability to provide assistive technology and internet connectivity where relevant;</p> <p>v. the provision of suitable open space/grounds that can be used by residents;</p> <p>vi. the provision of suitable levels of safe storage and charging facilities for residents' mobility scooters, where relevant; and</p> <p>vii. affordable housing provision will be required in line with the thresholds <u>and policy approach</u> set out in LPS Policy SC 5 'Affordable homes', <u>where independent dwellings would be formed.</u>"</p> <p><i>Amend paragraph 8.6:</i></p> <p>"Supported and specialised <u>specialist</u> accommodation could include:</p> <ul style="list-style-type: none"> • move-on accommodation for people leaving hostels, refuges and other supported housing, to enable them to live independently; • accommodation for care leavers; • accommodation for disabled people (including people with physical and sensory impairments and learning difficulties) who require additional support or for whom living independently is not possible; • accommodation for people with mental health issues who require intensive support; temporary accommodation for rough sleepers and those with substance misuse; accommodation for victims of domestic abuse; and • accommodation for older persons." <p><i>Amend paragraph 8.8:</i></p> <p>"8.8 The population projections used in the Cheshire East Housing Development Study 2015 identify that the population of Cheshire East is likely to increase from 383,600 persons to 431,700 persons over the</p>

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			<p>12-year period 2018-30; a 12-year increase of 48,100 persons. The population in older age groups is projected to increase substantially during this period, with an increase in the population aged 60 or over of 35,600, of which over 60% are projected to be 75+ (22,250 persons). This is particularly important when establishing the types of housing required and the need for <u>specialist</u> housing specifically for older people. Whilst most of these older people will already live in the area and many will not move from their current homes, those that do move home are likely to be looking for suitable housing.”</p> <p><i>Amend paragraph 8.12:</i></p> <p>“8.12 The Cheshire East Residential Mix Assessment (2019) identifies that it is unlikely that all of the identified needs for older people will be delivered by specialist accommodation alone. Many householders identified as needing specialist accommodation will choose to remain in their own homes with appropriate assistance from social care providers, assistive technology and appropriate adaptations or downsize to more suitable accommodation. Furthermore, the health <u>health</u>, longevity and aspirations of older people mean that they will often live increasingly healthier lifestyles and therefore future housing needs may be different from current identified needs.”</p> <p><i>Amend paragraph 8.13:</i></p> <p>“8.13 The provision of specialist older persons accommodation should also consider the overall viability of development, in the longer term, including the availability of revenue funding for ongoing care and its procurement. It will also be important for the council and its partners to determine the most appropriate types of specialist older persons accommodation to be provided in the area. Early engagement with the council, the health service and other social care providers is recommended. Specialist older persons accommodation should also be registered with the Care Quality Commission.”</p> <p><i>Insert new paragraph after paragraph 8.13:</i></p> <p><u>“8.13a Where specialist accommodation for older people is proposed that would create independent dwellings, affordable housing will be required in line with the dwelling thresholds and policy approach set out in LPS Policy SC 5 'Affordable homes'. In accordance with Criterion 7 of LPS Policy SC 5 'Affordable homes' in exceptional circumstances, where scheme viability may be affected by the provision of affordable housing at these thresholds, applicants will be expected to provide viability assessments to justify any alternative level of affordable housing provision and to meet the other policy requirements for affordable housing in LPS Policy SC 5 'Affordable homes'.”</u></p>

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MM43	Policy HOU 3 'Self and custom build housing'	88-89	<p><i>Amend Policy HOU 3:</i></p> <p>"Self and custom build dwellings</p> <ol style="list-style-type: none"> 1. The council will support proposals for self-build and custom-build housing in suitable locations. 2. On all housing developments providing 30 or more homes, a proportion of serviced plots of land should be provided, consistent with the latest available <u>where there is</u> evidence of unmet demand. 3. <u>Where an applicant considers that the provision of self-build and/or custom-build is unviable, this should be demonstrated through submission of a viability assessment. Any costs associated with the council independently evaluating the viability assessment will be borne by the applicant.</u> 4. <u>Plots delivered through Criterion 2 should be marketed as self/custom build opportunities for a minimum of 1 year. If unsold, these plots can revert to open market housing."</u> <p><i>Amend paragraph 8.14:</i></p> <p>"8.14 The government wishes to increase opportunities for people to build or commission their own homes, and in so doing <u>so</u>, increase the role that these play in boosting the overall supply of new homes. This policy responds to that challenge and seeks to increase the amount of self-build and custom-build housing in the borough."</p> <p><i>Amend paragraph 8.18:</i></p> <p>"On larger sites (30 or more dwellings), <u>where there is evidence of unmet demand</u>, opportunities for self-build and/or custom-build housing should be provided as part of the housing mix in line with Policy HOU 1 'Housing mix'. Such developments are required to provide a housing mix statement at detailed planning/reserved matters stage. As part of this statement, an assessment of the unmet demand for self-build and/or custom-build housing should be provided, having regard should be had to <u>any shortfall in terms of the number of serviced plots the council has permitted versus the current demand from the council's self-build register. Information regarding unmet demand and the extent to which the council is meeting its legal duties associated with self and custom-build will be published annually in its Authority Monitoring Report."</u></p>

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			<p><i>Delete paragraph 8.19:</i></p> <p>“8.19 Where an applicant considers that the provision of self build and/or custom build is unviable, this should be demonstrated through submission of a viability assessment. Any costs associated with the council independently evaluating the viability assessment will be borne by the applicant.”</p> <p><i>Amend paragraph 8.22:</i></p> <p>“8.22 Schemes for self-build and custom-build homes must still comply with policies and guidance in the development plan governing location and design of new homes. The fact that a proposed new home may be self or custom-build will not, in itself, override these policies.”</p>
MM44	Policy HOU 5a 'Gypsy and Traveller site provision'	91-92	<p><i>Amend Policy HOU 5a Criterion 3:</i></p> <p>“3. In the open countryside, outside the Green Belt, Gypsy and Traveller pitches, over and above those provided for on allocated sites, will only be permitted through the application of criterion 3(i) of LPS Policy PG 6 'Open Countryside' <u>and Policy PG 10 'Infill Villages'</u> or where it is evidenced that the intended occupiers of a proposed pitch:</p> <p>i. are able to provide evidence to demonstrate strong links to Cheshire East in line with the local connection criteria, as set out by Cheshire Homechoice;</p> <p>ii. i. have a genuine need for culturally appropriate accommodation <u>in Cheshire East</u>; and</p> <p>iii. ii. cannot meet their accommodation needs by occupying an existing pitch within an established, authorised Gypsy and Traveller site or a new pitch on an allocated site.”</p> <p><i>Amend paragraph 8.28:</i></p> <p>“8.28 In light of government changes to Planning Policy for Traveller sSites (2015), particularly the change to the definition of who constitutes a 'Traveller' for the purpose of planning, the council has updated its evidence base, on a sub-regional basis, on the need for additional Gypsy and Traveller accommodation. The policy reflects and seeks to address the updated assessment of accommodation needs. The GTAA (2018) identifies the need for 32 pitches for households who meet the planning definition, as set out in Annex 1 of planning policy for Traveller sites (2015), up to 2030.”</p>

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			<p><i>Delete paragraph 8.28c:</i></p> <p>“8.28c Strong links to Cheshire East can be demonstrated through the local connection criteria as set out by Cheshire Homechoice, and are currently identified as intended occupiers who:</p> <ul style="list-style-type: none"> • Currently live, or have lived, within Cheshire East and have done for at least 2 consecutive years; • Have immediate family (mother, father, brother, sister, adult child, adoptive parents) who are currently living in Cheshire East and have done for at least five years or more; • Have a permanent contract of employment based within Cheshire East Borough; • Members of the armed forces: (a) members of the Armed Forces and former Service personnel, where the application is made within five years of discharge, (b) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner, or (c) serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result; or • Other significant reason.” <p><i>Amend ‘Related documents’:</i></p> <p>“• Cheshire East, Cheshire West and Chester, Halton and Warrington Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (2018, Opinion Research Services) [ED 13] • Gypsy and Traveller and Travelling Showpeople Site Selection Report (2020, Cheshire East Council) [ED 14] • Cheshire Homechoice Common Allocation Policy (2018, Cheshire Homechoice)”</p>
MM45	Policy HOU 5c ‘Gypsy and Traveller and Travelling Showperson site principles’	94	<p><i>Amend Policy HOU 5c:</i></p> <p>“Alongside the considerations set out in LPS Policy SC 7 ‘Gypsies and Travellers and Travelling Showpeople’, proposals for Gypsy and Traveller and Travelling Showperson sites in the borough should make sure that they:</p> <p>1. are well related to the size and location of the site and respect the scale of the nearest settled community <u>respect the scale of, and do not dominate, the nearest settled community where located in rural areas;</u></p>

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			<p><u>2.avoid placing an undue pressure on the local infrastructure and services;</u></p> <p>2. <u>3.</u> clearly indicate the proposed number of pitches/plots intended for the site;</p> <p>3. <u>4.</u> are well planned, including clearly marked site and pitch or plot boundaries and include soft landscaping, appropriate boundary treatments and play areas for children where needed;</p> <p>4. <u>5.</u> provide a safe environment for intended occupants and <u>adequate on site facilities for parking and vehicle manoeuvring, servicing arrangements, storage, play and amenity space/facilities through layout, design and lighting;</u></p> <p>5. are capable of providing safe and adequate vehicle and pedestrian access arrangements including to emergency service vehicles;</p> <p>6. provide for roads, gateways and footpaths constructed using appropriate materials;</p> <p>7. <u>6.</u> provide for an appropriate level of essential services and utilities including mains electricity, a connection to a public sewer or provision of discharge to a septic tank, a mains water supply and a suitable surface water drainage system, prioritising the use of Sustainable Drainage Systems (SuDS) in line with LPS Policy SE 13 'Flood risk and water management'; and</p> <p>8. <u>7.</u> make provision for waste to be stored appropriately for disposal and is able to be collected in an efficient manner.”</p> <p><i>Amend paragraph 8.30i:</i></p> <p>“8.30i The site design and layout should ensure the safety and security of residents. If external lighting will help achieve this, it should be designed into the proposal at the outset to ensure it is the minimum required and appropriate for the location. Safe access to, and movement within, the site for pedestrians, cyclists and vehicles is essential, as well as ensuring access is retained at all times for emergency vehicles and servicing requirements, including refuse collection. <u>LPS Policy SC 7 ‘Gypsies and Travellers and Travelling Showpeople’ sets out the requirements for safe access and vehicle servicing.</u>”</p> <p><i>Amend paragraph 8.30j:</i></p> <p><u>“In line with paragraph 13 of Planning Policy for Traveller Sites, sites should avoid placing undue pressure on local infrastructure and services to support the sustainability of Traveller Sites. Sites must be capable of being serviced by all necessary utilities in order to provide an appropriate residential environment. Foul drainage to a public sewer should be provided wherever possible. Where foul drainage to a public sewer</u></p>

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			is not feasible sites will only be permitted if proposed alternative facilities are considered adequate and would not pose an unacceptable risk to the quality or quantity of ground or surface water, pollution of local ditches, watercourses or sites of biodiversity importance. Sites must incorporate appropriate measures for surface water drainage, utilising Sustainable Drainage Systems where practicable.”
MM46	Policy HOU 6 'Accessibility and wheelchair housing standards'	95-96	<p><i>Amend the title of Policy HOU 6:</i></p> <p>“Accessibility Space, accessibility and wheelchair housing standards”</p> <p><i>Amend Policy HOU 6:</i></p> <p>“1. In order to meet the needs of the borough’s residents and to deliver dwellings that are capable of meeting people’s changing circumstances over their lifetime, the following accessibility and wheelchair standards will be applied.</p> <p>i. For major developments:</p> <p>a. at least 30% of <u>dwellings</u> in housing developments should comply with requirement M4 (2) Category 2 of the Building Regulations regarding accessible and adaptable dwellings; and</p> <p>b. at least 6% of <u>dwellings in housing developments</u> should comply with requirement M4 (3)(2)(a) <u>Category 3</u> of the Building Regulations regarding wheelchair adaptable dwellings.</p> <p>ii. For specialist housing for older people:</p> <p>a. all specialist housing for older people should comply with M4 (2) <u>Category 2</u> of the Building Regulations regarding accessible and adaptable dwellings; and</p> <p>b. at least 25% of all specialist housing for older people should comply with requirement M4 (3)(2)(a) <u>Category 3</u> of the Building Regulations regarding wheelchair adaptable dwellings.</p> <p>2. The standards set out in criterion 1 will apply unless site specific factors indicate that step-free access cannot be achieved or is not viable. Where step-free access is not viable, the Optional Technical requirements in part M of the Building Regulations will not apply.</p>

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			<p>3. Proposals for new residential development in the borough should meet the Nationally Described Space Standard. <u>The standard will apply from six months after the date of adoption of the Plan.</u></p> <p><i>Amend paragraph 8.34:</i></p> <p>“8.34 Approved Document M of the Building Regulations 2010 (or as updated) sets out these standards. M4 (1): visitability is the mandatory building standard that applies to all new homes. M4 (2): accessible and adaptable dwellings and M4 (3): wheelchair user dwellings are the optional standards that local authorities can apply. <u>Planning conditions will be used for relevant schemes to specify the M4(2) and M4(3) requirements that apply. In the circumstances where category 3 (wheelchair user) housing applies, the condition will specify that optional requirement M4(3)(2)(a) will apply requiring that dwelling should be wheelchair adaptable.</u> The implementation of accessibility and wheelchair standards will take account of site-specific factors such as vulnerability to flooding, site topography and other factors. Where it is clearly demonstrated that step-free access cannot be achieved or is not viable, neither of the optional requirements in the policy will apply.”</p> <p><i>Amend paragraph 8.36:</i></p> <p>“8.36 All <u>From six months of the date of adoption of the Plan,</u> all new residential dwellings will be required to be built to the Nationally Described Space Standard (or any future successor). Applicants will be expected to design schemes in accordance with the Nationally Described Space Standards, including sufficient built-in storage. Applicants will be expected to submit appropriate and proportionate evidence alongside planning applications to make sure that compliance with the standards can be verified.”</p>
MM47	Policy HOU 7 'Subdivision of dwellings'	96-97	<p><i>Amend paragraph 8.37:</i></p> <p>“8.37 The creation of additional self-contained housing units by the sub-division of existing dwellings is often an effective way of providing lower-cost accommodation, but the usual standards for dwellings will still apply, <u>as follows:</u></p> <ul style="list-style-type: none"> • <u>When considering whether a satisfactory living environment can be created, matters such as internal space standards (see Policy HOU 6 'Space, accessibility and wheelchair housing standards'), outlook and privacy (see Policy HOU 11 'Residential standards'), noise and disturbance, and convenience and safety of access will be taken into account.</u>

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			<ul style="list-style-type: none"> <u>• Sufficient amenity space should be provided to allow for the usual domestic arrangements associated with the size and type of dwelling being created, such as hanging washing or providing a reasonable sitting-out area (see Policy HOU 11 'Residential standards'). Car parking standards are set out in LPS Appendix C 'Parking standards'.</u> <u>• Sufficient space should also be provided to store waste and recycling bins in a safe and convenient location where they can be transported to the kerbside for collection."</u> <p><i>Delete paragraph 8.38:</i></p> <p>"8.38 Changes to the existing housing stock may, from time to time, result in the replacement of former dwellings that have been demolished. Such forms of development need to be considered in the same manner as a new dwelling because they can have a similar impact on the environment and require similar services and infrastructure."</p> <p><i>Amend paragraph 8.39:</i></p> <p><u>"8.39 LPS Policy SE 1 'Design', Policy GEN 1 'Design principles', Policy HOU 6 'Space, accessibility and wheelchair housing standards', Policy HOU 10 'Amenity' and Policy HOU 11 'Residential standards' are likely to have particular relevance to proposals for the subdivision of dwellings. Any extensions or alterations must accord with the requirements of Policy HOU 9 'Extensions and alterations'. Further guidance is also available in the Cheshire East Borough Design Guide supplementary planning document."</u></p>
MM48	Policy HOU 8 'Backland development'	97	<p><i>Amend Policy HOU 8:</i></p> <p>"Backland development"</p> <p>Proposals for tandem or backland development will only be permitted where they:</p> <p>1. demonstrate a satisfactory means of access to an existing public highway <u>in accordance with Policy INF 3 'Highway safety and access'</u>, that has an appropriate relationship with existing residential properties;</p>

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			<p>2. do not have cause unacceptable consequences for harm to the amenity of the residents of existing or proposed properties, <u>in accordance with Policy HOU 10 'Amenity'</u>;</p> <p>3. are equal or subordinate in scale to surrounding buildings, particularly those fronting the highway; and</p> <p>4. are sympathetic to the character and appearance of the surrounding area through its form, layout, boundary treatments and other characteristics."</p> <p><i>Amend paragraph 8.40:</i></p> <p>"8.40 The council encourages the effective use of the finite land resource and recognises that land in the built framework of towns and villages can usefully contribute towards meeting housing need. However, badly planned backland development can create unsatisfactory living environments for existing and future residents. This policy seeks to avoid the undesirable cramming of new dwellings onto sites already occupied by existing buildings. Only where the site is large enough to accommodate additional dwellings without adversely affecting <u>causing unacceptable harm to</u> the amenities enjoyed by existing properties, and where an acceptable, separate means of access can be provided, would such a form of development be appropriate."</p> <p><i>Insert new paragraph after paragraph 8.40:</i></p> <p><u>"8.40a The relationship of the access with existing residential properties and the impacts on amenity will be considered with reference to Policy GEN 1 'Design principles' and HOU 10 'Amenity'. Further guidance is also available in the Cheshire East Borough Design Guide supplementary planning document."</u></p>
MM49	Policy HOU 9 'Extensions and alterations'	97-98	<p><i>Amend Policy HOU 9:</i></p> <p>"Extensions or alterations to existing dwellings and construction of ancillary outbuildings in residential curtilages should:</p> <p><u>1. be consistent with the Cheshire East Borough Design Guide supplementary planning document;</u></p> <p>4. <u>2.</u> be in keeping with the scale, character and appearance of their surroundings and the local area, and be subordinate to the existing dwelling;</p>

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			<p>2. 3. not have a significant adverse impact on <u>cause unacceptable harm to the amenity of nearby occupiers or the future occupiers of the dwelling, in line with Policy HOU 10 'Amenity'; and</u></p> <p>3. 4. include suitable provision for access, <u>in line with Policy INF 3 'Highway safety and access', and parking, in line with the car parking standards set out in LPS Appendix C 'Parking standards', in a way that does not detract from the character and appearance of the area."</u></p> <p><i>Insert 'Related documents':</i></p> <p><u>"Related documents</u></p> <p><u>• Cheshire East Borough Design Guide supplementary planning document (2017, Cheshire East Council and e*SCAPE Urbanists)"</u></p>
MM50	Policy HOU 10 'Amenity'	98	<p><i>Amend Policy HOU 10:</i></p> <p>"Development <u>With reference to the residential standards set out in Table 8.2 'Standards for space between buildings', the Cheshire East Borough Design Guide supplementary planning document and other policies where relevant, development proposals must not unacceptably cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of these properties the proposed development due to:</u></p> <ol style="list-style-type: none"> 1. loss of privacy; 2. loss of sunlight and daylight; 3. the overbearing and dominating effect of new buildings; 4. environmental disturbance or pollution; or 5. traffic generation, access and parking." <p><i>Insert 'Related documents':</i></p> <p><u>"Related documents</u></p> <p><u>• Cheshire East Borough Design Guide supplementary planning document (2017, Cheshire East Council and e*SCAPE Urbanists)"</u></p>

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MM51	Policy HOU 11 'Residential standards'	99	<p><i>Insert new Criterion 3 for Policy HOU 11:</i></p> <p><u>"3. The distances in Table 8.2 'Standards for space between buildings' should be seen as a minimum where it impacts on existing property."</u></p> <p><i>Amend paragraph 8.46:</i></p> <p><u>"8.46 The Cheshire East Borough Design Guide supplementary planning document (2017) supports an innovative design led approach to new residential development and promotes opportunities for reduced distance standards through good design. However, these distances in Table 8.2 'Standards for space between buildings' should be seen as a minimum where it impacts on existing property. The standards for space between buildings set out in Table 8.2 'Standards for space between buildings' are intended to provide an 'adequate' degree of light. The council also uses the 45-degree rule, which is a well-established rule of thumb that is used to make sure development does not have an unacceptable impact on outlook and light to principal and habitable room windows. This is in addition to and distinct from general spacing standards required to provide appropriate outlook, privacy, light and living standards."</u></p>
MM52	Policy HOU 12 'Housing density'	100	<p><i>Amend Policy HOU 12:</i></p> <p>"Housing density</p> <p>1. Residential development proposals will generally be expected to achieve a net density of at least 30 dwellings per hectare. <u>Lower densities of less than 30 dwellings per hectare will only be supported where evidence is submitted with the application, which demonstrates this would be justified, taking account of the factors set out in Criterion 3 below.</u></p> <p>2. Development proposals will be expected to achieve a higher density:</p> <p>i. in the settlement boundaries of principal towns, key service centres and local service centres where sites are well served by public transport; and/or</p> <p>ii. close to existing or proposed transport routes/nodes.</p> <p>3. In determining an appropriate density, the following factors will also be taken into account:</p>

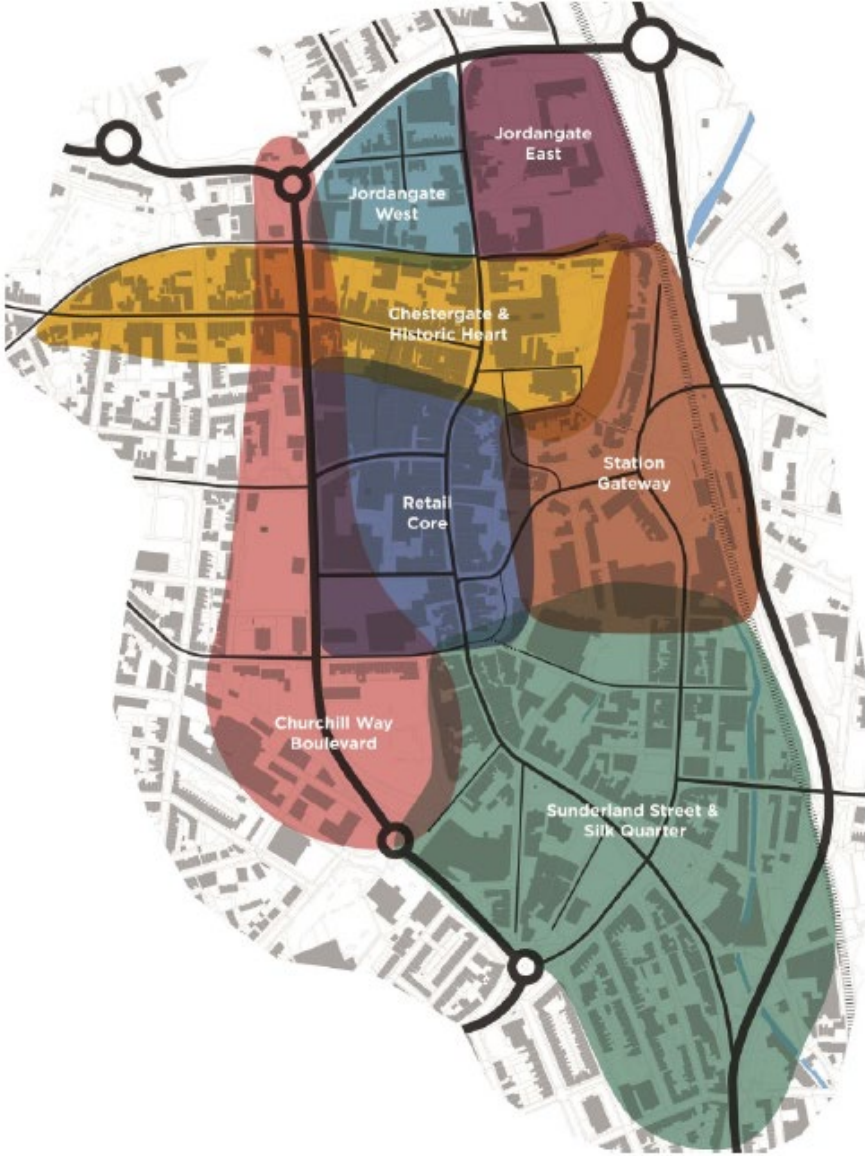
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			<p>i. the mix and type of housing proposed;</p> <p>ii. the character of the surrounding area (recognising that there are some areas of the borough with an established low density character that should be protected) and their wider landscape and/or townscape setting;</p> <p>iii. the nature, setting and scale of the proposal including site constraints and local context;</p> <p>iv. the character of the site including its topography and biodiversity value;</p> <p>v. local market conditions and viability;</p> <p>vi. the need to preserve the amenity of existing or future residents; and</p> <p>vii. availability and capacity of local services, facilities and infrastructure; <u>and</u></p> <p><u>viii. the density analysis and advice contained in the Cheshire East Borough Design Guide supplementary planning document.</u></p> <p>4. Higher densities will be supported where innovative design solutions are proposed and consistent with the Cheshire East Borough Residential-Design Guide supplementary planning document.”</p>
MM53	Policy RET 1 'Retail hierarchy'	105-106	<p><i>Amend paragraph 9.3:</i></p> <p>“9.3 Evidence from the individual settlement reports has led to the identification of local urban centres and neighbourhood parades of shops, which have been added <u>to</u> the retail hierarchy.”</p> <p><i>Amend paragraph 9.6:</i></p> <p>“9.6 Local urban centres support the sustainability of larger centres and provide access to local day to day shopping needs. Neighbourhood parades of shops serve localised day to day needs of residents and are of purely neighbourhood significance. For the avoidance of doubt, local urban centres and neighbourhood parades of shops do not fall within the definition of town centres in the glossary of the NPPF.”</p> <p><i>Insert new paragraph and footnote after paragraph 9.6:</i></p> <p><u>“9.6a Although planned new local centres within the LPS strategic allocations do not currently form part of the retail hierarchy, in line with the approach in Policy RET 3 ‘Sequential and impact tests’ and in paragraph 90a of the NPPF, retail impact assessments for proposals on sites outside defined centres^[new footnote], which are not in accordance with an up-to-date plan, should consider their impact on existing,</u></p>

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			<u>committed and planned public and private investment on centre(s) in the catchment area of the proposal, including any relevant LPS allocations.”</u> <u>“New footnote: Principal town centres, town centres, local centres or local urban centres”</u>										
MM54	Policy RET 3 'Sequential and impact tests'	108	<p><i>Amend Policy RET 3:</i></p> <p>“1. In accordance with LPS Policy EG 5 'Promoting a town centre first approach to retail and commerce', a sequential test will be applied to planning applications for main town centre uses that are not<u>neither</u> in a defined centre²² <u>nor in accordance with an up-to-date Plan</u>. Main town centre uses should be located in designated centres, and then in edge-of-centre locations, and only if suitable sites are not available or expected to become available within a reasonable period, should out of centre sites be considered. In terms of edge and out of centre proposals, preference will be given to accessible sites that are well connected to the town centre.”</p> <p>2. Development proposals for retail and leisure uses that are located on the edge or outside of a defined centre²², <u>are not in accordance with an up-to-date Plan</u> and that exceed the floorspace thresholds set out in the table below, will have to demonstrate that they would not have a significant adverse impact on:</p> <p>i. the delivery of existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and</p> <p>ii. the vitality and viability of any existing defined <u>existing</u> centre²² , including local consumer choice and trade in the town centre and relevant wider retail catchment, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.</p> <table><tr><th>Centre</th><th>Impact test threshold (gross floorspace)</th></tr><tr><td>Principal town centres</td><td>500 sq.m</td></tr><tr><td>Town centres</td><td>300 sq.m</td></tr><tr><td>Local centres</td><td>200 sq.m</td></tr><tr><td>Local urban centres</td><td>See thresholds in Table 9.3</td></tr></table> <p>3. All proposals to extend existing class E(a) stores in 'edge-of-centre' or 'out-of-centre' locations should also be accompanied by an impact assessment, where the additional floorspace proposed exceeds the</p>	Centre	Impact test threshold (gross floorspace)	Principal town centres	500 sq.m	Town centres	300 sq.m	Local centres	200 sq.m	Local urban centres	See thresholds in Table 9.3
Centre	Impact test threshold (gross floorspace)												
Principal town centres	500 sq.m												
Town centres	300 sq.m												
Local centres	200 sq.m												
Local urban centres	See thresholds in Table 9.3												

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			<p>relevant impact test threshold. Proposals to vary the range of goods permitted to be sold should also be accompanied by an impact assessment where the necessary impact test threshold has been exceeded.</p> <p>4. Where any proposal fails to satisfy the sequential test and/or is likely to have a significant adverse impact on one or more of the considerations set out in criterion (2) on a defined centre, it will<u>should</u> be refused.”</p> <p>“22: Principal town centres, town centres, local centres, or local urban centres”</p> <p><i>Insert new Table 9.3 ‘Impact test thresholds for local urban centres’ after paragraph 9.12:</i></p> <table><tr><td><u>Local urban centre</u></td><td><u>Impact test threshold (gross floorspace)</u></td></tr><tr><td><ul style="list-style-type: none">• <u>Nantwich Road (Crewe)</u>• <u>West Street (Crewe)</u></td><td><u>500 sq.m</u></td></tr><tr><td><ul style="list-style-type: none">• <u>West Heath Shopping Centre (Congleton),</u>• <u>Welsh Row (Nantwich)</u>• <u>Chapel Lane (Wilmslow)</u>• <u>Dean Row Road (Wilmslow)</u></td><td><u>300 sq.m</u></td></tr></table>	<u>Local urban centre</u>	<u>Impact test threshold (gross floorspace)</u>	<ul style="list-style-type: none">• <u>Nantwich Road (Crewe)</u>• <u>West Street (Crewe)</u>	<u>500 sq.m</u>	<ul style="list-style-type: none">• <u>West Heath Shopping Centre (Congleton),</u>• <u>Welsh Row (Nantwich)</u>• <u>Chapel Lane (Wilmslow)</u>• <u>Dean Row Road (Wilmslow)</u>	<u>300 sq.m</u>
<u>Local urban centre</u>	<u>Impact test threshold (gross floorspace)</u>								
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MM55	Policy RET 5 ‘Restaurants, cafés, pubs and hot food takeaways’	111-112	<p><i>Amend Policy RET 5 Criterion 3:</i></p> <p>“3. Where hot food takeaways are located within 400 metres of a secondary school or sixth form college, the ‘hot food take away restriction zone’ in Crewe as shown on the adopted Policies Map, planning permission will be granted subject to a condition that the premises are not open to the public before 17:00 on weekdays and there is no over the counter sales before that time. The only exception to this approach will be where the proposal is in a principal town centre, town centre or local centre designated in the local plan.”</p> <p><i>Amend paragraphs 9.18 and 9.19:</i></p> <p>“9.18 In the UK obesity is the greatest health issue for this generation. Hot food takeaways tend to sell food that is high in calories, fat, salt and sugar and low in fibre, fruit and vegetables. There is evidence that regular consumption for<u>of</u> energy dense food from hot food takeaways is associated with weight gain and is appealing to children. It is recognised that the causes of obesity are complex and the result of a number of factors, <u>but excess weight is known to be linked to wider determinants of health, including deprivation.</u> A wide range of health experts recommend restricting the use of hot food takeaways, particularly around schools in order to create a healthier food environment. The Cheshire East Joint</p>						

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			<p><u>Strategic Needs Assessment Excess Weight Report (June 2019) identified that initiatives aimed at reducing adult excess weight should be targeted at Crewe, and particularly within the six wards which perform worst across a range of indicators when compared with all wards nationally. These six wards comprise Crewe South, Crewe West, Crewe Central, Crewe North, Crewe East and St Barnabas. The report found that these wards were particularly affected by excess weight amongst children and highlighted a need to consider the regulation of hot food takeaways in such areas.</u> This policy therefore seeks to limit the availability of additional hot foot takeaway facilities near to secondary schools and sixth form colleges <u>in the 'Crewe 6' group of wards.</u> Further information can be seen in the Restaurants, Cafés, Pubs and Hot Food Takeaways Background Report [ED 50].</p> <p>9.19 The most popular time for purchasing food from takeaways is after school. The proximity to primary schools is not addressed in this policy as secondary schools and sixth form college pupils are considered to have greater mobility and independence compared to primary school pupils. Although the 400 metre distance (as the crow flies) will be taken from the school's entrance, site specific factors such as physical barriers to pedestrian movement and the number and location of other takeaways along the school route will be taken into consideration. <u>The 'hot food take away restriction zone' shown on the Policies Map identifies the area within 400m of a main entrance to a secondary school or sixth form college located within the 'Crewe 6' group of wards. The zone has been drawn to exclude any part of a defined centre."</u></p> <p><i>Amend 'Related documents':</i></p> <ul style="list-style-type: none"> • Restaurants, Cafés, Pubs and Hot Food Takeaways Background Report [ED 50] (2020, Cheshire East Council) • <u>Cheshire East Joint Strategic Needs Assessment Excess Weight Report (2019, Cheshire East Council)</u> • Using the Planning System to Control Hot Food Takeaways (2013, NHS London Healthy Urban Development Unit)"
MM56	Policy RET 6 'Neighbourhood parades of shops'	112- 113	<p><i>Delete Policy RET 6 Criterion 2:</i></p> <p>"2. Development involving the loss of existing use class E(a) and/or F2(a) shops in neighbourhood parades of shops will only be permitted where it has been demonstrated that there is no reasonable prospect of the existing class E(a) and/or F2(a) use continuing in the premises because of the absence of market demand."</p>

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			<p><i>Delete paragraph 9.27:</i></p> <p>“9.27 To demonstrate the absence of market demand under the second clause of the policy, the council will normally expect the premises to have been properly marketed through a commercial agent for at least 12 months, at a market value that reflects the use, condition, quality and location of the premises, and that no purchaser or tenant has come forward.”</p>
MM57	Policy RET 10 'Crewe town centre'	118	<p><i>Amend the first paragraph of Policy RET 10:</i></p> <p>“The council will support opportunities for improving and regenerating Crewe town centre in the development areas defined in this policy, and <u>identified in Figure 9.1 'Crewe town centre development areas' and on the adopted Policies Map</u>. To achieve this aim, alongside applying policies relevant to all town centres, the following considerations will also apply:”</p>
MM58	Policy RET 11 'Macclesfield town centre and environs'	122-123	<p><i>Amend the first paragraph of Policy RET 11:</i></p> <p>“The council will, in principle, support opportunities for improving and regenerating Macclesfield town centre and environs as defined in Figure 9.2 'Macclesfield town centre and environs character areas' <u>and on the adopted Policies Map</u>. To achieve this aim, in addition to applying policies relevant to all town centres, the following considerations will also be taken into account in this area:”</p> <p><i>Delete existing Figure 9.2 'Macclesfield town centre and environs character areas' (see next page):</i></p>

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			<p><i>Insert new Figure 9.2 'Macclesfield town centre and environs character areas':</i></p> <p>The map illustrates the town centre and environs of Macclesfield, divided into several character areas. The areas are color-coded and labeled as follows:</p> <ul style="list-style-type: none"> Jordangate East: Green area in the north-east. Jordangate West: Red area in the north-west. Chestergate & Historic Heart: Orange area in the central-north. Retail Core: Red area in the central-west. Station Gateway: Blue area in the central-east. Churchill Way Boulevard: Blue hatched area in the central-west. Sunderland Street & Silk Quarter: Yellow area in the south. Macclesfield: Blue area in the central-east, adjacent to the Station Gateway.

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MM59	Policy INF 1 'Cycleways, bridleways and footpaths'	128	<p><i>Amend Policy INF 1 Criterion 2:</i></p> <p>"2. Development proposals that involve the diversion of cycleways, footpaths or bridleways will only be permitted where the diversions provide clear and demonstrable benefits for the wider community <u>diversion is no less convenient than the existing route.</u>"</p>
MM60	Policy INF 3 'Highway safety and access'	129-130	<p><i>Amend Policy INF 3:</i></p> <p>"Highway safety and access</p> <p>1. Development proposals should:</p> <p>i. comply with the relevant Highway Authority's and other highway design guidance;</p> <p>ii. provide safe access to and from the site for all highway users and incorporate safe internal movement in the site to meet the requirements of servicing and emergency vehicles;</p> <p>iii. make sure that development traffic is <u>can be</u> satisfactorily assimilated into the operation of the existing highway network and not create unacceptable impacts on road safety that cannot be satisfactorily mitigated <u>so that it would not have an unacceptable impact on highway safety, or result in severe residual cumulative impacts on the road network;</u></p> <p>iv. incorporate measures to assist access to, from and within the site by pedestrians, cyclists and public transport users and meets the needs of people with disabilities; <u>and</u></p> <p>v. not generate movements of heavy goods vehicles on unsuitable roads, or on roads without suitable access to the classified highway network; and.</p> <p>vi. incorporate appropriate charging infrastructure for electric vehicles in safe, accessible and convenient locations. For major developments, the following standards will apply:</p> <p>a. a chargepoint for every new dwelling (whether new build or change of use) with an associated car parking space, unless this is not feasible because of excessively high grid connection costs; and</p> <p>b. one chargepoint for every five car parking spaces in the case of new, non-residential buildings.</p>

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			<p>2. In accordance with the council's local validation requirements and LPS Policy CO 4 'Travel plans and transport assessments', all development proposals that generate a significant amount of movement should be supported by a travel plan and either a transport statement or transport assessment, both of which should be submitted alongside the planning application."</p> <p><i>Amend paragraph 10.5a:</i></p> <p>"10.5a Residential chargepoints must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle."</p>
MM61	Policy INF 4 'Manchester Airport'	130	<p><i>Amend Policy INF 4:</i></p> <p>"Manchester Airport</p> <p>The Manchester Airport operational area is shown on the adopted policies map. In the operational area, development and uses that are necessary for the operational efficiency and amenity of the airport, <u>including operational facilities and infrastructure, passenger facilities, cargo facilities, airport ancillary infrastructure, landscaping works, and internal highways and transport infrastructure</u> will usually be permitted <u>where they accord with other policies in the development plan and provided that any adverse impacts of development have been appropriately assessed, minimised and mitigated.</u> These types of development and uses are likely to include operational facilities and infrastructure; passenger facilities; cargo facilities; airport ancillary infrastructure; landscaping works; and internal highways and transport infrastructure."</p>
MM62	Policy INF 8 'Telecommunications infrastructure'	135	<p><i>Insert new paragraph after paragraph 10.20:</i></p> <p><u>"10.20a Policy GEN 5 'Aerodrome safeguarding' explains how the impact of proposals for telecommunications infrastructure on air traffic safety will be assessed."</u></p>
MM63	Policy INF 10 'Canals and mooring facilities'	136	<p><i>Amend Policy INF 10 criteria 2 and 3:</i></p> <p>"2. Proposals for new moorings will be permitted where they <u>satisfy the requirements of Criterion 1, and:</u></p> <p>i. do not have an unacceptable impact on recreational users and other waterway users;</p>

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			<p>ii. do not have an unacceptable impact on water resources and navigational safety; and</p> <p>iii. the built development is of an appropriate scale and ancillary to the mooring facilities.</p> <p>3. New <u>In addition to satisfying the requirements of criteria 1 and 2, new</u> moorings for permanent residential use will only be permitted within settlement boundaries and infill boundaries.”</p>
MM64	Policy REC 1 'Green/open space protection'	140	<p><i>Amend the title of Policy REC 1:</i></p> <p>“Green/open <u>Open</u> space protection”</p> <p><i>Amend Policy REC 1:</i></p> <p>“1. Development will not be permitted that would result in the loss of green/open space (which includes all playing fields), which has recreational or amenity value; this includes:</p> <p>i. existing areas of green/open space including (but not limited to) those shown on the adopted policies map;</p> <p>ii. incidental open spaces/amenity areas too small to be shown on the adopted policies map; and</p> <p>iii. new green/open spaces provided through new development yet to be shown on the adopted policies map.</p> <p>2. <u>1.</u> Development proposals that involve the loss of green/open space <u>as defined in Criterion 2 below</u>, will not be permitted unless:</p> <p>i. an assessment has been undertaken that has clearly shown the green/open space is surplus to requirements; or</p> <p>ii. it would be replaced by equivalent or better green/open space in terms of quantity and quality and it is in a suitable location; or</p> <p>iii. the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss.</p>

Ref	Policy/Section	Page	Proposed Main Modification
			<p><u>2. The types of open space to which this policy applies includes: existing areas of open space shown on the adopted Policies Map, such as formal town parks, playing fields, pitches and courts, play areas, allotments and amenity open space; other incidental open spaces, which are too small to be shown on the adopted Policies Map, but which are of public value for informal recreation or visual amenity; and open spaces provided through new development yet to be shown on the adopted Policies Map."</u></p> <p><i>Amend paragraphs 11.2-11.4:</i></p> <p>"11.2 The adopted policies map identifies the majority of areas of green/open space that should be protected from other forms of development. Some incidental open space is too small to show on the adopted policies map. The council maintains a GIS layer of green/open space and a database, which covers a number of categories ranging from formal town parks and playing fields to play areas, allotments and amenity open space. As development takes place across the borough, further green/open spaces will be created and added to this GIS layer and the database. Local green spaces can also be designated in neighbourhood plans.</p> <p>11.3 Made neighbourhood plans are part of the development plan and can show areas of valuable green/open space plus local green spaces. There is no need for the council to repeat this information in the local plan but, to ensure consistency across the rural areas, strategic areas of green/open space such as playing fields and play areas, and large amenity areas such as village greens, will be shown on the adopted policies map. Strategic/important areas of green/open space will therefore be reflected for all parishes, regardless of whether they have a neighbourhood plan in place.</p> <p>11.4 The policy reflects paragraph 97-99 of the NPPF (2021), which sets out the criteria to be satisfied should development of a green/ an open space be considered."</p>
MM65	Policy REC 2 'Indoor sport and recreation implementation'	141	<p><i>Amend Policy REC 2 Criterion 1:</i></p> <p>"1. LPS Policy SC 2 'Indoor and outdoor sports facilities' requires all major housing developments to contribute towards indoor sport and recreation facilities <u>where necessary</u>. Developer contributions should be provided where new development will increase the demand for such facilities on the basis set out in the table below and taking account of the <u>assessment of any deficits or surpluses in the provision of sports facilities in the council's Indoor Built Facilities Strategy.</u>"</p>

Ref	Policy/Section	Page	Proposed Main Modification
MM66	Policy REC 3 'Green space implementation'	142-143	<p><i>Amend the title of Policy REC 3:</i></p> <p>"Green-Open space implementation"</p> <p><i>Amend Policy REC 3:</i></p> <p>"1. All major employment and other non-residential developments should provide green-open space as a matter of good design and to support health and well-being. The provision of green-open space will be sought on a site-by-site basis, taking account of the location, type and scale of the development.</p> <p>2. The presumption will be that green-open space provision associated with residential and non-residential development schemes will be provided on site. Off-site provision may be acceptable in limited instances, where this meets the needs of the development and achieves a better outcome in terms of green-open space delivery. This would involve the payment of a commuted sum to the council.</p> <p>3. Applicants will need to demonstrate how the management and maintenance of additional green-open space provision will be provided for in perpetuity. All areas of green-open space that are of strategic significance, for example because they will form part of a wider, connected network of green-open space, should be conveyed to the council along with a commuted sum for a minimum period of 20 years maintenance.</p> <p>4. The provision of, or contribution to, outdoor playing pitch sports facilities will be informed by the Playing Pitch Strategy and Sport England Sport Pitch Calculator. Other outdoor sports provision not covered by the Playing Pitch Strategy will be sought on a site by site basis using 10 sq.m per family home as a benchmark figure."</p> <p><i>Amend paragraph 11.9:</i></p> <p>"11.9 Housing development proposals should provide for green-open space in accordance with LPS Policy SE 6 'Green infrastructure' and associated Table 13.1."</p> <p><i>Amend paragraph 11.12:</i></p> <p>"11.12 The future maintenance of green-open space is very important, to make sure that it is able to fulfil its function and continue to have a positive impact on the locality. Consideration of the most appropriate option for longer-term maintenance will be made on a site-by-site basis. Control and management arrangements will need to be established to safeguard the green-open space for the community and its users. Areas of green-open space that are of strategic significance, for example new green-open space that will form part of a strategic green-open space network, green-open space with important nature conservation value or the provision of playing fields, will normally be expected to be transferred to the</p>

Ref	Policy/Section	Page	Proposed Main Modification
			council with a minimum of a 20-year commuted sum. In deciding which areas are strategic for the purposes of clause 3 of the policy, the council will have regard to the Cheshire East Green Infrastructure Plan. The council will generally seek 20 years maintenance; however there will be some instances where a maintenance period in excess of 20 years may be sought specifically for securing the creation of new habitats, which may take longer to achieve their target condition.”
MM67	Site CRE 1 ‘Land at Bentley Motors’	147-148	<p><i>Amend Site CRE 1 Criterion 4:</i></p> <p>“4. have regard <u>avoid any harm</u> to heritage assets and their setting in accordance with LPS Policy SE 7 ‘The historic environment’ and Policy HER 7 ‘Non-designated heritage assets’ <u>and having regard to the advice on mitigation measures contained in the Heritage Impact Assessment for the site submitted with the SADPD.</u>”</p> <p><i>Amend paragraph 12.19:</i></p> <p>“12.19 The main office/showroom is a non-designated heritage asset. Any future development proposals should avoid any direct or indirect harm to the heritage asset including its setting, having regard to LPS Policy SE 7 ‘The historic environment’ and SADPD Policy HER 7 ‘Non-designated heritage assets’ <u>and the advice on mitigation measures contained in the Heritage Impact Assessment for the site submitted with the SADPD.</u>”</p> <p><i>Amend ‘Related documents’ for site allocations (after paragraph 12.12):</i></p> <ul style="list-style-type: none"> • Draft adopted policies map (2020, Cheshire East Council) [ED 02] • The Provision of Housing and Employment Land and the Approach to Spatial Distribution (2020, Cheshire East Council) [ED 05] • Site Selection Methodology Report (2020, Cheshire East Council) [ED 07] • Employment Allocations Review (2020, Cheshire East Council) [ED 12] • Gypsy, Traveller and Travelling Showpeople Site Selection Report (2020, Cheshire East Council) [ED 14] • Settlement reports (2020, Cheshire East Council) [ED 21] to [ED 44] • <u>Heritage Impact Assessments of Sites in Local Plan Site Selection [ED 48]</u> • Local Service Centres Safeguarded Land Distribution Report (2020, Cheshire East Council) [ED 53]”

Ref	Policy/Section	Page	Proposed Main Modification
MM68	Site CRE 2 'Land off Gresty Road'	148-149	<p><i>Amend Site CRE 2 Criterion 3:</i></p> <p>"3. maintain the area of existing woodland, unless it can be demonstrated that there are clear overriding reasons for any loss and the provision is made for net environmental gain by appropriate mitigation, compensation or offsetting in line with LPS Policy SE 5 'Trees, hedgerows and woodland'. <u>This may include essential drainage infrastructure, where this is justified and complies with the biodiversity mitigation hierarchy in the NPPF;</u>"</p> <p><i>Amend Site CRE 2 Criterion 6:</i></p> <p>"6. provide unobstructed access to Gresty Brook and an undeveloped 8 metre buffer zone for maintenance and emergency purposes, <u>except for possible sustainable drainage infrastructure within the buffer area where this is compatible with ensuring access for maintenance and emergency purposes;</u>"</p> <p><i>Amend Site CRE 2 Criterion 8:</i></p> <p>"8. include measures to improve walking and cycling routes to the site, including along Crewe Road and Gresty Road."</p> <p><i>Amend paragraph 12.26:</i></p> <p>"12.26 Proposals should also seek to maintain the area of existing woodland on the site, unless it can be demonstrated that there are clear overriding reasons for any loss. <u>This may include the provision of essential drainage infrastructure provided that this is justified and complies with the biodiversity mitigation hierarchy in paragraph 180(a) of the NPPF.</u> If it can be demonstrated that there are overriding reasons for any loss, appropriate mitigation, compensation or offsetting will be required in line with LPS Policy SE 5 'Trees, hedgerows and woodland'."</p> <p><i>Amend paragraph 12.28:</i></p> <p>"12.28 The site is greenfield and Gresty Brook runs along its northern boundary. The majority of the site is in flood zone 1, although there is a small area of the site in the northeast corner that is in flood zone 2. Any proposed development should have regard to this area of flood risk. An undeveloped buffer of 8 metres should be maintained along Gresty Brook for access and maintenance purposes but also to make sure that disturbance to the brook and its environs is minimised for ecological reasons. <u>As an exception, sustainable drainage infrastructure may be justified in the buffer area provided that this is compatible with the need to ensure access for maintenance and emergency purposes.</u>"</p>

Ref	Policy/Section	Page	Proposed Main Modification
			<p><i>Amend paragraph 12.30:</i></p> <p>“12.30 Access to the site from Gresty Road may require the relocation/alteration of the existing bus stop facility. Measures to improve walking and cycling routes to the site should be provided, including along Gresty Road and Crewe Road.”</p>
MM69	Site MID 2 ‘East and west of Croxton Lane’	151	<p><i>Amend Site MID 2 Criterion 4:</i></p> <p>“4. provide for improvements to the surface of <u>the</u> canal towpath to encourage its use as a traffic-free route for pedestrians and cyclists between the site and town centre, <u>where this meets the test for planning obligations as set out in the NPPF and CIL Regulations.</u>”</p> <p><i>Insert new paragraph after paragraph 12.45:</i></p> <p>“<u>12.45a Improvements to the surface of the canal towpath should be included in any future planning application to encourage its route for pedestrians and cyclists, provided that any such requirement meets the tests set out in paragraph 57 of the NPPF and Regulation 122 of the CIL Regulations 2010.</u>”</p>
MM70	Site PYT 3 ‘Land at Poynton High School’	156	<p><i>Amend paragraph 12.68:</i></p> <p>“12.68 The intention would be to mitigate the loss of the playing field with the provision of a new 3G pitch through measures including qualitative improvements to the remaining playing field area at Poynton High School, adjacent to the existing leisure centre on land that is not classed as an existing playing field. The Cheshire East Local Football Facility Plan (December 2018) <u>also</u> highlights a new floodlit 11v11 3G football turf pitch at Poynton High School as a priority project for potential investment.”</p>
MM71	Site PYT 4 ‘Former Vernon Infants School’	157	<p><i>Amend Site PYT 4 Criterion 1:</i></p> <p>“1. enhance the retained playing field and provide changing rooms, drainage and parking facilities <u>mitigate the loss of playing field land by its replacement to an equivalent or better quality, in a suitable location, along with qualitative improvements to the remaining playing field;</u>”</p> <p><i>Amend paragraph 12.72:</i></p> <p>“12.72 The former Vernon Infants School site (0.56ha <u>0.76ha</u>) presents the opportunity for a sustainably located, high quality residential scheme, and is particularly suitable for retirement homes. It is situated very close to the town centre, with surrounding land uses including residential.”</p>

Ref	Policy/Section	Page	Proposed Main Modification
MM72	Chapter 13: Monitoring and implementation	168	<p><i>Amend paragraphs 13.1 and 13.2 and insert new footnote:</i></p> <p>“13.1 To enable the council to take a flexible approach to the monitoring of the Local Plan, a separate Local Plan Monitoring Framework (LPMF) has been published, which replaces the monitoring framework contained in Table 16.1 of the LPS. This will allow the council to update and/or amend the LPMF as local plan documents are adopted or revised, as well as respond to changes in availability of information sources, whilst continuing to effectively monitor the implementation of the local plan. A monitoring framework (SADPD MF) has been developed, which is set out in Table 13.1, to effectively monitor the policies of the SADPD. It lists the core monitoring indicators that will appear in the council’s yearly Authority Monitoring Report (AMR) in relation to policies set out in the SADPD and adds to the monitoring framework contained in Table 16.1 of the LPS.</p> <p>13.2 The LPMF should be read alongside the local plan documents. It explains how achievement of the strategic priorities and policies in the local plan will be measured, by assessing performance against a wide range of monitoring indicators. The results of this assessment will be presented in a yearly authority monitoring report, produced and published by the council. This process will enable the council to assess whether the local plan is being implemented effectively, and will highlight any issues that could prompt revision of the local plan. The SADPD MF includes, where appropriate, targets to be achieved, triggers and proposed actions. Where it would appear through monitoring that targets are not being met, it may be necessary to:</p> <ul style="list-style-type: none"> • review the policies in the Local Plan^[new footnote] to see if they need to be amended in order to deliver the Strategic Priorities of the LPS • consider alternative strategies • take appropriate management action to remedy the cause of under-performance.” <p>“New footnote: The NPPF (2021) paragraph 33 states ‘Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.’”</p>

Ref	Policy/Section	Page	Proposed Main Modification															
			<p><i>Insert new paragraph after paragraph 13.2:</i></p> <p><u>“13.3 The need to update policies or take appropriate management action will consider evidence on likely future delivery, for example information on granting of planning permissions and feedback from developers on the prospects for the implementation of schemes. Any recommended actions will be set out in the AMR.”</u></p> <p><i>Insert new Table 13.1 ‘SADPD monitoring framework’ and new footnote:</i></p> <table><tr><th><u>Indicator No.</u></th><th><u>Indicator</u></th><th><u>Target</u></th><th><u>Trigger</u>^[New footnote]</th><th><u>Proposed action for target not being met</u></th></tr><tr><td><u>MF19</u></td><td><u>Employment land supply</u></td><td><u>Maintain a continuous supply to support growth of the local economy</u></td><td><u>Inability to maintain a continuous employment land supply to support growth of the local economy.</u></td><td><u>Consider as part of five-year plan review.</u></td></tr><tr><td><u>MF20</u></td><td><u>Town centre use floorspace completions - amount and sequential location</u></td><td><u>Majority of completions to be located in town centres</u></td><td><u>Majority of completions for town centre uses not located in a town centre. Approval of large format retail outside of town centre boundary on</u></td><td><u>Review reasons for decision. Consider as part of five-year plan review.</u></td></tr></table>	<u>Indicator No.</u>	<u>Indicator</u>	<u>Target</u>	<u>Trigger</u> ^[New footnote]	<u>Proposed action for target not being met</u>	<u>MF19</u>	<u>Employment land supply</u>	<u>Maintain a continuous supply to support growth of the local economy</u>	<u>Inability to maintain a continuous employment land supply to support growth of the local economy.</u>	<u>Consider as part of five-year plan review.</u>	<u>MF20</u>	<u>Town centre use floorspace completions - amount and sequential location</u>	<u>Majority of completions to be located in town centres</u>	<u>Majority of completions for town centre uses not located in a town centre. Approval of large format retail outside of town centre boundary on</u>	<u>Review reasons for decision. Consider as part of five-year plan review.</u>
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Ref	Policy/Section	Page	Proposed Main Modification				
						<u>an unallocated site.</u>	
			<u>MF21</u>	<u>Number of vacant retail units in town centres</u>	<u>CE average yearly vacancy rate to be below the national vacancy rate</u>	<u>CEC average yearly vacancy rate persistently above the national average.</u>	<u>Examine reasons for decline in performance of town centre. Consider as part of five-year plan review.</u>
			<u>MF22</u>	<u>Primary shopping area units - use class breakdown</u>	<u>Maintain the majority of primary shopping areas in E(a) use</u>	<u>Majority of primary shopping areas not in E(a) use.</u>	<u>Consider as part of five-year plan review.</u>
			<u>MF23</u>	<u>Breakdown of categories of buildings in town centres</u>	<u>Maintain most of the town centre in convenience and comparison uses.</u>	<u>Most of the town centre not in convenience or comparison use.</u>	<u>Consider as part of five-year plan review.</u>
			<u>MF24</u>	<u>Neighbourhood parades of shops - use class breakdown</u>	<u>Maintain the role of the Neighbourhood Parades of shops in line with Policy RET 6 'Neighbourhood</u>	<u>Persistent loss of E(a) and/or F2(a) use.</u>	<u>Consider as part of five-year plan review.</u>

Ref	Policy/Section	Page	Proposed Main Modification				
					<u>parades of shops'</u>		
			<u>MF25</u>	<u>Progress on major regeneration schemes</u>	<u>Description of progress of schemes to completion, and inclusion of any new schemes</u>	<u>Stalled regeneration schemes.</u>	<u>Discuss with the Economic Development Team. Consider as part of five-year plan review.</u>
			<u>MF26</u>	<u>Housing completions by location from 2010</u>	<u>For completions to meet the spatial distribution outlined in LPS Policy PG 7 'Spatial distribution of development'.</u>	<u>Completions persistently not meeting the spatial distribution.</u>	<u>Consider as part of five-year plan review.</u>
			<u>MF27</u>	<u>Types of dwelling completed</u>	<u>To meet the requirements identified in the Residential Mix Assessment</u>	<u>Requirements of the Residential Mix Assessment not met.</u>	<u>Consider as part of five-year plan review.</u>
			<u>MF28</u>	<u>Sizes of dwelling completed, by</u>	<u>To meet the requirements identified in the</u>	<u>Requirements of the Residential Mix</u>	<u>Consider as part of five-year plan review.</u>

Ref	Policy/Section	Page	Proposed Main Modification				
				<u>number of bedrooms</u>	<u>Residential Mix Assessment</u>	<u>Assessment not met.</u>	
			<u>MF29</u>	<u>Self-build and custom-build homes permissions</u>	<u>Within 3 years, meet the demand established by reference to the number of entries added to the council's Part 1 register during each (yearly) base period.</u>	<u>Demand not being met.</u>	<u>Consider as part of five-year plan review.</u>
			<u>MF30</u>	<u>Density of new housing developments (dwellings per hectare)</u>	<u>Residential development proposals are generally expected to achieve a net density of at least 30 dwellings per hectare</u>	<u>Majority of proposals below 30 dwellings per hectare.</u>	<u>Consider as part of five-year plan review.</u>
			<u>MF31</u>	<u>Number of designated heritage assets</u>	<u>No reduction in the number of designated heritage assets</u>	<u>Reduction in number of heritage assets.</u>	<u>Discuss with the Environmental Planning Team. Consider as part of five-year plan review.</u>

Ref	Policy/Section	Page	Proposed Main Modification				
			MF32	<u>Number of designated heritage assets at risk</u>	<u>To seek an on-going reduction in the number of heritage assets at risk during the plan period so that the overall number is less in 2030 than it was at the start of the Plan period, where there were 30 designated heritage assets at risk</u>	<u>The number of heritage assets at risk is over 30 at 2030.</u>	<u>Discuss with the Environmental Planning Team. Consider as part of five-year plan review.</u>
			MF33	<u>Number of planning applications approved contrary to EA advice on water quality grounds</u>	<u>Zero applications</u>	<u>Planning application approved contrary to EA advice on water quality grounds.</u>	<u>Review reasons for decision. Consider as part of five-year plan review if necessary.</u>
			MF34	<u>Number of planning applications approved contrary to EA advice on flood risk</u>	<u>Zero applications</u>	<u>Planning application approved contrary to EA advice on flood risk.</u>	<u>Review reasons for decision. Consider as part of five-year plan review if necessary.</u>

Ref	Policy/Section	Page	Proposed Main Modification				
			MF35	<u>Ecological and chemical river quality</u>	<u>To achieve good status for all water bodies</u>	<u>Water body status persistently below good.</u>	<u>Consider as part of five-year plan review.</u>
			MF36	<u>Highest, lowest and average air quality in Air Quality Management Areas</u>	<u>Reduction of specific pollutants through the lifetime of the Plan</u>	<u>Increase in specific pollutants.</u>	<u>Discuss with Environmental Protection Team to identify mitigation measures to address impacts of air quality. Consider as part of five-year plan review.</u>
			<p><u>“New footnote: 51% is considered to be a majority. To indicate a trend (or change in trend), and hence to determine persistency, there needs to be at least five years of an increase/decrease in figures.”</u></p> <p><i>Delete ‘Related documents’:</i></p> <p>“Related documents</p> <p>• Local Plan Monitoring Framework (2020, Cheshire East Council) [ED 54]”</p>				

Ref	Policy/Section	Page	Proposed Main Modification
MM73	Chapter 14: Glossary	172- 174	<p><i>Insert new Glossary entry for 'Intermediate housing':</i></p> <p><u>"A form of affordable housing at prices and rents above those of social rent, but below market price or rents, and which meets the criteria for affordable housing in the NPPF. These include shared equity products, other low-cost home ownership products and housing at intermediate rent."</u></p> <p><i>Amend Glossary entry for 'Local urban centre':</i></p> <p>"Defined area comprising of a range of shops and services that generally function to meet local, day-to-day shopping needs, sometimes including small supermarkets. Local urban centres do not fall within the definition of town centres."</p> <p><i>Insert new Glossary entry for 'Major development':</i></p> <p><u>"Major development is defined as: residential developments of 10 or more dwellings or a site area of more than 0.5ha; retail, commercial or industrial or other developments with a floorspace of more than 1,000 square metres or a site area of more than 1ha."</u></p> <p><i>Insert new Glossary entry for 'Older people':</i></p> <p><u>"People over or approaching retirement age, including the active, newly retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialist housing for those with support or care needs."</u></p> <p><i>Insert new Glossary entry for 'Pitch/Plot':</i></p> <p><u>"A pitch is an area of land generally home to one household on a Gypsy and Traveller Site. A plot means a pitch on a Travelling Showperson site (often called a 'yard'). This terminology differentiates between residential pitches for Gypsies and Travellers and mixed-use plots for Travelling Showpeople, which may/will need to incorporate space or to be split to allow for the storage of equipment."</u></p> <p><u>For the purposes of the allocations included in the SADPD: a pitch is made up of one chalet or mobile home and one touring caravan for a single household; there will usually be a separate amenity block,</u></p>

Ref	Policy/Section	Page	Proposed Main Modification
			<p><u>which will include a toilet, and washing and cooking facilities; and plots for Travelling Showpeople are likely to require a larger area, due to the additional space needed for the storage of equipment.”</u></p> <p><i>Include new Glossary entry for ‘Wheelchair accessible dwelling’:</i></p> <p><u>“Defined in Building Regulations Approved Document M as Category 3 dwelling constructed to be suitable for immediate occupation by a wheelchair user where the planning authority specifies that optional requirement M4(3)(2)(b) applies.”</u></p> <p><i>Include new Glossary entry for ‘Wheelchair adaptable dwelling’:</i></p> <p><u>“Defined in Building Regulations Approved Document M as Category 3 dwelling constructed with the potential to be adapted for occupation by a wheelchair user where optional requirement M4(3)(2)(a) applies”</u></p>

Schedule of Additional Modifications

The proposed Additional Modifications are shown in the same order as the SADPD itself. All changes are highlighted, with deleted text shown with strike through (~~deleted text~~) and new text shown with underline (new text). Text in ***bold italics*** helps to explain the precise part of the Plan that is affected by the proposed Additional Modification.

Page numbers refer to the pages in the PDF version of submitted plan “Revised Publication Draft SADPD (‘Clean’ version)”, reference [ED 01b] in the Examination Library.

Policy/ Section	Page	Proposed Additional Modification	Reason
Whole document		<i>Following receipt of the Inspector’s final report and prior to adoption of the SADPD, re-number paragraphs, figures, tables etc so that numbering sequences run consecutively in the final adopted document.</i>	For readability. Where numbered elements have been inserted or deleted through the plan preparation process, subsequent elements have not been re-numbered. This is for consistency through the examination process, but the final adopted document should have consecutive numbering.
Chapter 1: Introduction	2-4	<p><i>Amend paragraph 1.1:</i></p> <p>“This document is the revised publication draft of the Site Allocations and Development Policies Document (SADPD) and is published to invite representations on its content. Once complete, the SADPD will form <u>was adopted on 14 December 2022. It is</u> the second part of the council's local plan, providing further detailed planning policies and site allocations to support the strategic policies and sites contained in the Local Plan Strategy (LPS), which was adopted in July 2017.”</p> <p><i>Delete paragraph 1.1a:</i></p> <p>“1.1a This 'clean' version of the Revised Publication Draft SADPD shows the document text as updated. A 'tracked changes' version has also</p>	To update the introduction in preparation for the adoption of the SADPD and removal of information related to the consultation on the submission version. Consequential amendments to the adopted policies map section resulting from other Main Modifications. Typographical changes and factual corrections.

been published, showing the changes made to the initial Publication Draft, previously published for consultation in 2019.”

Amend paragraphs 1.2-1.4:

“1.2 The local plan sets planning policies and allocates sites for development. It is part of the statutory development plan, which is the basis for deciding planning applications. The local plan in Cheshire East¹ will be made up of ~~four~~ **three** key documents:

1. The LPS sets out the vision and overall planning strategy for the borough over the period to 2030. It includes strategic planning policies and allocates strategic sites for development.

2. The SADPD, ~~which will set~~ **sets** non-strategic and detailed planning policies to guide planning decisions and allocate additional sites for development, where necessary, to assist in meeting the overall development requirements set out in the LPS. It ~~has been prepared to support~~ **supports** the policies and proposals of the LPS by providing additional policy detail.

3. The Minerals and Waste ~~Development Plan Document~~ **(MWDPD MWP)**, which will set out planning policies for minerals and waste, including the identification of specific sites for these uses. The ~~first draft of the MWDPD MWP~~ is currently being prepared.

~~4. The Crewe Hub Area Action Plan will set out a planning framework to manage change and support investment and development of Crewe station and the surrounding area associated with the arrival of HS2 rail in Crewe. This plan will look beyond the LPS and set out policies and proposals for the area immediately around a new HS2 hub station. It directly responds to the arrival of HS2 at Crewe and will introduce a~~

¹ Excluding the part in the Peak District National Park where the park authority is responsible for planning matters.

planning framework that aims to promote and manage land use change and related infrastructure provision in that area.

1.3 ~~The On~~ adoption of the SADPD ~~brings about the replacement of replaced~~ all of the saved policies from the Congleton Borough Local Plan First Review (adopted January 2005), the Borough of Crewe and Nantwich Local Plan (adopted February 2005) and the Macclesfield Borough Local Plan (adopted January 2004). The policies in these legacy plans will ~~therefore~~ no longer be used when deciding planning applications.

1.4 The remaining saved policies in the Cheshire Minerals Local Plan (adopted June 1999) and the Cheshire Waste Local Plan (adopted July 2007) will continue to be saved as set out in LPS Appendix B 'Saved policies' until replaced by policies in the ~~MWDPD-MWP~~

Amend paragraph 1.10:

“1.10 The policies and proposals in this ~~Revised Publication Draft~~ SADPD have been prepared with regard to the National Planning Policy Framework (NPPF), supplemented by the Planning Practice Guidance (PPG) and other government policies and legislation.”

Amend paragraph 1.12:

“1.12 In accordance with the requirements of the NPPF, the SADPD is supported by an up-to-date, relevant and proportionate evidence base, which has informed the planning policies and site allocations ~~proposed~~ **included** in it.”

Delete ‘Sustainability Appraisal and Habitats Regulations Assessment’ subheading and paragraphs 1.14-1.16:

~~“Sustainability Appraisal and Habitats Regulations Assessment~~

~~1.14 Sustainability Appraisal is an ongoing process that must be carried out during the preparation of a local plan. Its role is to promote~~

sustainable development by assessing the extent to which the emerging plan will help to achieve relevant environmental, economic and social objectives, when judged against reasonable alternatives. A 'Revised Publication Draft SADPD Sustainability Appraisal' has been produced to assess this Revised Publication Draft SADPD.

1.15 A Habitats Regulations Assessment (HRA) has also been prepared to support the development of the SADPD. The HRA has assessed the impact of the SADPD on internationally designated nature conservation sites. The impact of the SADPD has been assessed both alone and in combination with other plans and projects. The HRA is an iterative process and plays an important role in refining the contents of the plan, both in terms of policies and site allocations.

1.16 Both the Revised Publication Draft SADPD Sustainability Appraisal and the Habitats Regulations Assessment (revised publication version) have been published for representations alongside this Revised Publication Draft SADPD.”

Amend paragraphs 1.17 & 1.18:

“1.17 The adopted policies map shows ~~that the~~ spatial extent of policies in the local plan. The current adopted policies map shows the policies contained in the adopted LPS and ~~SADPD, plus~~ the saved policies from the ~~Congleton Borough Local Plan First Review, Borough of Crewe and Nantwich Local Plan, Macclesfield Borough Local Plan, Cheshire Minerals Local Plan and Cheshire Waste Local Plan.~~

1.18 A draft adopted policies map has been produced to illustrate how ~~the policies map would look if the Revised Publication Draft SADPD were to be adopted in its current form. It shows the policies contained in the adopted LPS and the draft policies in this Revised Publication Draft SADPD.~~ The policies shown are:”

Amend the numbered list following paragraph 1.18:

- “1. LPS and SADPD site allocations;
2. LPS and SADPD safeguarded land;
3. Peak District National Park fringe;
4. Green Belt;
5. Strategic green gaps;
6. Open countryside;
7. Settlement boundaries;
8. Village infill boundaries;
9. Protected open space;
10. Local landscape designations;
11. Ecological network;
12. Principal town centre and town centre boundaries;
13. Local centre and local urban centre boundaries;
14. Neighbourhood parades of shops;
15. Primary shopping areas;
16. Town centre regeneration zones;
17. Areas of high sensitivity to wind energy development;
18. Strategic employment areas;
19. Manchester Airport operational area;
20. Safeguarded land for proposed infrastructure;
21. Crewe town centre development areas;
22. Macclesfield town centre and environs character areas;
23. Hot food takeaways restrictions zones.”

Amend the lettered list following paragraph 1.20:

- “A. Environment Agency flood zones;
- B. Conservation areas;
- C. Local wildlife sites/sites of biological importance;
- D. Site of special scientific interest (SSSIs);
- E. National nature reserves;
- F. Local nature reserves;
- G. Ramsar sites;
- H. Special protection areas and special areas of conservation;
- I. HS2 safeguarding zones;
- J. Jodrell Bank Observatory World Heritage Site;

		<p>K. Jodrell Bank Observatory consultation zone/World Heritage Site Buffer Zone;</p> <p>L. Scheduled monuments;</p> <p>M. Registered parks and gardens;</p> <p>N. Registered battlefields;</p> <p>O. Areas of archaeological potential and areas of special archaeological potential;</p> <p>P. Local geological sites;</p> <p>Q. Manchester Airport average summer day (16 hour, 07:00-23:00) and night (8 hour, 23:00-07:00) noise contours;</p> <p><u>R. Manchester Airport public safety zones;</u></p> <p><u>S. Aerodrome safeguarding zones;</u></p> <p><u>T. Groundwater source protection zones;</u></p> <p><u>U. Nature Improvement Areas."</u></p>	
PG 8 'Development at local service centres'	6	<p><i>Amend policy wording:</i></p> <p>"...an allocation at <u>Homes Holmes</u> Chapel..."</p>	To correct a typographical error.
PG 12 'Green Belt and safeguarded land boundaries'	9	<p><i>Amend Criterion 2:</i></p> <p>"2. In addition to the land detailed in LPS Policy PG 4 'Safeguarded land', the following sites are designated as safeguarded land:</p> <p>i. <u>Safeguarded land</u> ALD 3 'Land at Ryleys Farm, west of Sutton Road', Alderley Edge (2.32 ha);</p> <p>ii. <u>Safeguarded land</u> BOL 1 'Land at Henshall Road', Bollington (1.48 ha);</p> <p>iii. <u>Safeguarded land</u> BOL 2 'Land at Greenfield Road', Bollington (0.26 ha);</p> <p>iv. <u>Safeguarded land</u> CFD 1 'Land off Knutsford Road' Chelford (0.58 ha);</p> <p>v. <u>Safeguarded land</u> CFD 2 'Land east of Chelford Railway Station', Chelford (4.63 ha);</p> <p>vi. <u>Safeguarded land</u> DIS 2 'Land off Jacksons Edge Road', Disley (2.43 ha);</p>	For readability, conciseness and formatting. Criterion 2 states that "the following sites are designated as safeguarded land" so the words "safeguarded land" do not need to be repeated for every site in the subsequent list. Removal of these repeated words and the use of the abbreviated "LSCs" instead of "Local Service Centres" in the related documents means that the printed document can be better formatted and saves two

		<p>vii. Safeguarded land PRE 2 'Land south of Prestbury Lane', Prestbury (1.84 ha); and</p> <p>viii. Safeguarded land PRE 3 'Land off Heybridge Lane', Prestbury (0.94 ha)."</p> <p>Amend 'Related documents':</p> <p>“• Local Service Centres Safeguarded Land Distribution Report (2020, Cheshire East Council) [ED 53]</p> <ul style="list-style-type: none"> • Alderley Edge Settlement Report (2020, Cheshire East Council) [ED 21] • Bollington Settlement Report (2020, Cheshire East Council) [ED 24] • Chelford Settlement Report (2020, Cheshire East Council) [ED 26] • Disley Settlement Report (2020, Cheshire East Council) [ED 29] • Mobberley Settlement Report (2020, Cheshire East Council) [ED 37] • Prestbury Settlement Report (2020, Cheshire East Council) [ED 40]” 	additional pages from being inserted.
GEN 1 'Design principles'	12	<p>Amend Criterion 6:</p> <p>“...how design assessment frameworks, including Building or-for a Healthy Life, have influenced...”</p>	To correct a typographical error in the Main Modification.
GEN 4 'Recovery of forward-funded infrastructure costs'	18	<p>Amend Table 3.2 column 1 heading:</p> <p>“Forward funded road infrastructure scheme”</p>	For consistency with Table 3.1 heading.
GEN 5 'Aerodrome safeguarding'	19	<p>Amend paragraph 3.26:</p> <p>“... Government advice in OPDM ODPM Circular 1/2003...”</p>	To correct a typographical error.
GEN 7 'Recovery of planning obligations reduced on viability grounds'	21	<p>Amend paragraphs 3.31- 3.32:</p> <p>“3.31 A proportionate assessment of viability that takes account of all relevant policies, standards and costs, including CIL and planning obligations, is required by national planning guidance Planning Practice Guidance (PPG) as part of the plan making process. This is to ensure that the total cumulative costs of development do not undermine the deliverability of the plan. As the council's local plan policies have been viability tested prior to adoption and policies set out the contribution expected from development, the assumption in planning guidance is that</p>	For readability, confirming that the reference IDs quoted refer to the national Planning Practice Guidance (PPG).

		<p>“planning applications that fully comply with them should be assumed to be viable” (see PPG Reference ID: 10-007-20190509). In addition, it is the responsibility of site promoters to ensure that proposals for development fully comply with up to date plan policies and that the price paid for land is not a relevant justification for failing to accord with relevant policies in the plan (see PPG Reference ID: 10-002-20190509).</p> <p>3.32 It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Planning guidance indicates that “such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or where a recession or similar significant economic changes have occurred since the plan was brought into force” (see PPG Reference ID: 10-007-20190509)”</p> <p><i>Amend paragraph 3.34:</i></p> <p>“3.34 As viability is judged on a range of factors, any of which may change over time, it is appropriate that the council should seek to recover these obligations should market conditions improve, or development prove to be more viable than originally forecast. This is particularly important on larger sites that are likely to be developed out over many years and where the potential for a positive change in viability is greater. This will be undertaken through a review process as set out in a legal agreement between the council and the applicant. As detailed in planning guidance, the review mechanism agreed should not be seen as “a tool to protect a return to the developer, but to strengthen local authorities’ ability to seek compliance with relevant policies over the lifetime of the project” (see PPG Reference ID: 10-009-20190509).”</p>	
ENV 2 ‘Ecological implementation’	28	<p><i>Amend ‘Related documents’:</i></p> <p>“• Green Infrastructure Assessment of Cheshire East (2018, The Mersey Forest) [ED 55]</p>	To provide a link to Natural England’s guidance on nutrient

		<ul style="list-style-type: none"> • Cheshire East Green Infrastructure Plan (2019, The Environment Partnership) [ED 47] • A Green Future: Our 25 Year Plan to Improve the Environment (2018, HM Government) • Biodiversity Net Gain: Good Practice Principles for Development (2017, CIEEM, CIRIA and IEMA) • The Natural Choice: Securing the Value of Nature (2011, HM Government) • Technical Paper: The Metric for the Biodiversity Offsetting Pilot in England (2012, DEFRA) • Nutrient Neutrality: A Summary Guide and Frequently Asked Questions (2022, Natural England) 	neutrality as suggested in the Inspector's final report (¶238).
ENV 4 'River corridors'	29	<p>Amend 'Related documents':</p> <ul style="list-style-type: none"> • Cheshire East Landscape Character Assessment (2018, LUC) [ED 10] • Cheshire East Local Landscape Designation Review (2018, LUC) [ED 11] • Green Space Strategy Update (2020, Cheshire East Council) [ED 18] • Cheshire East Green Infrastructure Plan (2019, The Environment Partnership) [ED 47] • Local Flood Risk Management Strategy (2017, Cheshire East Council) • Local Landscape Designations Study (2013, LUC) • North West River Basin District River Basin Management Plan (2016, Environment Agency) 	To provide a reference to the North West River Basin Management Plan as suggested in the Inspector's final report (¶244).
ENV 7 'Climate change'	36	<p>Amend 'Related documents':</p> <ul style="list-style-type: none"> • Local Plan Site Allocations and Development Policies Viability Assessment (2020, HDH Planning and Development) [ED 52] • Cheshire East Energy Framework (2015, Cheshire East Council) • Climate Change and Sustainable Energy Planning Research (2011, LDA Design) • Industrial Strategy Construction Sector Deal (2018, HM Government) • Cheshire East Council Environment Strategy 2020-2024 (2020, Cheshire East Council) • Building for a Healthy Life (2021, Birkbeck & Kruczkowski with Jones, McGlynn & Singleton) 	To provide a reference to the council's Carbon Neutrality Action Plan as suggested in the Inspector's final report (¶255).

		<ul style="list-style-type: none"> • Cheshire East Council Carbon Neutrality Action Plan 2020-2025 (2020, Cheshire East Council). 	
HER 4 'Listed buildings'	56	<p>Amend Criterion 2:</p> <p>"Proposals involving loss of or substantial harm to the significance of a listed building or structure will normally be refused, unless it can be demonstrated that this is necessary to achieve substantial public benefits, which outweigh the harm, or the other circumstances in paragraph 201 of the NPPF (2021) apply. The council considers the demolition of listed buildings or structures to amount to substantial harm."</p>	For clarity (given that NPPF paragraph numbers change with each update).
HER 5 'Registered parks and gardens'	58	<p>Amend 'Related documents':</p> <ul style="list-style-type: none"> • Cheshire Historic Environment Record (Cheshire Archaeology Planning Advisory Service) • National Heritage List for England (Historic England) • The Planning System in England and the Protection of Historic Parks and Gardens (2016, The Gardens Trust) 	To correct a typographical error.
HOU 4 'Houses in multiple occupation'	90	<p>Amend paragraph 8.25a:</p> <p>"8.25a The council is currently considering the introduction of three Three non-immediate Article 4 Directions in parts of Crewe have been made to remove permitted development rights for HMOs accommodating between three and six unrelated residents. The Directions took effect on 1 November 2021. The council will continue to monitor the concentration of HMOs elsewhere in the borough and the use of any additional Article 4 Directions will be limited to situations where necessary to protect local amenity or the well-being of the area and apply to the smallest geographical area possible. A The Houses in Multiple Occupation Supplementary Planning Document is also being prepared to provide was adopted on 9 September 2021 and provides additional guidance, including the density calculation and potential exceptions to this."</p> <p>Amend 'Related documents':</p>	To update information to reflect the current position with the made Article 4 Directions in Crewe and the adopted supplementary planning document.

		<p>“• Amenity and Facilities Standards in Houses in Multiple Occupation (2018-2020, Cheshire East Council)”</p>	
RET 10 ‘Crewe town centre’	119	<p>Amend ¶9.41: “9.41 A number of complementary strategies have been prepared (or are in preparation) for Crewe, including the Town Centre Regeneration Delivery Framework and the Crewe Hub Area Action Plan. The council will give consideration as to how proposed developments relate to these strategies and contribute towards a strategic approach for public realm improvements across the town centre.”</p>	To reflect the council decision to withdraw the Crewe Hub Area Action Plan.
INF 6 ‘Protection of existing and proposed infrastructure’	132-133	<p>Amend paragraph 10.14: “10.14 This policy complements LPS Policy IN 1 'Infrastructure', which sets out the integrated approach that will be taken towards land use and infrastructure planning and delivery. LPS Policy INF 6 adds further detail to ensure that existing, important infrastructure is suitably protected and that the opportunity to either improve existing or provide new infrastructure that will support sustainable development in the borough is safeguarded.”</p> <p>Amend the bulleted list following paragraph 10.16:</p> <p>“• Middlewich Eastern Bypass: A priority scheme in the Cheshire East Infrastructure Delivery Plan Update and proposed to unlock the planned growth at Middlewich in the LPS including the Midpoint 18 (Ma6nitude) strategic employment site as well as addressing traffic congestion and removing heavy through-traffic from the narrow streets of Middlewich town centre. The anticipated scheme cost is £58-£74 million of which £46.8m-£48.2 million will be funded through the Department for Transport’s Large Local Scheme programme. The balance is to be met from the council’s capital budget and developer contributions. Planning permission was granted for the scheme by Cheshire East Council in July 2019 and by Cheshire West and Chester Council in September 2019. Main works are expected to start in 2021-late 2022 with an estimated 30 <u>22</u> month construction period.</p>	Policy INF 6 is a SADPD Policy (not a LPS policy). To provide updated background information to schemes.

		<ul style="list-style-type: none"> • A500 Barthomley Link Road: A priority scheme in the Cheshire East Infrastructure Delivery Plan Update, comprising an upgrade of the section of the A500 between Meremoor Moss roundabout and M6 junction 16 to dual carriageway standard. The scheme is aimed at addressing existing congestion issues at peak times, increasing resilience and improving safety, as well as supporting economic growth in and around Crewe. It will also assist the construction and operation of HS2. The estimated cost of the scheme is £68.7m which is anticipated to be met through a requested £55.1m grant from the Department for Transport and a local contribution (developer contributions and from the council's capital budget) of £13.6m. Planning permission was <u>originally granted for the scheme in April 2019 and granted for a revised scheme in August 2020</u>. In May 2020 the council's Cabinet resolved to take further steps to acquire the land necessary for the scheme including through the making of a compulsory purchase order. Subject to DfT final funding approval, the main works are expected start in <u>2021-2022</u>, with an estimated construction period of 27 months. • North West Crewe Package: A priority scheme in the Cheshire East Infrastructure Delivery Plan Update, which includes a new spine road and junction improvements to unlock key sites for business, jobs and housing in north-west Crewe; particularly the strategic sites LPS 4 'Leighton West' and LPS 5 'Leighton'. A further key feature of the scheme is the delivery of improved access to Leighton Hospital for emergency vehicles, staff and visitors. The council has been awarded £5m of the National Productivity Fund (Local Roads element) and secured a £10m Housing Infrastructure Fund grant towards the estimated scheme cost of £36.5m. The remainder of the cost (£21.5m) will be met through developer contributions and the council's capital budget. Planning permission was granted for the scheme in July 2019. In May 2020 the council's Cabinet resolved to take further steps to acquire the land necessary for the scheme including through the making of a compulsory purchase order. Main works are expected to start <u>in early during</u> 2021, with an estimated 24-month construction period. 	
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		<ul style="list-style-type: none"> • Middlewich railway station: A priority scheme in the Cheshire East Infrastructure Delivery Plan Update. The safeguarding of land for the provision of a new railway station at Middlewich builds upon and adds detail to the LPS promotion of this scheme. LPS Figure 15.49 identifies a broad area in which a future railway station will be sited. Policies for the strategic allocations to either side of the rail line in this area, LPS 43 'Brooks Lane' and LPS 44 'Midpoint 18', seek the provision of land for a new station. There is strong support locally to re-open the Sandbach-Middlewich-Northwich rail line for passenger services, which would also involve the construction of new rail stations in Middlewich and Gadbrook Park in Northwich. A Strategic Outline Business Case (SOBC) has been requested by the Department for Transport with a view to identifying government funding to progress the project. As a precursor to the SOBC, the Cheshire and Warrington Local Enterprise Partnership commissioned consultants WSP to carry out a feasibility study into the re-opening of the line for passenger services and the provision of the two new stations. The report was published in 2019 and the more detailed area now safeguarded on the adopted policies map linked with this policy is drawn from that work." 	
Chapter 12 'Site allocations'	147	<p><i>Amend Site Allocations 'Related documents':</i></p> <ul style="list-style-type: none"> • Draft adopted policies map (2020, Cheshire East Council) [ED 02] • The Provision of Housing and Employment Land and the Approach to Spatial Distribution (2020, Cheshire East Council) [ED 05] • Site Selection Methodology Report (2020, Cheshire East Council) [ED 07] • Employment Allocations Review (2020, Cheshire East Council) [ED 12] • Gypsy, Traveller and Travelling Showpeople Site Selection Report (2020, Cheshire East Council) [ED 14] • Settlement reports (2020, Cheshire East Council) [ED 21] to [ED 44] • Local Service Centres Safeguarded Land Distribution Report (2020, Cheshire East Council) [ED 53]" 	The draft map will not be relevant to the adopted document.
CRE 2 'Land off Gresty Road'	149	<p><i>Amend paragraph 12.25:</i></p> <p>"12.25 A traditional orchard is located to the south of the site and is a priority habitat listed under Section 41 the Natural <u>Environment</u> and Rural Communities (NERC) Act 2006..."</p>	To correct a typographical error.

TS 3 'Land at former brickworks, A50 Newcastle Road'	165	<p>Amend first paragraph of Site TS 3:</p> <p>"Land at the former brickworks, A50 Newcastle Road is allocated for two additional Travelling Showperson plots. Development proposals for this site must:"</p>	To correct a typographical error.
Appendix A 'Related documents and links'		<p>Amend paragraph A.1:</p> <p>"A.1 Documents published to support the publication draft SADPD are all available to download from the SADPD webpage: www.cheshireeast.gov.uk/planning/spatial_planning/cheshire_east_local_plan/site_allocations_and_policies.aspx https://www.cheshireeast.gov.uk/sadpd."</p> <p>Amend bulleted list following ¶A.1:</p> <ul style="list-style-type: none"> • Revised Publication Draft Site Allocations and Development Policies Document (version showing tracked changes) (2020, Cheshire East Council) [ED 01a] • Revised Publication Draft Site Allocations and Development Policies Document ('clean' version) (2020, Cheshire East Council) [ED 01b] • Schedule of Changes to the Initial Publication Draft SADPD (2020, Cheshire East Council) [ED 01c] • Initial Publication Draft Site Allocations and Development Policies Document (2019, Cheshire East Council) [ED 01d] • Draft adopted policies map (2020, Cheshire East Council) [ED 02] • Revised Publication Draft SADPD Sustainability Appraisal (2020, Cheshire East Council) [ED 03]..." <p>Amend paragraph A.2:</p> <p>"A.2 Additional documents from the LPS examination library may also be relevant in support of SADPD policies. These can be viewed via the LPS webpage at www.cheshireeast.gov.uk/planning/spatial_planning/cheshire_east_local_plan/local-plan-strategy https://www.cheshireeast.gov.uk/localplanstrategy."</p>	<p>We won't leave the submission plan documents on the SADPD webpage in the longer-term, as this has potential to cause confusion regarding which is the final adopted document.</p> <p>Consequential amendments to the list of other related documents and correction of hyperlinks that have changed since the plan was submitted.</p> <p>To provide links to Natural England's guidance on nutrient neutrality and the North West River Bain Management Plan as suggested in the Inspector's final report (¶¶238 & 244).</p>

		<p><i>Amend ‘Other related documents’:</i></p> <ul style="list-style-type: none"> • A Green Future: Our 25 Year Plan to Improve the Environment (2018, HM Government). Available at www.gov.uk/government/publications/25-year-environment-plan • Acoustics Ventilation and Overheating Residential Design Guide, Version 1.1 (2020, Association of Noise Consultants). Available at https://www.association-of-noise-consultants.co.uk/avo-guide/ • Active Design Guide (2015, Sport England and Public Health England). Available at www.sportengland.org/how-we-can-help/facilities-and-planning/design-and-cost-guidance/active-design • Amenity and Facilities Standards in Houses in Multiple Occupation (2018 2020, Cheshire East Council). Available at www.cheshireeast.gov.uk/pdf/housing/hmo-amenities-guide-2018-july-2018.pdf https://www.cheshireeast.gov.uk/pdf/housing/hmo-amenities-guide.pdf • Ancient Woodland, Ancient Trees and Veteran Trees: Protecting them from Development (2018, Natural England and the Forestry Commission). Available at www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences • Bentley Motors Development Framework and Masterplan (2017, Cheshire East Council and HOW Planning). Available at www.cheshireeast.gov.uk/planning/spatial-planning/saved_and_other_policies/additional_planning_policies/planning_guidance_and_briefs https://www.cheshireeast.gov.uk/pdf/planning/spatial-planning/bentley-motors-development-framework-and-masterplan.pdf • Biodiversity Net Gain: Good Practice Principles for Development (2017, CIEEM, CIRIA and IEMA). Available at https://cieem.net/biodiversity-net-gain-guidance-published/ • BS 5837 Trees in relation to design, demolition and construction - Recommendations (2012, British Standards Institute). Available at https://shop.bsigroup.com/ProductDetail?pid=000000000030213642 • BS 8233 Guidance on sound insulation and noise reduction for buildings (2014, British Standards Institute). Available at https://shop.bsigroup.com/ProductDetail/?pid=000000000030241579 • BS EN 16798-1 Energy performance of buildings – ventilation for buildings part 1: Indoor environmental input parameters for design and 	
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		<ul style="list-style-type: none"> • Cheshire East Borough Design Guide supplementary planning document (2017, Cheshire East Council and e*SCAPE Urbanists). Available at www.cheshireeast.gov.uk/planning/spatial_planning/cheshire_east_local_plan/supplementary_plan_documents/ https://www.cheshireeast.gov.uk/planning/spatial_planning/cheshire_east_local_plan/supplementary_plan_documents/design-guide-supplementary-planning-document.aspx • Cheshire East Community Infrastructure Levy Charging Schedule (2019, Cheshire East Council). Available at www.cheshireeast.gov.uk/planning/spatial_planning/cheshire_east_local_plan/community-infrastructure-levy/ https://www.cheshireeast.gov.uk/planning/spatial_planning/cheshire_east_local_plan/community-infrastructure-levy/community-infrastructure-levy.aspx • Cheshire East Council Carbon Neutrality Action Plan 2020-2025 (2020, Cheshire East Council). Available at www.cheshireeast.gov.uk/environment/carbon-neutral-council/carbon-neutral-council.aspx • Cheshire East Council Environment Strategy 2020-2024 (2020, Cheshire East Council). Available at www.cheshireeast.gov.uk/environment/carbon-neutral-council/environment-strategy.aspx • Cheshire East Custom and Self Build Register (Cheshire East Council). Information at www.cheshireeast.gov.uk/housing/self-build-and-custom-build-housing/ https://www.cheshireeast.gov.uk/housing/self-build-and-custom-build-housing.aspx • Cheshire East Cycling Strategy 2017-2027 (2017, Cheshire East Council). Available at www.cheshireeast.gov.uk/highways_and_roads/cycling_in_cheshire_east/ • Cheshire East Energy Framework (2015, Cheshire East Council). Available at http://moderngov.cheshireeast.gov.uk/ecminutes/documents/s38893/Cheshire%20East%20Energy%20Framework%20-%20Appendix.pdf 	
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- Cheshire East Housing Development Study (2015, Opinion Research Services). Available at www.cheshireeast.gov.uk/planning/spatial_planning/research_and_evidence https://www.cheshireeast.gov.uk/planning/spatial-planning/research_and_evidence/housing-needs.aspx
- Cheshire East Housing Strategy 2018-2023 (2018, Cheshire East Council). Available at www.cheshireeast.gov.uk/housing/strategic_housing/housing-strategies-and-policies.aspx
- Cheshire East Joint Strategic Needs Assessment (Health and Wellbeing Board). Available at www.cheshireeast.gov.uk/council_and_democracy/council_information/j_sna/
- Cheshire East Joint Strategic Needs Assessment Excess Weight Report (2019, Cheshire East Council). Available at <https://www.cheshireeast.gov.uk/pdf/social-care-and-health/excess-weight-jsna.pdf>
- Cheshire East Local Air Quality Strategy (2018, Cheshire East Council). Available at www.cheshireeast.gov.uk/environment/environmental_health/local_air_quality https://www.cheshireeast.gov.uk/business/environmental_health/local_air_quality/local_air_quality.aspx
- Cheshire East Local Football Facility Plan (2018, The Football Foundation and Cheshire County FA). Available at ffp-prod.ff-apps.dh.bytemark.co.uk/local-authorities-index/cheshire-east/cheshire-east-local-football-facility-plan/ <https://localplans.footballfoundation.org.uk/local-authorities-index/cheshire-east/cheshire-east-local-football-facility-plan/>
- Cheshire East Local Transport Plan 2019-2024 (2019, Cheshire East Council). Available at www.cheshireeast.gov.uk/public_transport/local_transport_plan/
- Cheshire East Medium Term Financial Strategy 2022-26 (2022, Cheshire East Council). Available at https://www.cheshireeast.gov.uk/council_and_democracy/your_council/c

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SADPD Adoption Version: Cross-references

Throughout the SADPD preparation and examination, various numbered elements (e.g. policies, tables, figures and paragraphs) were either added or removed from the draft document. Where numbered elements were added or removed, subsequent numbers in the sequence were not re-numbered. This was to provide continuity during the plan preparation and examination, avoiding confusion between different versions of the draft plan.

All numbered elements have now been re-numbered in the adoption version to provide a sequential numbering system and improve readability of the final document.

Where there are differences in numbered elements between the submitted plan (the Revised Publication Draft SADPD) and the adoption version, cross references are provided in the tables below.

Policies

Some policies have been re-numbered in the adoption version of the SADPD due to the deletion of the Green Belt boundaries policy and insertion of policies related to Gypsy, Traveller and Travelling Showperson housing prior to the submitted version of the plan. All other policies retain the same reference numbers as in the submitted plan.

Adoption Version Ref	Revised Publication Draft Ref	Policy
PG 11	PG 12	Green Belt and safeguarded land boundaries
PG 12	PG 13	Strategic green gaps boundaries
PG 13	PG 14	Local green gaps
HOU 5	HOU 5a	Gypsy and Traveller site provision
HOU 6	HOU 5b	Travelling Showperson site provision
HOU 7	HOU 5c	Gypsy and Traveller and Travelling Showperson site principles
HOU 8	HOU 6	Space, accessibility and wheelchair housing standards
HOU 9	HOU 7	Subdivision of dwellings
HOU 10	HOU 8	Backland development
HOU 11	HOU 9	Extensions and alterations
HOU 12	HOU 10	Amenity
HOU 13	HOU 11	Residential standards
HOU 14	HOU 12	Housing density
HOU 15	HOU 13	Housing delivery
HOU 16	HOU 14	Small and medium-sized sites

Sites and safeguarded land

A number of sites and safeguarded land areas have been renumbered due to the deletion of sites and safeguarded land prior to the submitted version of the plan. All other sites and safeguarded land areas retain the same reference numbers as in the submitted plan.

Adoption Version Ref	Revised Publication Draft Ref	Site/safeguarded land
MID 1	MID 2	East and west of Croxton Lane
MID 2	MID 3	Centurion Way
G&T 6	G&T 8	The Oakes, Mill Lane, Smallwood
EMP 2.3	EMP 2.4	Hurdsfield Road, Macclesfield
EMP 2.4	EMP 2.5	61MU, Handforth
EMP 2.5	EMP 2.6	Land rear of Handforth Dean Retail Park, Handforth
EMP 2.6	EMP 2.7	New Farm, Middlewich
EMP 2.7	EMP 2.8	Land west of Manor Lane, Holmes Chapel
EMP 2.8	EMP 2.9	Land at British Salt, Middlewich
ALD 1	ALD 3	Land at Ryleys Farm, west of Sutton Road
DIS 1	DIS 2	Land off Jacksons Edge Road
PRE 1	PRE 2	Land south of Prestbury Lane
PRE 2	PRE 3	Land off Heybridge Lane

Tables

The following tables have been inserted or re-numbered. All other tables retain the same reference numbers as in the submitted plan.

Adoption Version Ref	Revised Publication Draft Ref	Table title
Table 3.1	N/A (new table)	Breakdown of LPS and other sites expected to contribute to the recovery of forward funded infrastructure schemes
Table 3.2	N/A (new table)	Breakdown of costs associated with forward funded schemes as of February 2022
Table 9.2	Table 9.3	Need for convenience retail floorspace at a town level up to 2030
Table 9.3	N/A (new table)	Impact test thresholds for local urban centres
Table 13.1	N/A (new table)	SADPD monitoring framework

Figures

All figures in the adoption version of the SADPD retain the same reference numbers as in the submitted version.

Paragraphs

Many paragraphs have been renumbered, and all paragraphs are listed below.

Adoption Version Ref	Revised Publication Draft Ref
1.1-1.13	1.1-1.13 (no change)
1.14	1.17
1.15	1.18
1.16	1.19
1.17	1.20
1.18	1.21
2.1-2.4	2.1-2.4 (no change)
2.5	2.4a
2.6-2.14	2.6-2.14 (no change)
2.15	2.18
2.16	2.18a
2.17	2.18b
2.18	2.19
2.19	2.20
3.1	3.1 (no change)
3.2	3.3
3.3	3.4
3.4	3.5
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Adoption Version Ref	Revised Publication Draft Ref
3.18	3.19
3.19	3.19a
3.20	3.20a
3.21	3.25
3.22	N/A (new para)
3.23	3.25a
3.24	N/A (new para)
3.25	3.25b
3.26-3.28	3.26-3.28 (no change)
3.29-3.30	N/A (new paras)
3.31	3.29
3.32	N/A (new para)
3.33	3.30
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3.41	3.38
4.1-4.8	4.1-4.8 (no change)
4.9	N/A (new para)
4.10	4.9
4.11	4.10
4.12	4.11
4.13	4.13
4.14	4.13
4.15-4.16	N/A (new paras)
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Adoption Version Ref	Revised Publication Draft Ref
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4.46	4.41a
4.47	4.42
4.48	4.42a
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4.112	N/A (new para)
5.1-5.7	5.1-5.7 (no change)
5.8	N/A (new para)
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Adoption Version Ref	Revised Publication Draft Ref
5.27	5.25
5.28	N/A (new para)
5.29	5.26
5.30	5.27
5.31	5.29
5.32	5.29
5.33	5.30
5.34	5.31
5.35	5.32
5.36	5.33
5.37	5.34
5.38	5.35
5.39-5.40	N/A (new paras)
6.1-6.3	6.1-6.3 (no change)
6.4	N/A (new para)
6.5	6.4
6.6	6.5
6.7	6.6
6.8	6.7
6.9	6.8
6.10	6.9
6.11	6.10
6.12	6.11
6.13	N/A (new para)
6.14	6.12
6.15	6.13
6.16	6.14
6.17	6.15
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6.27	6.25

Adoption Version Ref	Revised Publication Draft Ref
6.28	6.26
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6.36	6.34
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6.38	6.36
6.39	6.37
6.40	6.38
6.41	6.39
6.42	6.40
6.43	6.41
6.44	6.42
6.45	6.43
6.46	6.44
6.47	6.45
6.48	6.46
6.49	6.47
6.50	6.48
6.51	6.50
6.52	6.51
6.53	6.52
6.54	6.53
7.1-7.5	7.1-7.5 (no change)
8.1-8.13	8.1-8.13 (no change)
8.14	N/A (new para)
8.15	8.14
8.16	8.15
8.17	8.16
8.18	8.17
8.19	8.18
8.20-8.25	8.20-8.25 (no change)
8.26	8.25a
8.27	8.26

Adoption Version Ref	Revised Publication Draft Ref
8.28	8.27a
8.29	8.27b
8.30	8.28
8.31	8.28a
8.32	8.28b
8.33	8.29
8.34	8.30
8.35	8.30a
8.36	8.30b
8.37	8.30c
8.38	8.30d
8.39	8.30e
8.40	8.30f
8.41	8.30g
8.42	8.30h
8.43	8.30i
8.44	8.30j
8.45	8.30k
8.46	8.31
8.47	8.32
8.48	8.33
8.49	8.34
8.50	8.35
8.51	8.36
8.52	8.36a
8.53	8.37
8.54	8.39
8.55	8.40
8.56	N/A (new para)
8.57	8.41
8.58	8.42
8.59	8.43
8.60	8.44
8.61	8.45
8.62	8.46
8.63	8.47
8.64	8.48
8.65	8.49

Adoption Version Ref	Revised Publication Draft Ref
8.66	8.50
8.67	8.51
8.68	8.52
8.69	8.53
8.70	8.54
8.71	8.55
8.72	8.56
8.73	8.57
9.1-9.6	9.1-9.6 (no change)
9.7	N/A (new para)
9.8	9.7
9.9	9.8
9.10	9.9
9.11	9.10
9.12	9.11
9.13	9.12
9.14	9.13
9.15	9.13a
9.16	9.14
9.17	9.15
9.18	9.16
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9.22	9.20
9.23	9.21
9.24	9.22
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9.26	9.24
9.27	9.25
9.28	9.26
9.29	9.28
9.30	9.29
9.31	9.29a
9.32	9.30
9.33	9.31
9.34	9.32
9.35	9.33

Adoption Version Ref	Revised Publication Draft Ref
9.36	9.34
9.37	9.35
9.38	9.36
9.39	9.36a
9.40	9.37
9.41	9.37a
9.42	9.37b
9.43	9.38
9.44	9.39
9.45	9.40
9.46	9.41
9.47	9.42
9.48	9.43
9.49	9.44
9.50	9.45
9.51	9.46
9.52	9.46a
9.53	9.47
9.54	9.48
9.55	9.49
9.56	9.50
9.57	9.51
9.58	9.52
9.59	9.53
9.60	9.54
9.61	9.55
9.62	9.56
9.63	9.57
9.64	9.58
9.65	9.59
9.66	9.60
9.67	9.61
10.1-10.5	10.1-10.5 (no change)
10.6	10.5a
10.7	10.6
10.8	10.7
10.9	10.8
10.10	10.9

Adoption Version Ref	Revised Publication Draft Ref
10.11	10.10
10.12	10.11
10.13	10.12
10.14	10.13
10.15	10.14
10.16	10.15
10.17	10.16
10.18	10.16a
10.19	10.17
10.20	10.18
10.21	10.19
10.22	10.20
10.23	N/A (new para)
10.24	10.21
10.25	10.22
10.26	10.23
10.27	10.24
10.28	10.25
10.29	10.26
10.30	10.27
10.31	10.28
10.32	10.29
10.33	10.31
11.1-11.17	11.1-11.17 (no change)
12.1-12.2	12.1-12.2 (no change)
12.3	12.4
12.4	12.5
12.5	12.5a
12.6-12.34	12.6-12.34 (no change)
12.35	12.34a
12.36	12.34b
12.37	12.43
12.38	12.44
12.39	12.45
12.40	N/A (new para)
12.41	12.46
12.42	12.47

Adoption Version Ref	Revised Publication Draft Ref
12.43	12.48
12.44	12.49
12.45	12.50
12.46	12.51
12.47	12.51a
12.48	12.51b
12.49	12.52
12.50	12.53
12.51	12.54
12.52	12.55
12.53	12.56
12.54	12.57
12.55	12.58
12.56	12.59
12.57	12.60
12.58	12.61
12.59	12.62
12.60	12.63
12.61	12.64
12.62	12.65
12.63	12.66
12.64	12.66a
12.65	12.66b
12.66	12.67
12.67	12.68
12.68	12.69
12.69	12.70
12.70	12.71
12.71	12.71a
12.72	12.71b
12.73	12.72
12.74-12.75	12.74-12.75 (no change)
12.76	12.117
12.77	12.118
12.78	12.119
12.79	12.120
12.80	12.120a
12.81	12.120b

Adoption Version Ref	Revised Publication Draft Ref
12.82	12.138a
12.83	12.138b
12.84	12.139
12.85	12.140
12.86	12.140a
12.87	12.141
12.88	12.142
12.89	12.143
12.90	12.144
12.91	12.145
12.92	12.146
12.93	12.147
12.94	12.148
12.95	12.149
12.96	12.150
12.97	12.151
12.98	12.152
12.99	12.153
12.100	12.154
12.101	12.154a
12.102	12.155
12.103	12.156
12.104	12.157
12.105	12.157a
12.106	12.158

Adoption Version Ref	Revised Publication Draft Ref
12.107	12.159
12.108	12.165a
12.109	12.165b
12.110	12.165c
12.111	12.165d
12.112	12.165e
12.113	12.166
12.114	12.168
12.115	12.169
12.116	12.170
12.117	12.171
12.118	12.171a
12.119	12.172
12.120	12.173
12.121	12.174
12.122	12.175
12.123	12.176
12.124	12.177
12.125	12.178
12.126	12.179
12.127	12.180
12.128	12.181
12.129	12.182
13.1-13.2	13.1-13.2 (no change)
13.3	N/A (new para)

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COUNCIL MEETING – 14TH DECEMBER 2022**DOMESTIC TAX BASE 2023/24****RECOMMENDATION**

That in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount to be calculated by Cheshire East Council as its council tax base for the year 2023/24 is 158,778.54 for the whole area.

Extract from the Minutes of the Corporate Policy Committee meeting on 1st December 2022

56 DOMESTIC TAX BASE 2023/24

The Committee considered a report which set out the council tax base calculation 2023/24 for recommendation to Council in December 2022.

It was noted that there was no new homes bonus for this year.

It was also confirmed that council tax premiums on properties that had been empty for two years or more had been set at the maximum level allowed.

RESOLVED (unanimously)

That

1. it be recommended to Council that:

In accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount to be calculated by Cheshire East Council as its council tax base for the year 2023/24 is 158,778.54 for the whole area; and

2. the Committee notes that the Council Tax Support scheme is agreed for 2023/24 as unchanged other than the increases in line with CPI as agreed in the last consultation and Council decision last year.

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Corporate Policy Committee

Date of Meeting:	1 December 2022
Report Title:	Domestic Taxbase 2023/24
Report of:	Alex Thompson, Director of Finance and Customer Services
Report Reference No:	CP/43/22-23
Ward(s) Affected:	All

1. Purpose of Report

- 1.1. This report sets out the Council taxbase calculation 2023/24 for recommendation from Corporate Policy Committee to Council in December 2022.

2. Executive Summary

- 2.1. The calculation sets out the estimates of new homes less the expected level of discounts and the level of Council Tax Support (CTS). This results in a band D equivalent taxbase position for each Town and Parish Council.
- 2.2. The taxbase reflects an increase of £3.6m (1.4%) on the 2022/23 budgeted position which is £0.8m higher than the £2.8m (1%) forecast increase reported in February 2022, highlighting the positive changes locally. Additional new homes and more properties brought back into use over the last thirteen years, have increased the taxbase by 19.9% since 2010/11.
- 2.3. No changes are proposed to the Council Tax Support Scheme for 2023/24 other than to increase the income bands and non-dependant deductions in line with CPI. This continues the higher levels of support provided in 2022/23 to allow up to 100% relief for those on the lowest income.

- 2.4. The Community Governance Review concluded during 2022/23 and the taxbase now reflects the boundary and mergers changes that are due to commence from April 2023.

3. Recommendations

Corporate Policy Committee recommends to Council that:

- 3.1. In accordance with the Local Authorities (Calculation of Taxbase) Regulations 1992, the amount to be calculated by Cheshire East Council as its Council taxbase for the year 2023/24 as 158,778.54 for the whole area.

Corporate Policy Committee note that:

- 3.2. The Council Tax Support scheme is agreed for 2023/24 as unchanged other than the increases in line with CPI as agreed in the last consultation and Council decision last year.

4. Reasons for Recommendations

- 4.1. In accordance with the Local Authorities (Calculation of Taxbase) Regulations 1992 Cheshire East Council is required to agree its taxbase before 31st January 2023.

5. Other Options Considered

- 5.1. None.

6. Background

- 6.1. Cheshire East Council is required to approve its taxbase before 31 January 2023 so that the information can be provided to the Cheshire Police and Crime Commissioner and Cheshire Fire Authority for their budget processes. It also enables each Town and Parish Council to set their respective budgets. Details for each parish area are set out in **Appendix A**.
- 6.2. The taxbase for the area is the estimated number of chargeable dwellings expressed as a number of band D equivalents, adjusted for an estimated number of discounts, exemptions and appeals plus an allowance for non-collection. A reduction of 1% is included in the taxbase calculation to allow for anticipated levels of non-collection.
- 6.3. Processes to collect Council Tax locally continue to be effective despite the challenges of the covid pandemic and the impact on residents of the cost of living. Changes to Council Tax discounts, specifically the introduction and subsequent amendments to the CTS scheme are being managed and the forecast level of non-collection at Cheshire East has been maintained at 1% for 2023/24.

- 6.4.** The taxbase has been calculated in accordance with the Council's local policy to offer no reduction for empty properties except that Discretionary reductions of up to 100% for up to four weeks will continue to be allowed, for landlords, under Section 13A of the Local Government Finance Act 1992.
- 6.5.** Analysis of recent trends in new homes, and homes being brought back into use, suggest an increase of nearly 4,800 homes is likely between the setting of the 2023/24 taxbase in October 2022 and the 31 March 2024. The impact of this growth is affected by when properties may be available for occupation and the appropriate council tax banding and this is factored into the taxbase calculation.
- 6.6.** In common with most Billing Authorities, Cheshire East Council charges a Council Tax premium of 100% on property that has been empty for 2 years or more in order to encourage homes to be brought back into use. The Local Government Finance Act 1992 (amended) enables Councils to charge a premium on empty properties.
- 6.7.** Additional flexibilities were introduced in subsequent Government budgets and Cheshire East now charges the following premiums for empty properties:

Time empty/unfurnished	Premium
2 to 5 years	100%
5 to 10 years	200%
Over 10 years	300%

- 6.8.** The taxbase also reflects assumptions around CTS payments. The Cheshire East CTS scheme was introduced in 2013/14 and subsequently amended following consultations in 2016/17, 2020/21 and was amended again for 2022/23 to make the scheme more supportive in the light of funding being provided by central government (£3.3m) to be able to assist the pandemic recovery.
- 6.9.** The funding for this Local Council Tax Support grant was received in 2020/21 and was transferred to the Collection Fund Earmarked reserve. The funding is used over the medium term to support the revenue budget to compensate for suppressed council tax levels as a result of higher Council Tax Support payments.
- 6.10.** No changes are proposed to the Council Tax Support Scheme for 2023/24 other than to increase the income bands and non-dependant deductions in line with CPI. This continues the higher levels of support for those on the lowest income.

- 6.11.** The taxbase and subsequent collection of council tax is subject to overall risks from a variety of sources, such as inaccuracies within:
- Numbers of new homes forecast
 - Levels of discounts and premium charges estimated
 - Under collection rate

Risks particularly associated with Council Tax Support levels include:

- Challenges over the medium-term economic position, especially in the light of increased inflation and economic slowdown.
 - The risk of a major employer leaving the area.
 - The risk of delay in the significant development projects delaying employment opportunities.
 - The prospect of a greater number of residents becoming of pensionable age and potentially becoming eligible for CTS.
 - The risk of increased non-collection due to the increasing demand on non-protected residents.
 - Recovery following increase in caseload as a result of the COVID-19 pandemic resulting in reductions in earnings and increased redundancies.
- 6.12.** The taxbase calculation also reflects the results of the Community Governance Review which concluded in April 2022. This will affect a small number of town and parishes where some will merge together, and some will have changes to their boundaries from April 2023. This has resulted in changes to the taxbase for the coming year in these areas. The number of town and parishes will also reduce from 114 in 2022/23 to 106 for 2023/24.
- 6.13.** Risks are managed throughout the year and regular monitoring and reporting takes place to ensure that preceptors are made aware of any possible shortfalls in the Collection fund.

7. Consultation and Engagement

- 7.1.** The calculation of the taxbase is not subject to consultation.

8. Implications

8.1. Legal

- 8.1.1.** In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended and Chapter 4 of the Council's Constitution, the calculation of the Council taxbase is a matter for full Council following a recommendation by Corporate Policy Committee.

8.2. Finance

- 8.2.1.** The calculation of the taxbase provides an estimate that contributes to the calculation of overall funding for Cheshire East Council in each financial year.

8.3. Policy

8.3.1. None.

8.4. Equality

8.4.1. None.

8.5. Human Resources

8.5.1. None.

8.6. Risk Management

8.6.1. Consideration and recommendation of the taxbase for 2023/24 to Council ensures that the statutory requirement to set the taxbase is met.

8.6.2. Estimates contained within the Council taxbase calculation, such as the loss on collection and caseload for Council Tax Support, will be monitored throughout the year. Any significant variation will be reflected in a surplus or deficit being declared in the Collection Fund which is then shared amongst the major precepting authorities.

8.7. Rural Communities

8.7.1. This report provides details of taxbase implications across the borough

8.8. Children and Young People/Cared for Children

8.8.1. None.

8.9. Public Health

8.9.1. None.

8.10. Climate Change

8.10.1. None.

Access to Information	
Contact Officer:	Alex Thompson, Director of Finance and Customer Services Alex.thompson@cheshireeast.gov.uk
Appendices:	Appendix A – Taxbase 2023/24
Background Papers:	None

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APPENDIX A

COUNCIL TAX - TAXBASE 2023/24

CHESHIRE EAST	BAND D EQUIVALENTS	TAX BASE 99.00%
Acton	141.41	140.00
Adlington	637.36	630.99
Agden	82.67	81.84
Alderley Edge	2,719.00	2,691.81
Alpraham	235.40	233.04
Alsager	5,663.37	5,606.74
Arclid	211.69	209.57
Ashley	167.49	165.81
Aston by Budworth	207.08	205.01
Aston-juxta-Mondrum	90.17	89.27
Audlem	1,080.70	1,069.89
Austerson	48.04	47.56
Baddiley	94.87	93.92
Baddington	59.61	59.02
Barthomley	106.22	105.16
Basford	97.66	96.68
Batherton	31.20	30.89
Betchton	299.63	296.64
Bickerton	131.08	129.77
Blakenhall	72.93	72.20
Bollington	3,219.39	3,187.20
Bosley	224.40	222.15
Bradwall	92.95	92.02
Brereton	878.44	869.66
Bridgemere	70.41	69.70
Brindley	70.36	69.66
Broomhall	89.53	88.63
Buerton	243.93	241.49
Bulkeley	140.59	139.18
Bunbury	719.51	712.32
Burland	346.00	342.54
Calveley	138.76	137.37
Checkley-cum-Wrinehill	49.24	48.75
Chelford	845.28	836.82
Cholmondeley	93.27	92.34
Cholmondeston	92.60	91.67
Chorley	284.88	282.03
Chorley (Crewe)	62.01	61.39
Chorlton	655.09	648.54
Church Lawton	891.96	883.04
Church Minshull	223.05	220.82
Congleton	11,196.25	11,084.29
Coole Pilate	38.21	37.82
Crnage	706.97	699.90
Crewe	14,530.00	14,384.70
Crewe Green	94.30	93.36
Disley	2,099.24	2,078.25
Dodcott-cum-Wilkesley	223.74	221.50
Doddington	18.77	18.58
Eaton	186.54	184.67
Edleston	13.23	13.10
Egerton	37.27	36.89
Faddiley	83.18	82.35
Gawsworth	834.05	825.70
Goostrey	1,093.43	1,082.49
Great Warford	448.42	443.94
Handforth	2,476.80	2,452.03
Hankelow	189.77	187.88
Haslington	2,771.66	2,743.94
Hassall	112.85	111.72
Hatherton	190.08	188.18
Haughton	106.82	105.75
Henbury	379.91	376.11
Enhull	17.60	17.42
High Legh	906.41	897.35
Higher Hurdfield	334.01	330.67
Holmes Chapel	2,868.26	2,839.57
Hough	370.71	367.01
Hulme Walfield & Somerford Booths	293.92	290.98
Hunston	80.87	80.07
Hurleston	36.51	36.14

COUNCIL TAX - TAXBASE 2023/24

CHESHIRE EAST	BAND D EQUIVALENTS	TAX BASE 99.00%
Kettleshulme	170.05	168.35
Knutsford	5,930.17	5,870.87
Lea	23.42	23.19
Leighton	2,032.55	2,012.22
Little Bollington	115.56	114.41
Little Warford	38.63	38.24
Lower Peover	74.49	73.75
Lower Withington	333.75	330.41
Lyme Handley	72.66	71.94
Macclesfield	19,171.04	18,979.34
Macclesfield Forest/Wildboarclough	118.37	117.18
Marbury-cum-Quoisley	146.80	145.33
Marton	123.00	121.77
Mere	461.30	456.69
Middlewich	5,017.43	4,967.25
Millington	86.95	86.08
Minshull Vernon	122.41	121.19
Mobberley	1,492.93	1,478.00
Moston	178.75	176.96
Mottram St Andrew	425.75	421.49
Nantwich	6,405.28	6,341.23
Nether Alderley	666.21	659.55
Newbold Astbury-cum-Moreton	363.75	360.11
Newhall	464.61	459.97
Norbury	110.38	109.28
North Rode	129.34	128.04
Odd Rode	2,028.17	2,007.89
Ollerton with Marthall	344.05	340.61
Over Alderley	279.45	276.65
Peckforton	79.85	79.06
Peover Superior	410.97	406.86
Pickmere	403.88	399.84
Plumley with Toft and Bexton	419.14	414.95
Poole	81.85	81.03
Pott Shrigley	163.89	162.25
Poynton with Worth	6,206.44	6,144.38
Prestbury	2,254.54	2,231.99
Rainow	617.81	611.63
Ridley	85.20	84.35
Rope	816.07	807.91
Rostherne	81.03	80.22
Sandbach	8,946.41	8,856.94
Shavington-cum-Gresty	2,559.04	2,533.45
Siddington	186.64	184.77
Smallwood	331.28	327.97
Snelson	84.31	83.47
Somerford	827.64	819.36
Sound	131.52	130.20
Spurstow	196.87	194.90
Stapeley	1,713.08	1,695.95
Stoke	112.44	111.32
Styal	369.81	366.11
Sutton	1,186.62	1,174.75
Swettenham	187.94	186.06
Tabley	248.45	245.96
Tatton	13.48	13.35
Twemlow	123.39	122.16
Walgerton	70.47	69.77
Wardle	78.18	77.40
Warmingham	119.58	118.39
Weston	869.15	860.46
Wettenhall	113.53	112.39
Willaston	1,618.55	1,602.37
Wilmslow	12,235.12	12,112.77
Wincle	95.14	94.19
Wirswall	41.51	41.09
Wistaston	3,372.24	3,338.52
Woolstanwood	242.38	239.95
Worleston	121.56	120.35
Wrenbury	543.64	538.20
Wybunbury	745.47	738.02
	160,382.37	158,778.54

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COUNCIL MEETING – 14TH DECEMBER 2022**HIGH SPEED RAIL 2 PHASE 2B - QUALIFYING AUTHORITY AND SCHEDULE 17 DECISION-MAKING****RECOMMENDATION**

That Council become a Qualifying Authority for the construction of phase 2b of the High Speed Rail 2 (HS2) as set out in the report and that the Constitution be amended accordingly as set out in Annex 1.

Extract from the Minutes of the Corporate Policy Committee meeting on 1st December 2022

47 **HIGH SPEED RAIL 2 PHASE 2B - QUALIFYING AUTHORITY AND SCHEDULE 17 DECISION-MAKING**

The Committee considered a report which sought to consult the Committee prior to a decision being made by full Council on whether the Council should become a Qualifying Authority for the construction of phase 2b of the High Speed Rail 2 (HS2).

The proposed approach would enable the Council to have greater control over the approval of construction details associated with the High Speed Rail scheme. This was necessary to ensure that the impacts of the developments on the local environment and local amenity were fully considered and addressed in line with the approach of the Cheshire East Council Local Plan Strategy.

The decision to become a Qualifying Authority would require changes to the Constitution which had to be approved by full Council. The proposed changes were set out in Annex 1 to the report.

RESOLVED (unanimously)

That it be recommended to Council that the Council become a Qualifying Authority for the construction of phase 2b of the High Speed Rail 2 (HS2) as set out in the report and that the Constitution be amended accordingly as set out in Annex 1.

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Corporate Policy Committee

Date of Meeting:	1 December 2022
Report Title:	High Speed Rail 2 Phase 2b – Qualifying Authority and Schedule 17 Decision-Making
Report of:	Jayne Traverse, Executive Director of Place
Ward(s) Affected:	All Wards

1. Purpose of Report

- 1.1.** This report seeks to consult the Corporate Policy Committee prior to a decision being made by Full Council which seeks for the Council to become a Qualifying Authority for the construction of phase 2b of the High Speed Rail 2 (HS2) by authorising the Executive Director of Place to approve the decision-making procedure for associated Schedule 17 applications.

2. Executive Summary

- 2.1** The enactment of the High Speed Rail (Crewe - Manchester) Bill ("the Bill") will give deemed planning permission to the scheme which is similar to the grant of outline planning permission under the existing Town and Country Planning Act. There will be additional detailed designs and other construction works however which will be subject to applications for approval by the Local Planning Authority.
- 2.2** The Bill provides for the Council to become a 'qualifying authority' which would then allow the Council to assess and determine such applications subject to certain restrictions on the grounds for refusal as set out in the Bill. However, if the Council decide not to become a qualifying authority, the grounds for refusing any applications are more restricted than those available to qualifying authorities.
- 2.3** The Council should retain as many decision making powers as possible in the assessment and determination of all HS2 related applications in order to

ensure that the Council achieve the best and most appropriate outcomes for the local community and minimise the impacts on the wider environment as far as possible.

- 2.5 The Council became a Qualifying Authority for HS2 Phase 2a (West Midlands – Crewe) in 2019 and adopted a similar decision making process in October 2020.
- 2.4 The Bill requires the Secretary of State to specify which planning authorities have entered into a Planning Memorandum to become a qualifying authority by the time the Bill is reported on by the House of Lords. Although this may be some time off, it is appropriate for the Council to confirm their decision to HS2 Ltd as soon as possible.
- 2.5 In addition, it is intended to seek approval to reciprocate the current decision-making arrangements for Phase 2a to ensure that appropriate officer delegated authority and where necessary Planning Committee procedures are in place to deal with applications submitted in relation to works along the route of Phase 2b.

3. Recommendation

- 3.1. To note the report and Annex 1 and provide commentary and feedback to Council.

4. Reasons for Recommendations

- 4.1. The proposed approach will enable the Council to have greater control over the approval of construction details associated with the High Speed Rail scheme such as the detailed design of permanent structures and an enhanced role in relation to certain enforcement and construction matters. This is essential so that the Council can (acting reasonably and where necessary) seek to either improve or control the detailed design applications. Equally, the greater number of conditions that the Council can consider as Qualifying Authority is considered vital in helping to control and manage the impacts of construction and the scheme on the Borough.
- 4.2. This is necessary to ensure that the impacts of the developments on the local environment and local amenity are fully considered and addressed in line with the approach of the Cheshire East Council Local Plan Strategy.
- 4.3. The process of becoming a Qualifying Authority binds local authorities to act in a particular way through the signing of the Planning Memorandum in respect of determining applications for consent in an expedient manner (within eight weeks in line with statutory determination periods for planning applications), and to being sufficiently resourced to be able to do so. As such, this is being adjudged by all parties involved in the High Speed Rail 2 (Phase 2b) that the decision should be made by Full Council.

- 4.4.** The recommended approach would allow the Council to ensure appropriate officer delegated authority and where necessary Planning Committee procedures are in place to enable officers to deal with applications submitted in relation to works along the route in a timely manner and meet the timescales set out in the Planning Memorandum.
- 4.5.** The decision to become a Qualifying Authority and changes to the Constitution rests with Council but given the changes to the terms of reference to committee it is appropriate to consult Strategic Planning Board.

5. Other Options Considered

- 5.1.** The only alternative option is to become a Non-Qualifying Authority. This would mean that the Council would have a much more restricted role in the approval of construction matters and would only be permitted to consider plans and specifications for buildings. This option therefore provides a narrower degree of control over the impact that the construction of the scheme will have on the local environment and local amenity.
- 5.2.** Without a change in the Constitution as detailed in Annex 1, there is a risk that the Council would be unable to determine Schedule 17 Applications in a timely manner. As a result of this, the Council would lose its Qualifying Authority status and its determination powers; and the Secretary of State would take all decisions on Schedule 17 Applications.

6. Background

- 6.1.** In January this year, the Government introduced a hybrid Bill to Parliament to seek powers for the construction and operation of Phase 2b of HS2. The Bill will grant planning permission for the construction of a high speed railway between Crewe and Manchester all associated development works.
- 6.2.** The Bill grants what is termed as 'deemed' planning permission, which is similar to an outline planning consent, for development authorised by the Bill. However, this "planning permission" will be subject to a number of conditions requiring the nominated undertaker (the party/parties who will construct the railway) to obtain the consent or approval of the Local Authorities along the route for certain matters.

Qualifying Authority

- 6.3.** The Bill gives each Local Authority a choice between having a wide or narrow range of controls over the detailed design of permanent structures such as stations and viaducts, and an enhanced role in relation to certain enforcement and construction matters. Those who opt for a wider range of controls are referred to as 'qualifying authorities'.

- 6.4.** A Qualifying Authority will have the responsibility for approving plans and specifications for works such as buildings and road vehicle parks, terracing, cuttings, embankments and other earthworks, fences, walls or other barriers, transformers, telecommunication masts, pedestrian access to the railway line, artificial lighting, waste, and spoil disposal and borrow pits. They will not have powers of approval for any works or features of a temporary nature, for anything underground, and for any tunnel or railway track bed.
- 6.5.** A qualifying authority can only refuse to approve (or impose conditions in respect of) the plans and specifications on two main sets of grounds:
- a) The design or external appearance of the building works ought to be modified to:
- preserve the local environment or local amenity;
 - prevent or reduce prejudicial effects on road safety or on the free flow of traffic in the local area;
 - preserve a site of archaeological or historic interest or nature conservation value, and is reasonably capable of being so modified;
- or
- b) The development ought to, and could reasonably, be carried out elsewhere on land within the Act limits.
- 6.6.** Non qualifying authorities will only be able to refuse approval if the design or external appearance of the works ought to be modified to preserve the local environment/local amenity (and is reasonably capable of being so modified) or the development ought to, and could reasonably, be carried out elsewhere on land within the Act limits.
- 6.7.** In addition, qualifying authorities will be able to enforce construction arrangements relating to:
- handling of re-useable spoil or topsoil
 - road transport
 - storage sites for construction materials, spoil or topsoil
 - construction camps
 - works screening
 - artificial lighting
 - dust suppression
 - road mud control measures.
- 6.8.** These may be subject to a class approval by the Secretary of State, in which case the relevant qualifying authority would be consulted before such approvals are made. Should the Secretary of State not make a class

approval, these arrangements are subject to approval by the relevant qualifying authority.

- 6.9.** Construction arrangements relating to construction camps, and lorry routes with more than 24 lorry movements per day would also require individual approval from the relevant qualifying planning authority; along with the bringing into use of any scheduled work or depot.
- 6.10.** Councils wishing to become Qualifying Authorities are required to sign the “Planning Memorandum”. This document sets out rules of conduct and administrative arrangements for both the Local Planning Authorities and the nominated undertaker.
- 6.11.** It requires the Council to commit to dealing with applications for consent in an expedient manner (within eight weeks in line with statutory determination periods for planning applications), and to being sufficiently resourced to be able to do so.
- 6.12.** Becoming a Qualifying Authority therefore involves a commitment by the Council to deal with applications appropriately and within specified timescales, in return for control over a wider range of matters than it would otherwise have.
- 6.13.** This commitment has resource implications: the Council will receive application fees to cover the costs associated with dealing with these consents and approvals, or HS2 Ltd. will provide a financial contribution to the Council to deal with the additional workload. This contribution would come through a Service Level Agreement (SLA) between the Council and HS2 Ltd to cover the costs of handling the applications and any additional work required to support their determination. The Council will engage with HS2 Ltd. to obtain the number of applications and exact timetable as necessary to determine the extent of resources required and implications on the service – as they have been doing for Phase 2a.

Process for Decision-Making

- 6.14.** In order to meet the above timeframes as a Qualifying Authority a process for decision making has already been established for HS2 Phase 2a applications. This was however specific to just Phase 2a so a similar process is required for Phase 2b.
- 6.15.** The applications are likely to be for relatively minor works in the initial phases but could become substantial in number and frequency as works evolve in the future. As such in view of these points, and the need to ensure that the applications are dealt with within the set timescales, there is a risk that the anticipated volume of work could have a significant impact upon the capacity

of the Planning Committee to consider these additional items within the required period.

- 6.16.** For these reasons, a cascaded delegated authority is sought to allow the Head of Planning to determine approvals under Schedule 17 (the Planning Conditions Schedule) of the Bill.
- 6.17.** The approach to Committee reporting would broadly reflect that of the existing process for determining planning applications, allowing Members the opportunity to ‘call-in’ such approvals – subject to specifying relevant planning reasons and following agreement with the Head of Planning in liaison with a Principal Planning Officer.
- 6.18.** Schedule 17 Applications would be determined as follows:
- Delegated Authority to the Head of Planning to determine all applications and notifications submitted in relation to HS2 matters in consultation with the Principal Planning Officer; subject to the provisions below.
 - All live applications, including Member call-in’s, to be reviewed fortnightly and considered for Planning Committee determination by the Head of Planning and Principal Planning Officer. Both officers to jointly determine whether a delegated or committee determination is appropriate (and if a committee determination is necessary, the specific planning committee) based on the scale, complexity and level of public scrutiny of each application.
 - In line with the existing procedures for Members, any request for call-in by the relevant Local Ward Member must be received within 15 days of the issue of the electronic notification of the application; and must set out the material planning consideration(s) specific and relevant to the matters which can be considered under Schedule 17 which warrant the application going before Planning Committee.
 - The scheme of delegation shall be subject to a review after 6 months in consultation with the Head of Planning and the Chairs of Planning Committees to ascertain whether any changes are necessary to the scheme of delegation as lessons are learned throughout its application.
- 6.19.** The type of applications which would be referred to planning committee for determination would likely be of a scale and nature that present more significant impacts to the local environment and amenity; or present complex planning and environmental considerations which requires appropriate scrutiny by Members. Examples of such applications could include:
- Development of large-scale bridges and viaducts;
 - Significant ground engineering works;

- Creation of borrow pits;
- Buildings which are of a scale and nature which may create impacts beyond the immediate locality.

Other procedural arrangements – consultation and notification

- 6.20.** Under the HS2 Bill, there is no statutory requirement for the Council to carry out any consultation on Schedule 17 applications with any other parties other than key statutory bodies (Natural England, English Heritage and the Environment Agency) and no requirement to inform the public on receipt of such submissions.
- 6.21.** In view of the restrictions the HS2 Bill places on the Council in terms of timescales for determination and the matters that can be taken into consideration, the Council would not carry out any formal consultation with local residents and Parish Councils on Schedule 17 submissions.
- 6.22.** The Council however recognises that there may be high levels of interest in any HS2 related developments. In order to ensure local people and Members are therefore kept up to date and made aware of all applications, and in order to reflect the existing procedures for all planning applications, the Council would as a minimum undertake the following:
- Write to inform the affected Parish Councils on the route of the receipt of a Schedule 17 application;
 - Write to inform all neighbours immediately adjoining the relevant part of the route;
 - Notify Local Ward Members of all Schedule 17 Applications;
 - Provide Local Ward Members with the opportunity to request that the application be ‘called-in’ for a committee determination – subject to specifying relevant planning reasons and following agreement with the Head of Planning in liaison with a Principal Planning Officer;
 - Make full details of all Schedule 17 submissions (including plans and supporting documents) available to view on the Council’s website. The purpose of this process is to keep the public informed, but the Council will not be requesting comments.

Amendment to Council Constitution

- 6.23.** The proposed amendments to the scheme of delegation as outlined above will require an amendment to the Council Constitution.
- 6.24.** The Council Constitution already has the appropriate Scheme of Delegation in relation to the extent of powers delegated to Executive Director of Place. This was put in place prior to HS2 Phase 2a. These powers are delegated further through Local Schemes of Delegation to the Head of Planning.

- 6.25.** The Council Constitution however also details the current terms of reference for Northern and Southern Planning Committee, and Strategic Planning Board. This is detailed in Annex 1 to this report along with the proposed amendments sought.
- 6.26.** It is recommended that Members approve the proposed amendments to the Council Constitution in order to ensure appropriate delegated authority and Planning Committee procedures are in place to deal with requests for approval of detailed design and external appearance of buildings and structures along the route of Phase 2b of HS2.

7. Consultation and Engagement

- 7.1.** Strategic Planning Board and Corporate Policy Committee are being consulted and their views will be updated to Council.

8. Implications

8.1. Legal

- 8.1.1.** Councils wishing to become Qualifying Authorities are required to sign the “Planning Memorandum”.
- 8.1.2.** The Planning Memorandum sets out rules of conduct and administrative arrangements for both the local planning authorities and the nominated undertaker of the works. It is part of a suite of documents forming the Phase2b of HS2 Environmental Minimum Requirements.
- 8.1.3.** The Planning Memorandum regulates the details of the deemed planning consent that are reserved for local planning authority approval. It sets out the undertakings made by Qualifying Authorities in return for the additional planning controls referred to above.
- 8.1.4.** Signing the Planning Memorandum and becoming a Qualifying Authority:
- Is legally binding;
 - Gives CEC a greater degree of control over planning conditions;
 - Does not fetter CEC’s discretion to withhold approval of planning conditions but stipulates certain expectations as to the stringency of conditions
- 8.1.5.** CEC’s status as a Qualifying Authority can be withdrawn in certain circumstances.
- 8.1.6.** It provides for the establishment of a Planning Forum which will meet regularly to assist with the effective implementation of the planning provisions in the Bill in order to help co-ordinate and secure the expeditious implementation of those planning provisions.

- 8.1.7.** Due to the national importance of the HS2 infrastructure project Qualifying Authorities are required to have regard to construction, cost and programme implications.
- 8.1.8.** The Planning Memorandum does not fetter CEC's ability to refuse a request for approval of conditions but requires that CEC shall not seek to impose any unreasonably stringent requirements on the requests for approval of any construction arrangement, plans or specifications, mitigation scheme or site restoration scheme, which might frustrate or delay the project, or unreasonably add to its cost. In particular, it should not seek to impose unreasonably stringent requirements or standards in respects of land use, planning, design or environmental matters.
- 8.1.9.** Due to the time pressures on the project, CEC will be expected to put in place appropriate internal decision-making arrangements to ensure that the 8 week period for determining requests is achieved. A delegated process is already in place for HS2 Phase 2a, this provides for delegation to the Head of Planning in consultation with the Chair of Strategic Planning Board. A similar process should be put in place which will require a change to the Terms of Reference for Committees within the Constitution as indicated within Annex 1.
- 8.1.10.** If CEC repeatedly fails to expedite requests for approval, or seriously fails to expedite a request in line with the stipulated timescale, or repeatedly or seriously fails to act in accordance with all the requirements of the Planning Memorandum, the Secretary of State may have sufficient grounds to order that CEC shall cease to have the additional powers of a Qualifying Authority. Prior to being disqualified, the nominated undertaker and the Secretary of State would discuss with CEC concerns regarding its performance and the performance of the nominated undertaker.
- 8.1.11.** Where CEC refuses a request for approval, in addition to specifying the grounds under the Planning Conditions Schedule for its decision, it shall state clearly and precisely the full reasons for its decision.
- 8.1.12.** The Planning Memorandum does not relate to applications for permission to construct over-site development - namely certain non-rail-related development over operational structures such as stations and vent shafts. These will be taken forward under the normal planning process.
- 8.1.13.** Finally, it should be noted that any applications for permission are unrelated to any assurances obtained through the petitioning process. These assurances are dealt with separately as there is a contractual obligation to comply with all relevant assurances made by HS2. A unilateral written commitment is made to Parliament and an undertaking is

also given that HS2 will take the necessary steps to secure compliance with any assurances made.

8.2. Finance

- 8.2.1.** Given that signing the Planning Memorandum gives the Local Planning Authority a greater range of controls, this will require more resources to process and deal with applications compared to if the Council chose to become a non-qualifying authority. However, the Service Level Agreement (SLA) between the Council and HS2 Ltd is intended to cover all costs associated with processing Schedule 17 applications and therefore there should not be any negative cost implications to the Council from becoming a qualifying authority. Any costs will be accounted for within the Council's Development Management budget.

8.3. Policy

- 8.3.1.** HS2 is supported in the Cheshire East Local Plan Strategy under Strategic Priority One which states that promoting economic prosperity by creating conditions for business growth will be delivered by (amongst other things) maximising the opportunities that may be offered by High Speed 2 Rail Links (HS2).

8.4. Equality

- 8.4.1.** All public sector authorities are bound by the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010. In exercising their powers authorities must have regard to the effect of any differential impacts on groups with protected characteristics. In deciding to become a qualifying authority the Council must pay due regard to its Public Sector Equality Duty (PSED) as set out in section 149 of the Equality Act 2010.
- 8.4.2.** The enhanced controls provided for in becoming a qualifying authority should have a positive public benefit when it comes to the PSED

8.5. Human Resources

- 8.5.1.** It shall be necessary to ensure that sufficient resource is allocated in Planning, Highways, and Legal Services to support determination of the applications within the timescales required

8.6. Risk Management

- 8.6.1.** Key risks to the Council relate to ability of officers to determine the applications within the required statutory timescales and staff resource implications associated with the additional workload.

- 8.6.2.** This will be managed through the use of the SLA between the Council and HS2 Ltd to secure additional finance to ensure sufficient resources to manage the process effectively. Early engagement with HS2 Ltd has already taken place about the likely timing and number of future applications which will also enable staff resource to be managed well in advance of any increased workload. This engagement will continue with early pre-application discussions.

8.7. Rural Communities

- 8.7.1.** The route of the scheme passes through a number of rural communities which are likely to be subject to applications for the approval of detailed designs or other associated developments. Each application for approval would enable an assessment of the relevant environment effects for those matters that the Council is able to control under the Bill.

8.8. Children and Young People/Cared for Children

- 8.8.1.** There are no direct implications for children and young people.

8.9. Public Health

- 8.9.1.** There are no direct implications for public health

8.10. Climate Change

- 8.10.1.** There are no direct implications for climate change.

Access to Information	
Contact Officer:	David Malcolm, Head of Planning david.malcolm@cheshireeast.gov.uk 07788 415246
Appendices	1. Proposed change to Constitution
Background Papers: Section 3 of HS2 Phase 2b Information Paper B2: Main Provisions of the Planning Regime and the Phase 2b Planning Memorandum explain this in more detail: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1048798/B2_Main_provisions_of_the_planning_regime_v1.pdf https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1050458/M345.pdf	

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Annex 1: HS2 Phase 2b - Proposed Change to Constitution
Extract from Constitution (Chapter 2 – Part 4 Page 22)

Strategic Planning Board
Functions

- 1 To oversee the division of the Council's Development Management functions and workload in order to ensure timely and consistent decision making at the most appropriate level, and to that end:
 - 1.1 monitor the volume and type of applications determined; assessing the performance of the Development Management service, and, if appropriate
 - 1.2 vary the division of functions and delegations between the Board, the Planning Committees and the Head of Planning
 - 1.3 adopt working protocols and procedures: e.g. protocols governing the direction of applications between the Planning Committees, public speaking rights, Referral procedure and others.
- 2 To exercise the Council's functions relating to town and country planning and development control, protection of important hedgerows, preservation of trees, regulation of high hedges, and any relevant applications pursuant to **Schedule 17 of the High Speed Rail (West Midlands - Crewe) Act 2021 Acts**. Most of these functions are delegated to the Planning Committees and then onwards to the Head of Planning, but the following are reserved to the Board:
 - 2.1 Applications for Large Scale Major Development as defined by the Strategic Planning Board from time to time. Currently this includes:
 - 2.1.1 residential developments of 200 dwellings or more, or 4 ha. or more
 - 2.1.2 10,000 square metres or more, or 4ha. or more of retail, commercial or industrial or other floor space.
 - 2.2 This does not include re-applications for extant schemes or detailed applications where outline consent has been given or removal/variation of conditions.
 - 2.3 Applications for major minerals or waste development other than small scale works which are ancillary to an existing mineral working or waste disposal facility.
 - 2.4 Applications involving a significant departure from policy which has been referred to SPB which a Planning Committee is minded to approve.
 - 2.5 Any other matters which have strategic implications by reason of their scale, nature or location.

- 2.6 Any other matters referred up to it at the discretion of the Head of Planning, including major development of less than the thresholds set out in paragraph 2.1 above which have wider strategic implications.
- 2.7 To exercise a consultation and advisory role, commenting upon the content of proposed planning policy, any document which forms part of or linked to the Local Plan and upon the effectiveness of existing policies employed in development control decisions.
- 2.8 To determine any relevant Schedule 17 applications as deemed appropriate by the Head of Planning.
- 3 Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.
- 4 However, there will be a presumption that a call in request by a local ward Member will be agreed where applications are for the renewal (or extension of time) of extant unimplemented permissions.

Northern and Southern Planning Committees

Functions

- 1 To exercise the Council's functions relating to town and country planning and development control, the protection of important hedgerows, preservation of trees, regulation of high hedges and any relevant applications pursuant to **Schedule 17 of the High Speed Rail (West Midlands-Crewe) Act 2021 Acts** Some applications have been reserved to the Strategic Planning Board: others are delegated on to the Head of Planning: the following are retained for the Planning Committees:

1.1 Applications for Small Scale Major Development for:

- 1.1.1 residential developments of 20 to 199 dwellings or between 1 and 4ha.
- 1.1.2 retail or commercial/industrial or other floor space of between 5,000 and 9,999 square metres or 2-4 ha.

This does not include re-applications for extant schemes or detailed applications where outline consent has been given or removal/variation of conditions.

- 2. To determine any other planning and development control matters:
 - 2.1 advertised as a departure from policy, which the Head of Planning is minded to approve;
 - 2.2 submitted by a Councillor, senior Council officer (Grade 12 or above) or a member of staff employed within the Development Management and

Policy service area; or by an immediate family member or partner of these where representations objecting to the application have been received. Where objections have been received, applications recommended for refusal can be dealt with by officers under delegated powers;

- 2.3 considered to be significant applications by the Council either as applicant or land owner. This category will not normally include minor developments which accord with planning policy and to which no objection has been made;
 - 2.4 referred up to the Committee by a Councillor in accordance with the Committees` Referral procedure. However, any request must be received within 15 working days of the issue of the electronic notification of the application, and set out the material planning consideration(s) which warrant the application going before committee (except for a request to review a Schedule 17 application, where a 7 day time frame will apply);
 - 2.5 any other matters referred up to them at the discretion of the Head of Planning;
 - 2.6 any relevant Schedule 17 applications as deemed appropriate by the Head of Planning.
- 3 Applications for householder development, listed building consents to alter/extend and conservation area consents will normally be dealt with under delegated powers.
 - 4 Applications for advertisements, tree work, prior approvals, Certificates of Lawfulness and notifications will normally be dealt with under delegated powers.
 - 5 Where the application is to vary or remove a condition that was imposed by the Planning Committee it will not be delegated.
 - 6 However, there will be a presumption that a Referral request by a local ward Member will be agreed where applications are for the renewal (or extension of time) of extant, unimplemented permissions.
 - 7 Each Committee will refer up to the Strategic Planning Board matters involving a significant departure from policy which it is minded to approve contrary to recommendation by the Head of Planning.

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Working for a brighter future together

Council

Date of Meeting:	14 December 2022
Report Title:	Financial Review 2022/23 - Supplementary Estimates
Report of:	Alex Thompson: Director of Finance and Customer Services
Ward(s) Affected:	Not applicable

1. Purpose of Report

- 1.1. This report seeks approval from Council for a supplementary revenue estimate and supplementary capital estimates as part of the Financial Review 2022/23. The items were noted by the Finance Sub-Committee on 9 November 2022.
- 1.2. The report supports the Council's vision to be an open Council as set out in the Corporate Plan 2021 to 2025. In particular, the priorities for being an open and enabling organisation, and ensuring that there is transparency in all aspects of Council decision making.

2. Executive Summary

- 2.1. Council is being asked to approve increased expenditure related to a fully funded supplementary revenue estimate and supplementary capital estimates. The transactions form a part of the Financial Review 2022/23 report that was presented to Finance Sub-Committee on 9 November.
- 2.2. The supplementary revenue estimate relating to expenditure budgets for grant that is in addition to those approved in the MTFS report in February 2022. The Local Enterprise Partnership (LEP): Skills Bootcamp grant is funding provided to arrange for the delivery, management and funding of Skills Bootcamps within the geographical area, and in neighbouring areas with agreement with relevant local authorities.
- 2.3. The supplementary capital estimates relate to schemes that were identified as part of a review of the capital programme and require additional budgets due to emerging inflationary pressures.

3. Recommendations

3.1. Council is asked to approve:

3.1.1. a supplementary revenue estimates for a specific grant coded directly to services over £1,000,000 in accordance with Financial Procedure Rules **Appendix 1**.

3.1.1.1. **Table 1** Local Enterprise Partnership (LEP): Skills Bootcamp - £1.037m

3.1.2. Supplementary capital estimates over £1,000,000 in accordance with Financial Procedure Rules as detailed in **Appendix 2**.

3.1.2.1. **Table 1** A500 Dualling - £20.755m

3.1.2.2. **Table 2** Maintenance Block – LTP - £6.235m

3.1.2.3. **Table 3** Managing and Maintaining Highways £2.300m

3.1.2.4. **Table 4** Northwest Crewe Package - £2.042m

3.1.2.5. **Table 5** North Cheshire Garden Village - £15.817m

3.1.2.6. **Table 6** Strategic Capital Projects - £11.087m

4. Reasons for Recommendations

4.1. The Council monitors in-year performance through a reporting cycle, which includes outturn reporting at year-end. Reports during the year reflect financial and operational performance and provide the opportunity for Members to note, approve or recommend changes in line with the Council's Financial Procedure Rules.

4.2. The overall process for managing the Council's resources focuses on value for money and good governance and stewardship. Financial changes that become necessary during the year are properly authorised and this report sets out those areas where any further approvals are now required.

4.3. This report provides strong links between the Council's statutory reporting requirements and the in-year monitoring processes for financial and non-financial management of resources.

5. Other Options Considered

5.1. Not applicable.

6. Background

6.1. The budget and policy framework sets out rules for managing the Council's financial affairs and contains the financial limits that apply in various parts of the Constitution. As part of sound financial management and to comply with the Constitution any changes to the budgets agreed by Council in the MTFS require approval in line with the financial limits within the Finance Procedure Rules.

- 6.2.** The Council's Capital Programme was balanced over the four years of the Medium Term Financial Strategy 2022 to 2026 and included allocations for Exceptional Inflation and Strategic Projects. There has been a programme wide review to establish the ongoing impact of the rise of inflation on the programme to ensure accurate costs and the profile of spending can be reported to each committee. A number of Supplementary Capital Estimates have been requested so that the schemes can still be delivered within the expected timescales and will therefore reduce further costs arising if the schemes are delayed. It will be important to review in the context of the new Medium Term Strategy and the 2023/24 budget.

7. Consultation and Engagement

- 7.1.** As part of the budget setting process the Pre-Budget Consultation provided an opportunity for interested parties to review and comment on the Council's Budget proposals. The budget proposals described in the consultation document were Council-wide proposals and that consultation was invited on the broad budget proposals. Where the implications of individual proposals were much wider for individuals affected by each proposal, further full and proper consultation was undertaken with people who would potentially be affected by individual budget proposals.

8. Implications

8.1. Legal

- 8.1.1.** The requirement for a Council to approve supplementary revenue estimates and capital virements referred to above in accordance with the Finance Procedure Rules.

8.2. Finance

- 8.2.1.** The Council's financial resources are agreed by Council and aligned to the achievement of stated outcomes for local residents and communities. Monitoring and managing performance helps to ensure that resources are used effectively, and that business planning and financial decision making are made in the right context.
- 8.2.2.** The requirement for a Council to approve supplementary revenue estimates and supplementary capital estimates referred to above in accordance with the Finance Procedure Rules.

8.3. Policy

- 8.3.1.** Financial management supports delivery of all Council policies. The forecast outturn position, ongoing considerations for future years, and the impact on general reserves will be fed into the assumptions underpinning the 2023 to 2027 Medium-Term Financial Strategy.

8.4. Equality

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

8.5. Human Resources

- 8.5.1.** 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.

8.6. Risk Management

- 8.6.1.** Performance and risk management are part of the management processes of the Authority. Risks are captured at Strategic and Operational levels, both in terms of the risk of underperforming and risks to the Council in not delivering its objectives for its residents, businesses, partners and other stakeholders.
- 8.6.2.** 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 2021/22 budget and the level of general reserves were factored into the 2022/23 financial scenario, budget and reserves strategy.

8.7. Rural Communities

- 8.7.1.** The report provides details of service provision across the borough.

8.8. Children and Young People/Cared for Children

- 8.8.1.** The report includes expenditure relating to grant funding in respect to services to children and young people.

8.9. Public Health

- 8.9.1.** Public health implications that arise from activities that this report deals with will be dealt with as separate reports to Members or Officer Decision Records as required.

8.10. Climate Change

- 8.10.1.** Climate change implications that arise from activities that this report deals with will be dealt with as separate reports to Members or Officer Decision Records as required.

Access to Information	
Contact Officer:	Alex Thompson Director of Finance and Customer Services (Section 151 Officer) alex.thompson@cheshireeast.gov.uk 01270 685876
Appendices:	Appendix 1 Supplementary Revenue Estimates Appendix 2 Capital Virement
Background Papers:	The following are links to key background documents: Medium-Term Financial Strategy First Financial Review, Item No.14 Financial Review 2022/23, Item No.5

Appendix 1 Supplementary Revenue Estimates

Table 1 Skills Bootcamp Supplementary Revenue Estimate

Committee	Type of Grant	£000	Details
Finance Sub-Committee (Expenditure: Economy and Growth)	Local Enterprise Partnership (LEP): Skills Bootcamp (Specific Purpose)	1,037	<p>This grant is from the Department for Education. This funding is to arrange for the delivery, management and funding of Skills Bootcamps within the geographical area, and in neighbouring areas with agreement with relevant local authorities. The Skills Bootcamps shall be aligned to employer needs and directly linked to employment opportunities with outcomes to be delivered a maximum of 6 months following the agreement end date.</p> <p>Skills Bootcamps are free, flexible courses of up to 16 weeks for adults aged 19 or over. They give people the opportunity to build up valuable sector-specific skills based on local employer demand and provide a direct path to a job on completion. Skills Bootcamps (publishing.service.gov.uk)</p>
Total Specific Purpose Allocation for Council Approval		1,037	

Appendix 2 Supplementary Capital Estimates

(Note in the Corporate Policy Committee report the supplementary capital estimates over £1m were at Appendix 6 Section 5 Table 6)

Table 1 A500 Dualling Supplementary Capital Estimate

Service	Amount £	Reason and Funding Source
Supplementary Capital Estimates over £1,000,000		
Highways & Transport		
A500 Dualling	20,755,000	This was identified as part of a review of the capital programme to require additional budget as a result in the increase in inflation. The increase will be funded by Prudential Borrowing but if further external contributions are received this funding will replace the need for the Council to fund these costs themselves.

1. The Council is promoting the A500 Dualling scheme which will be substantially funded through the Department for Transport's ("DfT") Large Local Majors (LLM) programme, subject to DfT approval of the Full Business Case. The scheme was included into the DfT LLM programme in June 2020 as a result of Outline Business Case bid that was submitted by the Council.
2. In working towards the Full Business Case, the current market conditions are causing unprecedented price pressures on the likely scheme costs. Due to these conditions, an interim cost review on the scheme has been undertaken, working with the contractor engaged on the scheme, Balfour Beatty.
3. The updated interim scheme forecast is based on market testing of the supply chain and a series of assumptions regarding other factors affecting the Final Actual Cost of the scheme. The updated scheme estimate indicates an increase from the MTFS figure of £68.7m to £89.5m.
4. Given the cost pressures, consideration now needs to be given to the options available to the council as promoter of the scheme.
5. In terms of the current MTFS the scheme is therefore unaffordable at the current scheme cost estimates. To make the scheme affordable would require an adjustment to the Council's overall capital programme as presented in the MTFS with the gap being funded by CEC. This would

affect the cost of borrowing and have an impact on revenue budget. Other options could also include deferring, seeking additional third-party contributions, de-scoping or cancelling the scheme.

6. Whilst the request for additional budget is funded from prudential borrowing, we will continue to seek and maximise third party funding for this project. Only committing to this in the event that other funding is not sourced.
7. The cost of the additional borrowing required to fund the £20.755m will be an average annual cost of £1.334m.
8. The A500 for the extent of the proposed dualling scheme between M6 J16 and Meremoor Moss Roundabout at the west end of the scheme is identified by HS2 as a designated HS2 Phase 2 construction traffic route. Traffic modelling by HS2 indicates that improvements at Meremoor Moss Roundabout are required to accommodate their future construction traffic needs.
9. The A500 Dualling scheme includes improvements at Meremoor Moss Roundabout suitable for the projected HS2 construction traffic levels. If the scheme does not go ahead then HS2 would need to make improvements at this roundabout themselves to accommodate their construction traffic. There is therefore an argument that a contribution from HS2 to the A500 scheme would be a reasonable proposition. The Council's HS2 Programme Director's team plan to engage with HS2 on this matter.
10. The likelihood of any contribution from HS2 and the amount of contribution are yet to be determined. During recent engagement with the DfT the A500 project team have highlighted the cost pressures facing the project and the potential for some degree of cost share with HS2 as the scheme is of mutual benefit.
11. The scope of the scheme is focused on and limited to the dualling of the single carriageway between M6 J16 and Meremoor Moss Roundabout to the west, the only remaining single carriageway section of the A500, and the improvement of the Meremoor Moss roundabout itself. The scheme has been value engineered through the design process to minimise the amount of work, and therefore also cost, to deliver the dualling and roundabout capacity requirements to the appropriate standards.
12. Descoping of the scheme from the current design to substantially reduce cost can only realistically include leaving part of the route as single carriageway. Initial review of this indicates that this would substantially reduce the capacity improvements of the scheme. The substantial reduction in the scheme benefit is expected to impact the business case to the extent that DfT funding for the scheme would no longer be available.
13. Deferring the start of the works will most likely increase the scheme cost as a consequence of further inflation beyond 2024, in which case both the scheme cost and the funding

gap would increase further. It is also very unlikely that the DfT would increase their £55.1m funding offer.

14. The DfT have not formally advised a time limit for their funding but if the scheme is deferred there will be an increased risk of DfT funding no longer being available. In January 2022 the DfT asked for and were given assurance that the Council's schemes on the Large Local Major Schemes programme (A500 and MEB) would be ready to start construction by the end of the forthcoming Spending Review period i.e., March 2025.
15. Deferring the scheme would delay the substantial network, strategic and economic benefits that would be derived from the scheme. The scheme remains a high priority for the Council and is a key component in the Council's transport objectives for the Borough. The scheme features in the Council's Local Plan and the Infrastructure Delivery Plan for Cheshire East. In January 2022 the Highways and Transport committee approved the making of Compulsory Purchase and Side Road Orders and the continued support for the scheme including funding up to Full Business Case.
16. As the detailed design for the scheme has been completed there would be limited re-spend required for scheme development if the scheme is deferred. There would be remobilisation costs and design review costs against any changes in highways standards. An extended delay may

also require that a new planning application would have to be made.

17. By deferring the A500 scheme the borrowing and minimum revenue payments of £1.3m would not start until later years which will have a positive impact on the council's spend profile, which is an important consideration given the current financial deficit, in year, 2023/24 and 2024/25. The impact of deferring the scheme would mean the minimum revenue provision repayment would also be deferred and would start at a later date but will have the same overall financial impact on the Councils' capital financing budget over time. If the scheme costs have increased due to the delay because of price increases once the scheme commences that too will have a negative impact on the capital financing budget and the annual repayments required.
18. The cost implication of cancelling the scheme could mean abortive costs of up to £9.951m. There will be some costs within that total that could still be treated as capital expenditure such as land acquisition costs, at this time that value is unknown until a review of the total expenditure to date has taken place. Abortive costs are usually written off to revenue unless a capitalisation direction can be sought from the Secretary of State.

Table 2 Maintenance Block (LTP) Supplementary Capital Estimate

Service	Amount £	Reason and Funding Source
Supplementary Capital Estimates over £1,000,000		
Highways & Transport		
Maintenance Block - LTP	6,235,000	This was identified as part of a review of the capital programme to require additional budget as a result in the increase in inflation. The increase will be funded by Prudential Borrowing but if further external contributions are received this funding will replace the need for the Council to fund these costs themselves.

19. The Government provides local authorities with annual funding to deliver its Local Transport Plan (LTP) objectives. These are provided through LTP Block grants for Integrated Transport and Maintenance. The latter includes the Incentive Fund which is allocated to local authorities based on how they score in relation to Asset Management.

20. In March 2022 the Government wrote to all local authorities advising them of their LTP block allocations for 2022/23 and advising that the same allocations would be provided for three years. In real terms this is a reduction in funding over the period which is being further exacerbated by the significant changes in national and global market conditions as a result of a variety of exceptional issues such as Covid / Brexit / HS2 resulting in additional price pressures in the construction market.

21. The most significant impact on the cost forecast is from forecast construction costs. In current market conditions,

this has proved a challenging exercise, with materials such as steel experiencing unprecedented price inflation and supply issues, meaning each supplier needs to take a clear view on risk when submitting prices, which accentuates the inflation effect. As an example, Ringway Jacobs are reporting instances of suppliers only being prepared to hold quoted prices for a matter of hours/days on oil based products such as surface dressing and road surface materials, and steel and electronics such as street lighting columns and traffic signal equipment, due to the extreme volatility of the current market.

22. The market is also being affected by the long term skills shortages within the construction industry accentuated by HS2 with an increase demand for skilled staff and resources. In addition, changes to the tax treatment of red diesel for the construction industry has also added significant sums to the cost of delivering the highway service.

23. The review of the impact of price inflation and future inflation costs are based on future inflation forecasts from the Building Cost Information Services (BCIS) Highways Maintenance price adjustment formula indices published nationally. This data is updated by the BCIS regularly and subject to volatility.

24. As an update, the following table extract is from the latest BCIS Indices Series 4 Highways Maintenance Inflation Tracker. This shows the inflationary increases between October 2021 and 2022 ranges from 10.52% for Street lighting to 25.37% for Machine surfacing, with professional services costs increasing by 9.88%.

	Routine, Cyclic & Time Charge Works	Renewals & Construction Works	Professional Services	Machine Surfacing	Hand Surfacing / Patching	Surface Dressing	Road Markings	Street Lighting	Vehicle Maintenance
Indices for Oct-21	115.3	123.6	120.2	127.7	123.7	156.9	122.1	118.1	113.6
Indices for Oct-22	132.1	145.5	133.4	163.7	151.4	190	143.7	131.9	126.4

25. The LTP block grant provides critical core annual funding for maintenance of the public highway in the borough. The impact of high inflation on costs is affecting the ability to deliver all the schemes on the approved road repair programme this year and without redress will reduce the number of schemes that will form future years programmes.

26. The cost of the additional borrowing required to fund the £6.235m will be £0.571m.

Table 3 Managing and Maintaining Highways Supplementary Capital Estimate

Service	Amount £	Reason and Funding Source
Supplementary Capital Estimates over £1,000,000		
Highways & Transport		
Managing and Maintaining Highways	2,300,000	This was identified as part of a review of the capital programme to require additional budget as a result in the increase in inflation. The increase will be funded by Prudential Borrowing but if further external contributions are received this funding will replace the need for the Council to fund these costs themselves.

27. In recent years the Council has provided additional investment for Highway Maintenance which amounted to £19m for the 3 year period 2022/23 to 2024/25. The business cases to support the associated funding requests were made in 2020 and 2021. Since then, the construction industry has seen significant changes in national and global market conditions as a result of a variety of exceptional issues such as Covid / Brexit / HS2, resulting in price pressures in the construction market.

28. The most significant impact on the cost forecast is from forecast construction costs. In current market conditions, this has proved a challenging exercise, with materials such as steel experiencing unprecedented price inflation and supply issues, meaning each supplier needs to take a clear view on risk when submitting prices, which accentuates the inflation effect. As an example, Ringway Jacobs are reporting instances of suppliers only being prepared to hold quoted prices for a matter of hours/days

on oil based products such as surface dressing and road surface materials, and steel and electronics such as street lighting columns and traffic signal equipment, due to the extreme volatility of the current market.

29. The market is also being affected by the long term skills shortages within the construction industry accentuated by HS2 with an increase demand for skilled staff and resources. In addition, changes to the tax treatment of red diesel for the construction industry has also added significant sums to the cost of delivering the highway service.

30. The review of the impact of price inflation and future inflation costs are based on future inflation forecasts from the Building Cost Information Services (BCIS) Highways Maintenance price adjustment formula indices published nationally. This data is updated by the BCIS regularly and subject to volatility.

31. As an update, the table extract below is from the latest BCIS Indices Series 4 Highways Maintenance Inflation Tracker. This shows the inflationary increases between October 2021 and 2022 ranges from 10.52% for Street lighting to 25.37% for Machine surfacing, with professional services costs increasing by 9.88%.

	Routine, Cyclic & Time Charge Works	Renewals & Construction Works	Professional Services	Machine Surfacing	Hand Surfacing / Patching	Surface Dressing	Road Markings	Street Lighting	Vehicle Maintenance
Indices for Oct-21	115.3	123.6	120.2	127.7	123.7	156.9	122.1	118.1	113.6
Indices for Oct-22	132.1	145.5	133.4	163.7	151.4	190	143.7	131.9	126.4

32. The additional Council investment is designed to deliver increased maintenance of the public highway in addition to that possible through the annual LTP Maintenance block grant. The impact of high inflation on costs is affecting the ability to deliver all the schemes on the approved road repair programme in the current financial year and without redress will reduce the number of schemes that can be delivered in future years with the additional investment.

33. The cost of the additional borrowing required to fund the £2.300m will be £0.211m.

Table 4 North West Crewe Package Supplementary Capital Estimate

Service	Amount £	Reason and Funding Source
Supplementary Capital Estimates over £1,000,000		
Highways & Transport		
Northwest Crewe Package	2,042,000	This was identified as part of a review of the capital programme to require additional budget as a result in the increase in inflation. The increase will be funded by Prudential Borrowing but if further external contributions are received this funding will replace the need for the Council to fund these costs themselves.

34. The North West Crewe Highway Package involves the construction of 3km of new carriageway and 7 new roundabouts to improve the local road network in the Leighton area of Crewe. The scheme enables the delivery of three Local Plan strategic housing sites.
35. The scheme is currently in its construction phase. Construction started in May 2022 under contract with Balfour Beatty Ltd.
36. The construction contract is a form of New Engineering Contract (NEC) which is an industry standard contract form which shares risks between the client and contractor in a way understood by both parties – which allows for a shared understanding of risks.
37. The North West Crewe Highway Package scheme is let under a target cost form of the contract, which allows for price variations during the contract and shares any pain / gain from those variations between the client and contractor. Many of the cost impacts of the of the current

exceptional construction inflation rates, which are much higher than in the original business case, are risks which lies with the scheme client.

38. The construction programme is now 6 months into an approximately 2 year programme. The updated cost estimate now takes into account best current estimates of inflation and of any relevant compensation events which have occurred since construction started, where these could not be contained within the existing risk allowances. (eg for areas of landfill material which was found to be larger than originally recorded or surveyed).
39. It should be noted that, as the scheme is currently being constructed, forecast costs are only estimates and can be affected by the many variable factors that can impact progress towards completion (eg weather).
40. The cost of the additional borrowing required to fund the £2.042m will be £0.131m.

41. Cancelling the scheme at this stage is not a realistic option. Planning permission has been obtained, detailed designs completed, the land acquired and a construction contract entered into. There are financial penalties if a construction contract is cancelled. Approximately £8m has been spent to date in developing the scheme and commencing construction.

42. In addition, a total of £15m of grants would need to be returned if the scheme were not to be delivered. Also, the delivery of approximately 1,250 houses planned in the Council's Local Plan Strategy, which are dependent on the highway scheme and which have planning permission, with S106 contributions to the scheme, could not be delivered, putting at risk the council's 5 year housing supply.

Table 5 North Cheshire Garden Village Supplementary Capital Estimate

Service	Amount £	Reason and Funding Source
Supplementary Capital Estimates over £1,000,000		
Economy & Growth		
North Cheshire Garden Village	15,817,000	This was identified as part of a review of the capital programme to require additional budget as a result in the increase in inflation. The increase will be funded by Prudential Borrowing but if further external contributions are received this funding will replace the need for the Council to fund these costs themselves.

43. A large part of the development site is in the Council's ownership so the Council will have a lead role in delivering the strategic infrastructure. It is anticipated that works will be fully funded through s106 contributions, housing infrastructure grant funding (HIF) and capital receipts.
44. The project has suffered from significant cost increases caused by construction inflation and delays with the planning application. In addition to the wider cost inflation issue, as part of the planning policy requirements, the development must facilitate the preservation and refurbishment of Dairy House Farm, a Grade II listed building. A feasibility study has recently been undertaken in relation to this work, which has identified that the cost of this work will be substantially higher than originally anticipated.
45. If the Council were to decide not to proceed with the project, the substantial land receipts would not be realised, the capital costs invested to bring forward the development site to date would need to be written off to revenue, the HIF grant would not be crystallised and there would be a loss of 1500 homes which were to be delivered as part of planned development in the Local Plan.
46. There may in the future be potential to manage or reduce the capital investment required of the Council to cashflow the project, potentially by descoping infrastructure works or considering alternative delivery models. A detailed review, with input from specialist advisors, is proposed to inform the Council's delivery strategy following the determination of the hybrid planning application.

47. There is a requirement to spend the HIF grant according to an agreed programme with Homes England. It should also be noted that the Council will be obliged to undertake certain elements of the work programme regardless, for example the stabilisation and repair of Dairy House Farm.

48. The cost of the additional borrowing required to fund the £15.817m will be an average annual cost of £1.017m.

Table 6 Strategic Capital Projects Supplementary Capital Estimate

Service	Amount £	Reason and Funding Source
Supplementary Capital Estimates over £1,000,000		
Corporate Policy		
Strategic Capital Projects	11,087,000	To replenish the Strategic Capital Projects allocation to fund future strategic projects. This will be funded by prudential borrowing.

49. The Strategic Capital project block allocation provides readily available funding to support strategic projects, investment opportunities and change requests. The majority of the budget approved in the 2022-26 MTFS was vired to the Middlewich Eastern Bypass project, approved at the Council meeting on the 19 October 2022. This reduced the amount available for future projects and the contingency it provides to protect against emerging risks from market factors.

50. The Supplementary Capital estimate request replenishes the block allocation and gives back the flexibility in the

Capital Programme which is vital in funding future projects that are required within the financial year at short notice and need an approved budget.

51. The cost of the additional borrowing required to fund the £11.087m will be an average annual cost of £1.015m.

52. If the additional request was not approved this would leave only £1.9m to fund any requests in 2022/23 or future years. Part of this funding is already earmarked to fund the Council's ongoing invest in the Life Sciences fund at £1.2m in 2022/23.

COUNCIL MEETING – 14 DECEMBER 2022**REVISED STATEMENT OF GAMBLING PRINCIPLES****RECOMMENDATION**

That Council approve the revised Statement of Gambling Principles.

Extract from the Minutes of the Environment and Communities Committee meeting on 10 November 2022

46 **REVISED STATEMENT OF GAMBLING PRINCIPLES**

Kim Evans, Licensing Team Leader introduced the report to the Committee and explained that it was reviewed every 3-years.

There had been no comments received in response to the consultation, this was not unusual as the revisions were narrow in scope and were relatively minor relating to grammatical and typographical errors.

RESOLVED (Unanimously):

That the draft revised Statement of Gambling Policy:

- a) be received and noted; and
- b) be recommended to Council for adoption.

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Working for a brighter future together

Environment and Communities Committee

Date of Meeting:	10 November 2022
Report Title:	Revised Statement of Gambling Principles
Report of:	Jayne Traverse, Executive Director - Place
Report Reference No:	EC/19/22-23
Ward(s) Affected:	All

1. Purpose of Report

- 1.1. This report seeks recommendation to Council to adopt the revised Statement of Gambling Principles.

2. Executive Summary

- 2.1 The Gambling Act 2005 requires local authorities to prepare and publish a statement of the principles that they propose to apply when exercising their functions under the Act during the three-year period to which the statement applies.
- 2.2 The Council is required to review its existing statement of principles and publish a revised version. In preparing a revised statement the Council must undertake a consultation exercise with stakeholders identified within the Gambling Act 2005.

3. Recommendations

- 3.1. That the Committee
- 3.1.1. Notes the draft revised Statement of Gambling Policy as set out at Appendix 1 to the report
- 3.1.2. Recommends the draft revised Statement of Gambling Policy to Council for adoption.

4. Reasons for Recommendations

- 4.1.** The Statement of Gambling Principles is the policy document used by the Licensing Authority when making decisions under the Gambling Act 2005. It forms part of the Council's Budgetary and Policy Framework.
- 4.2.** The Council is required to adopt a Statement of Gambling Principles in accordance with section 349 of the Gambling Act 2005. By virtue of the legislation, final adoption of the Statement is reserved to full Council.

5. Other Options Considered

- 5.1.** No other options have been considered. The Council is required by section 349 of the Gambling Act 2005 to adopt a Statement of Gambling Principles. The route for adopting this document is set out both in legislation and by the requirements in the Council's Constitution.

6. Background

- 6.1.** The Gambling Act 2005 requires licensing authorities to prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act.
- 6.2.** The draft statement, a copy of which is attached as Appendix 1, incorporates some amendments (set out in Appendix 2), but in essence remains substantially the same as previous iterations.
- 6.3.** The Licensing Team have not received any comments, either positive or negative, on the current statement. Similarly, the Council has not been subject to judicial challenge on the content of the statement.
- 6.4.** The Statement of Gambling Principles is the policy document that the Licensing Act Sub-Committee will use when determining contested applications under the Gambling Act 2005. Consequently, it needs to adequately guide applicants, objectors, Licensing Authority Officers, and Committee Members.
- 6.5.** It will need to be acknowledged that the Council, acting as the Licensing Authority, does not administer and control all aspects of gambling. There are certain types of licences, such as operator and personal licences, that come under the remit of the Gambling Commission. In turn the Gambling Commission will issue Codes of Practice to those who provide gambling and their National Strategy to Reduce Gambling Harms. These codes of practice and guidance documents place requirements on operators that go over and above the requirements the Council can stipulate.
- 6.6.** The statement must reflect that the Council is required to discharge its responsibilities under the Act with a view to promoting the three licensing objectives:
 - 6.6.1.** Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

- 6.6.2. Ensuring that gambling is conducted in a fair and open way
- 6.6.3. Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 6.7. Within the last three years, the period the Council's current Statement of Principles has been in operation, there has been a significant decrease in the number of premises requiring a gaming permit or a premises licence. This is shown within the area profile section of the statement.
- 6.8. When undertaking the review officers have undertaken a light touch approach. This is because the gambling landscape, which needs to be addressed in the statement, has changed little in the last three years. Most gambling developments have taken place in areas such as online gambling and the control of offshore gambling providers. These aspects of gambling are outside the scope of local authority powers and therefore not appropriate for inclusion in our Statement of Gambling Principles.
- 6.9. The changes made to the statement are tabulated at Appendix 2.
- 6.10. There have been no contested applications and it has not been necessary for the Sub-Committee to use the statement in any decision-making process.
- 6.11. In reviewing the statement of principles officers have considered (amongst other things):
 - 6.11.1. The promotion of the three licensing objectives
 - 6.11.2. The guidance issued under Section 25 of the Gambling Act 2005 and any updated guidance provided by the Gambling Commission
 - 6.11.3. The Council's current Statement of Gambling Principles
 - 6.11.4. Equality legislation and requirements
- 6.12. The draft statement of principles was considered by the Director of Environment and Neighbourhood Services, and it was approved that consultation should take place with relevant stakeholders. Further details of consultation are set out within paragraph 7 of this report.
- 6.13. The revised statement was also considered by the Licensing Committee on the 5th September 2022. The Committee resolved that the draft statement should be recommended to the Environment and Communities Committee for consideration prior to being considered for adoption by full Council.

7. Consultation and Engagement

- 7.1. The consultation process followed was that laid down by The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.

- 7.2.** Given the minor and inconsequential changes to the statement, a decision was taken to run a shorter consultation period reflective of these limited changes.
- 7.3.** The consultation ran between 14th July 2022 and 11th August 2022. And during that time the consultation was advertised on our website www.cheshireeast.gov.uk
- 7.4.** No responses to the consultation were received during the consultation process. This may be a sign that gambling continues to move away from premises based gambling towards online gambling and local authority policies therefore become less important when compares to the guidance and codes of practice issued by the Gambling Commission.
- 7.5.** Various stakeholders, including those representatives set out in the regulations, and all licence holders were contacted and informed of the consultation.

8. Implications

8.1. Legal

- 8.1.1.** The legal implications of the Recommendations in this Report are not by themselves significant. The Environment and Communities Committee does not have the power to adopt the revised Policy. This can only be done by Council in accordance with the Constitution and in compliance with the legislation.
- 8.1.2.** If the Environment and Communities Committee does not recommend the draft revised Statement of Gambling Policy to Council for adoption it must give reasons for doing so.
- 8.1.3.** It is recommended that the Committee consider the following before approving the Recommendation of this Report.
- 8.1.4.** Whether the revised statement includes:
- 8.1.4.1. an introductory section summarising the matters dealt with in the statement and a description of the geographical area in respect of which the authority exercises functions under the 2005 Act.
 - 8.1.4.2. a list of the persons whom the authority has consulted in preparing the revised statement.
 - 8.1.4.3. the principles to be applied by the authority in exercising the powers under section 157(h) of the 2005 Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm;
 - 8.1.4.4. the principles to be applied by the authority in exercising the powers under section 158 of the 2005 Act to determine whether a person is

an interested party in relation to a premises licence, or an application for or in respect of a premises licence;

- 8.1.4.5. the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the 2005 Act with respect to the exchange of information between it and the Gambling Commission,
- 8.1.4.6. the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act;
- 8.1.4.7. the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises;
- 8.1.4.8. the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified in that section.

8.2. Finance

- 8.2.1. Administrative costs associated with the update and consultation activity for the revised Statement have been met from existing Licensing budgets.
- 8.2.2. Implementation of the revised Statement will incur staff costs that are already covered by base budgets within the Licensing service.

8.3. Policy

- 8.3.1. The Council is required to revise and adopt a Statement of Gambling Principles every three years.

8.4. Equality

- 8.4.1. Consideration has been given to the application of the 'public sector equality duty' (in accordance with section 149 Equality Act 2010) to the recommendation. The decision requested is likely to have a neutral effect in terms of its impact on those individuals with 'protected characteristics.'
- 8.4.2. As part of the research undertaken when writing the Local Area Profile within the Statement of Policy, it has been identified that white, working-class males in the lower age ranges are most at risk from problem gambling. That profile includes characteristics which are protected under the Equality Act 2012.
- 8.4.3. As part of the Gambling Commission's Operating Licence conditions and the Licence conditions and codes of practice, all gambling operators must have a policy setting out how they will ensure that gambling is conducted appropriately and in accordance with the Licensing Objectives. This is usually called a social responsibility policy and would include provisions setting out how an operator would protect those with protected characteristics from the harms caused by problem gambling.

8.5. Human Resources

- 8.5.1. There are no human resource implications.

8.6. Risk Management

- 8.6.1. It should be noted that the Gambling Act 2005 requires the Licensing Authority to have a Statement of Gambling Principles. However, there is no penalty that could be applied if the Licensing Authority did not adopt a Statement. Notwithstanding, any decisions taken where a policy was not in place could be subject to Judicial Review.

8.7. Rural Communities

- 8.7.1. There are no direct implications for rural communities

8.8. Children and Young People/Cared for Children

- 8.8.1. All licensed premises are required to have robust policies and processes in place to ensure that children do not take part in gambling activities. This is support by some of the larger operators undertaken their own inhouse test purchasing regime.
- 8.8.2. The harms that children are most likely to experience from gambling are where there are problem gamblers within the household.
- 8.8.3. As indicated elsewhere within the report, the majority of gambling takes places in ways that are outside the remit of the Licensing Authority and it would be very difficult for us to identify households where gambling is a problem through licensing powers.

8.9. Public Health

- 8.9.1. Gambling as an activity can have significant and devastating effect on problem gamblers and their families and friends. As identified in the Area Profile the number of premises licensed for gambling in Cheshire East is comparatively low. Additionally, we have recently seen a number of betting shops surrender their licences. Statistically, there could be either 3,354 or 1,864 problem gamblers in the Borough (depending on which measure is used). It can therefore be seen that despite the relatively low number of licensed premises there could still be significant harm being caused to residents. What we are not able to identify is by which method problem gamblers are gambling in Cheshire East (e.g. betting shops, scratch cards, or online gambling etc).
- 8.9.2. The Council cannot regulate online gambling within Cheshire East. The regulation of these activities is within the remit of the Gambling Commission. The Commission, in their participation in gambling annual report, has recently reported that online gambling activity has increased.

8.10. Climate Change

- 8.10.1. There are no direct implications for climate change.

Access to Information	
Contact Officer:	Kim Evans, Licensing Team Leader Kim.evans@cheshireeast.gov.uk
Appendices:	Appendix 1 Revised SOGP 2022 v1 Appendix 2 Logged Changes to the SOGP
Background Papers:	statement-of-gambling-principles-2019-2022.pdf (cheshireeast.gov.uk)

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Cheshire East Council

Statement of Gambling Principles

Gambling Act 2005

2023 to 2026

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Appendices 1 - 5 are included to provide further information to those interested in these matters. As the information contained within these appendices are subject to change by Central Government, they are not to be considered a part of the Statement of Principles required by section 349 of the Act. They will be subject to reasonable amendment to ensure that they remain accurate and correctly reflect the appropriate entitlements. Any amendment of this nature will not be considered a review of the Statement. As such the requirements for consultation will not apply.

1 Introduction

- 1.1 This Statement of Gambling Principles is published by Cheshire East Council, as the Licensing Authority, in accordance with Section 349 of the Gambling Act 2005. The Act requires the Licensing Authority to prepare and publish a Statement of Principles which sets out the policies that the Licensing Authority will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.
- 1.2 The Licensing Authority has produced this Statement of Principles in accordance with the provisions of the Act and having regard to the provision of the Guidance issued by the Gambling Commission under Section 25 of the Act.
- 1.3 In exercising most of its functions under the Act, the Licensing Authority must have regard to the Licensing Objectives as set out in section 1 of the Act. The Licensing Objectives are:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.4 As required by the Gambling Act 2005, the draft Statement of Principles was subject to formal consultation with:
 - Cheshire Constabulary
 - Representatives of those carrying on gambling businesses within the Borough of Cheshire East.
 - Representatives of those persons likely to be affected by the exercise of the Licensing Authority's functions under the Act

2 General Principles

- 2.1 The Licensing Authority recognises the need to avoid, so far as possible, duplication of existing legislation and other regulatory regimes.
- 2.2 The Licensing Authority recognises that it may only consider matters within the scope of the Guidance issued by the Gambling Commission, the Act and the Codes of Practice. It is also recognised that there may be issues raised, such as the likelihood of the applicant obtaining planning permission, which are not relevant for the purposes of the Act.
- 2.3 Nothing in this Statement will undermine the rights of any person to make an application under the Act and have the application considered on its individual merits; or undermine the right of any person to make representations on any application or seek a review of a licence or permit where provision has been made for them to do so within the Act.
- 2.4 The Licensing Authority recognises that unmet demand is not a relevant consideration when considering an application for a premises licence under the Act. Each application will be considered on its merits without regard to demand.

- 2.5 The Licensing Authority also recognises that the location and proximity of premises to be used for gambling to other premises such as, for example, schools and premises used by vulnerable persons, may be a relevant consideration with respect to the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. The type of gambling which is to be offered will also be relevant.
- 2.6 Each application will be considered on its merits and the Licensing Authority will take into account any proposals by the applicant or licence holder which show how the licensing objectives may be satisfied.
- 2.7 In carrying out its licensing functions under the Act the Licensing Authority will aim to permit the use of premises for gambling as long as it is considered to be:
- In accordance with any relevant Codes of Practice issued by the Gambling Commission
 - In accordance with any relevant Guidance issued by the Gambling Commission in accordance with this Statement of Principles, and
 - Reasonably consistent with the licensing objectives

3 Gambling Prevalence and Problem Gambling

- 3.1 In 2010 NatCen's British Gambling Prevalence Survey showed that 73% of the population, had participated in some form of gambling in the past year with 56% of the population participating in some form of gambling other than the National Lottery. The 2010 survey remains the most current survey conducted by NatCen.
- 3.2 The most popular gambling activities are:

Type	% of adult population
National Lottery	59%
National Lottery scratch cards	24%
Betting on horse races	16%
Playing slot machines	13%
Online gambling	5%
Placed bets by internet	4%
Fixed Odds Betting Terminals	4%
Gambled in a casino	4%

- 3.3 Men were more likely to gamble than women (75% compared with 71%). People in higher income households were more likely to gamble; 72% in the highest income households; 61% in the lowest income households. Those with higher levels of education were less likely to gamble; 61% of those with a degree gambled compared with 73% who were educated to GCSE/O level equivalent.
- 3.4 Gambling participation was lowest among the youngest and oldest age groups and highest among those aged 44-64.
- 3.5 Gambling prevalence rates were highest among those who were either married or had been married (75%), respondents who were White/White British (76%), those whose highest educational attainment was GCSEs or equivalent (76%) or had other

qualifications (78%), those from lower supervisory/technical households (79%), those in paid work (78%), those with the highest personal income (79% for the 4th income quintile and 76% for the highest income quintile) and those living in the East Midlands (80%).

- 3.6 Two measures of problem gambling showed rates of problem gambling in the general population of 0.9% and 0.5%. A significant association was found between problem gambling and being a young male with parents who gambled. It was also associated with smoking and poor health.
- 3.7 The GamCare Annual Review 2020/2021 showed that the number of calls made to the National Gambling Helpline were up by 9% based on the previous year's figures with the number of individuals seeking support or treatment increased by 8%. Working males under 35 years were most likely to seek support and treatment. Anxiety and stress, family/relationship difficulties, financial problems, and debt are the primary reasons for gambling given by those seeking support or treatment services.
- 3.8 A pilot project in Cheshire was commenced in collaboration with Beacon Counselling Trust in 2017. This project trained Cheshire Constabulary custody staff to screen for problem gambling, understand the complexities of the issue and, where possible, to signpost to local support services.
- 3.9 The pilot was launched in three custody suites across Cheshire with 609 screenings having taken place with 85 (14%) resulting in a brief intervention to minimise gambling-related harm. Of those 17 (20%) have been referred into more structured counselling treatment with local providers.
- 3.10 In April 2021, following the successful pilot, the project has been rolled out to a further five police forces. This includes our neighbours in Manchester and Merseyside.
- 3.11 When gambling becomes a problem it can have devastating repercussions on a person's everyday life and functioning. For many clients who access GamCare's services (eg counselling) this may mean the breakdown or near breakdown of their relationships, damage to their physical and psychological health and substantial financial loss and debt. It should be acknowledged that the harm caused by problem gambling extends beyond the problem gambler themselves to include their family and friends. And can disproportionately affect the most vulnerable in society.

4 Cheshire East Area Profile

- 4.1 Cheshire East's administrative area contains the industrial town of Crewe, the old mill towns of Macclesfield, Bollington and Congleton, the market towns of Alsager, Nantwich, Knutsford and Sandbach, the salt town of Middlewich, the town of Wilmslow as well as the smaller settlements of Holmes Chapel and Poynton.
- 4.2 A full profile of the Borough is set out at Appendix 1.
- 4.3 As the persons most at risk from problem gambling are white, young males from a low income background this is most likely to affect the residents of Crewe and to a lesser extent Macclesfield. These are also the areas that already have the highest

numbers of licensed gambling premises. It will therefore be incumbent upon applicants to demonstrate that they will take appropriate steps to follow the Gambling Commission's relevant Codes of Conduct and the Council's Statement of Gambling Principles to ensure that none is exploited or harmed by gambling.

5 The Gambling Act 2005

- 5.1 Gambling is defined in the Act as either gaming, betting, or taking part in a lottery.
- Gaming means playing a game of chance for a prize
 - Betting means making or accepting a bet on the outcome of a race, competition, or any other event ; the likelihood of anything occurring or not occurring; or whether anything is true or not
 - A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance
- 5.2 The Act provides for three categories of licence:
- Operating licences
 - Personal licences
 - Premises licences
- 5.3 In accordance with the Act, the Gambling Commission has responsibility for issuing operating and personal licenses and the Licensing Authority is responsible for issuing premises licenses.
- 5.4 The main functions of the Licensing Authority, and the functions subject to this Statement, are:
- Licence premises for gambling activities
 - Grant permits for gambling and gaming machines in clubs
 - Regulate gaming and gaming machines in alcohol licensed premises
 - Grant permits to family entertainment centres for the use of certain lower stake gaming machines
 - Grant permits for prize gaming
 - Consider notices given for the temporary use of premises for gaming
 - Consider occasional use notices for betting at tracks
 - Register small societies lotteries
- 5.5 It should be noted that:
- Spread betting is regulated by The Financial Services Authority
 - Remote (on-line) gambling is dealt with by the Gambling Commission
 - The National Lottery is regulated by The National Lottery Commission (which merged with the Gambling Commission in October 2013)
- 5.6 This Statement of Principles relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely:

- Casinos
- Bingo Premises
- Betting Premises
- Tracks
- Adult Gaming Centres
- Family Entertainment Centres
- Club Gaming and Club Machine Permits
- Prize Gaming and Prize Gaming Permits
- Temporary and Occasional Use Notices
- Registration of small society lotteries

5.7 The Categories of Gaming Machine Regulations 2007 (as amended) define four classes of gaming machine, categories A, B, C and D, with category B divided into a further 5 sub-categories. A full list of the categories of Gaming Machine, together with the current maximum stakes and prizes, is set out in Appendix 2.

5.8 A breakdown of automatic entitlements in gambling premises is set out appendix 3 and a break down of automatic entitlements in alcohol licensed premises is set out at appendix 4.

6 Responsible Authorities

6.1 A Responsible Authority may make representations about an application for a premises licence or may request a review of a premises licence. Sections 157 and 349 of the Gambling Act 2005 set out those bodies classified as Responsible Authorities in terms of the Act.

6.2 The Licensing Authority will apply the following principles when designating, in writing, a body which is competent to advise the authority about the protection of children from harm:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc

6.3 Therefore the Licensing Authority will continue to designate the Cheshire East Local Safeguarding Children Board for the purpose of advising it on the protection of children from harm.

6.4 Section 211(4) of the Act provides that in relation to a vessel, but to no other premises, responsible authorities should also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities. These would include:

- The Environment Agency
- The British Waterways Board
- The Secretary of State acting through the Maritime and Coastguard Agency

- 6.5 The contact details of all the Responsible Bodies under the Gambling Act 2005 will be available on the Licensing Authorities website.

7 Interested Parties

- 7.1 In addition to Responsible Authorities, 'Interested Parties' can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in Section 158 of the Gambling Act 2005 as follows:
- Lives sufficiently close to the premises to be likely to be affected by the authorised activities, or
 - Has business interests that might be affected by the authorised activities, or
 - Represents persons in either of the two groups above
- 7.2 In determining whether someone lives sufficiently close to a particular premises so as to be affected the Licensing Authority will take into account, among other things:
- The size of the premises
 - The nature of the premises
 - The distance of the premises from the person making the representation
 - The nature of the complainant
 - The potential impact of the premises
- 7.3 In determining whether a person has a business interest which could be affected the Licensing Authority will consider, among other things:
- The size of the premises
 - The catchment area of the premises, and
 - Whether the person making the representation has business interests in the catchment area that might be affected
- 7.4 Business interests will be given a wide interpretation and could include for example partnerships, faith groups and medical practices.
- 7.5 Representations made on the grounds that an applicant would be in competition with an existing business or that there is allegedly no demand for additional gambling premises will not be considered to be relevant.
- 7.6 Trade associations, trade unions, residents' and tenants' associations will not, however, generally be viewed as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the authorised activities.
- 7.7 Representatives of Interested Parties may include MPs, Ward Councillors and Parish Councillors. Residents' and tenants' associations, trade unions and trade associations may also represent interested parties if they have members living sufficiently close to the premises. Except in the case of Councillors or MPs representing the ward or wards likely to be affected, when written evidence will be required that a person or body represents an interested party.

- 7.8 If individuals approach Ward Councillors or Parish Councillors, care should be taken that the Councillor is not a member of the Licensing Committee or Licensing Act Sub-Committee, which will deal with the application, nor has an interest which would prevent them from addressing the Committee or Sub-Committee. If there is any doubt, advice should be sought from the Legal Team or Licensing Team.
- 7.9 Details of those persons making representations will be made available to applicants and, in the event of a hearing being held, will form part of a public document (including publication on the Council's website).

8 Premises Licences

- 8.1 Premises can be 'any place' but the Act prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be genuinely regarded as being different 'premises'.
- 8.2 There are particular requirements for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and that people are not allowed to 'drift' accidentally into a gambling area. The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 set out the access provisions for each type of premises.
- 8.3 A licence to use premises for gambling will normally be issued only in relation to premises that are ready to be used for gambling. Where premises have not yet been constructed, an applicant may apply for a provisional statement – See Section 20.
- 8.4 An application for a premises licence may only be made by persons who have a right to occupy the premises.
- 8.5 Except in the case of a betting track premises licence, an application for a premises licence can only be made by a person who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, OR has made an application for an operating licence which has not yet been determined.
- 8.6 When considering applications for premises licences the licensing authority cannot take into consideration the expected 'demand' for facilities. It should also be noted that moral objections to gambling are not a valid reason to reject applications.
- 8.7 Applications for the grant, transfer or variation of a Premises Licence should be accompanied by an assessment that demonstrates how the applicant will promote all the Licensing Objectives.
- 8.8 Premises licences granted must be reasonably consistent with the licensing objectives as follows:

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

- 8.9 The Gambling Commission will be taking a leading role in preventing gambling from being a source of crime.
- 8.10 The Gambling Commission will deal with Operating Licences and Personal Licences so the Licensing Authority will not be concerned about the suitability of an applicant. If concerns arise about a person's suitability, the Licensing Authority will bring those concerns to the attention of the Commission.
- 8.11 The Licensing Authority will take into consideration the proposed location of gambling premises in terms of this Licensing Objective. Where an area has known high levels of organised crime, the Licensing Authority will consider carefully whether gambling premises are suitable to be located there.
- 8.12 Where appropriate, conditions may be attached to a premises licence requiring the provision of door supervisors. For example, if the premises cannot be adequately supervised from the counter, door supervision may be necessary.
- 8.13 There is a distinction between disorder and nuisance. The Licensing Authority will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see or hear it in determining that distinction. It should be noted that issues of nuisance cannot be addressed under the Act.

Ensuring that gambling is conducted in a fair and open way

- 8.14 The Gambling Commission does not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the Operating and Personal Licensing regime.
- 8.15 Because betting track operators do not need an operating licence from the Commission the Licensing Authority may, in certain circumstances, require conditions to ensure that the environment in which betting takes place is suitable.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 8.16 Apart from one or two limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments.
- 8.17 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling. There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 8.18 The Licensing Authority will not normally grant a premises licence for premises which are located close to schools.

- 8.19 When considering whether to grant a premises licence or permit the Licensing Authority will consider whether any measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc.
- 8.20 The Act does not define the term 'vulnerable persons' but the Licensing Authority considers that this will include people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a learning disability, the state of their mental health or the effects of alcohol or drugs.
- 8.21 Licence Holders will be expected to make information publicly available about organisations that can provide advice and support, both in relation to gambling itself and to debt e.g. GamCare, Gamblers Anonymous, National Debtline, local Citizens Advice Bureau and relevant independent advice agencies.
- 8.22 The Licensing Authority is aware of the general concern surrounding betting machines that permit high volumes of betting activity by individuals, for example Fixed Odds Betting Terminals (FOBTs). Applicants should consider where such betting machines are located and monitor use to ensure excessive gambling does not take place. The Licensing Authority is also aware that Central Government is considering this issue.

9 Adult Gaming Centres

- 9.1 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to meet the Licensing Objectives, for example, to ensure that under 18 year olds do not have access to the premises.
- 9.2 Appropriate licence conditions may cover issues such as:
- Proof of age schemes
 - CCTV Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of posters and/or information leaflets and helpline numbers/website addresses for organisations such as GamCare, Gamblers Anonymous, Gordon House Association, National Debtline and local Citizens Advice Bureau and other relevant independent advice agencies.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

10 Betting Premises (other)

- 10.1 The Licensing Authority must be satisfied that the primary use of the premises is to operate as a betting premises in accordance with the principles outlined in paragraph 16 of this Statement. The applicant will be expected to demonstrate that

they can offer sufficient facilities for betting and, unless it does so, should not be making gaming machines available on the premises.

10.2 The Licensing Authority will take the following into account when considering the number, nature and circumstances of betting machines an operator wants to offer:

- the size of the premises
- the number of counter positions available for person-to-person transactions
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people

11 Betting Tracks including other sporting venues

11.1 Tracks may be subject to one or more than one premises licence, provided that each licence relates to a specified area of the track.

11.2 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas and do not have access to adult only gaming facilities.

11.3 It should be noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

11.4 Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

11.6 Where the applicant holds a Pool Betting Operating Licence and is going to use the entitlement to four gaming machines, if these machines are above category D, the applicant must demonstrate that they will be located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

11.7 The Licensing Authority will consider restricting the number and location of betting machines in respect of applications for track premises licences.

11.8 When considering the number, nature and circumstances of betting machines an operator wants to offer, the Licensing Authority will take into account:

- the size of the premises
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people

11.9 The Licensing Authority will normally attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

12 Bingo Premises

12.1 It is important that, if children are allowed to enter premises licensed for bingo, they do not participate in gambling, other than on category D machines.

12.2 Where category C or above machines are available in premises to which children are admitted the Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to ensure that:

- all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- only adults are admitted to the area where the machines are located
- access to the area where the machines are located is supervised
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder
- at the entrance to, and inside any such area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18

12.3 The Licensing Authority will take account of any guidance issued by the Gambling Commission about the particular issues which should be taken into account in relation to the suitability and layout of bingo premises and appropriate conditions will be attached to the premises licence.

13 Casinos

13.1 This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, this Statement of Principles will be updated. Any such decision must be made by the full Council.

13.2 This Licensing Authority is not currently able to issue premises licences for casinos. Should the Government propose that more casinos can be licensed in the future, the Licensing Authority will review its position and this Statement of Principles will be updated.

14 (Licensed) Family Entertainment Centres

14.1 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to meet the Licensing Objectives, for example, to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

14.2 Appropriate licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare, Gamblers Anonymous, the Gordon House Association, National Debtline and local Citizens Advice Bureau.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

15 Licence Conditions

15.1 There are three types of conditions that can be attached to premises licences:

- Mandatory – Conditions prescribed in regulations made by the Secretary of State which must be attached
- Default – Conditions prescribed in regulations made by the Secretary of State which will be attached unless specifically excluded by the Licensing Authority
- Conditions attached by the Licensing Authority

15.2 Any conditions imposed by the Licensing Authority will be appropriate, proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for
- fairly and reasonably related to the scale and type of premises
- reasonable in all other respects

15.3 Applicants are encouraged to offer their own suggested conditions to demonstrate how the Licensing Objectives can be met.

15.4 There are conditions which the Licensing Authority cannot attach to premises licences which are:

- any condition which makes it impossible to comply with an operating licence condition

- conditions relating to gaming machine categories, numbers, or method of operation
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs)
- conditions in relation to stakes, fees, winnings or prizes

15.5 Where a condition is attached to a premises licence requiring door supervisors, the Licensing Authority will normally require those door supervisors to be Security Industry Authority (SIA) registered.

15.6 Door supervisors employed in house at casinos or bingo premises are exempt from being registered by the SIA but the Licensing Authority considers that it is best practice for door supervisors working at casinos or bingo premises to have SIA training or similar. The Licensing Authority will also expect door supervisors employed at casinos or bingo premises to have a clear Disclosure and Barring check over the previous three years prior to their employment at the casino or bingo premises.

16 Primary Gambling Activity

16.1 The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Gambling Act 2005 authorises the provision of gambling facilities for the following types of premises licences:

- Casino premises
- Bingo premises
- Betting premises, including tracks and premises used by betting intermediaries
- Adult gaming centre premises (for category C and D machines)
- Family entertainment centre premises (for category C and D machines) (note that, separate to this category, the Licensing Authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).

16.2 In betting premises the primary activity will be betting, with gaming machines as an ancillary offer on the premises. The Commission have provided information relating to the primary gambling activity. This guidance sets out the requirements on the operator to ensure that their premises operate within the terms of the Act and the relevant conditions. It should be noted that the Act does not permit a premises to be licensed for more than one gambling activity.

16.3 The Licensing Authority will take decisions in accordance with the Commission's guidance and codes of practice on primary gambling activity, and will have regard to the advice which it issues from time to time, and will expect applicants to operate premises in line with the Commission's Guidance and conditions on their operator licence. The Licensing Authority will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises are intended to be used for the primary gambling activity proposed. For example a betting (other) premises licence application that only has 4 gaming machines but no betting counter or associated

betting facilities shown on the proposed plans, will not be considered as offering the primary gambling activity in accordance with that indicated on the application.

17 Buildings divided into more than one premises

- 17.1 The Guidance states that a building can, in principle, be divided into more than one premises, and subject to more than one premises licence provided they are for different parts of the building, and the different parts of the building can be reasonably regarded as being different premises. An example is given of the units within a shopping mall, where each unit is a separate self-contained premises that is contained within one building. It is also possible for licensed premises to be located next to each other. The Licensing Authority will follow this guidance.
- 17.2 Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing Authority will need to be satisfied that the different premises are genuinely separate premises, and not an artificially created part of what is readily identifiable as a single premises.
- 17.3 In considering whether different areas of a building are genuinely separate premises the Licensing Authority will take into account factors which will include:
- whether there are separate registrations for business rates in place for the premises
 - whether the premises are owned or operated by the same person
 - whether the premises are operated independently of each other

18 Separation of premises within a single building

- 18.1 When considering proposals to divide a building into genuinely separate premises the Licensing Authority will also need to be satisfied that the form of separation between the premises is appropriate.
- 18.2 The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another. The Licensing Authority would not, for example, be likely to consider that separation of areas of a building by ropes, or by low level, or moveable partitions to be appropriate.
- 18.3 It may be acceptable for staff working in adjacent premises to have access through barriers between premises to enable them access one premises from the other. The applicant must demonstrate that in providing this staff access there are suitable control measures in place that will ensure the safety and security of staff and that will effectively prevent the public from using the same access point to enter the other premises.

19 Access to premises

- 19.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises the Licensing Authority will

have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.

- 19.2 The requirement and restrictions relating to access are set out in paragraph 7.26 of the Commission's Guidance. In certain circumstances customers are restricted from accessing different types of gambling premises directly from other licensed premises.
- 19.3 The Guidance at paragraph 7.25 states 'There is no definition of "direct access" in the Act or regulations. However, it could be said that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.'
- 19.4 It is the Licensing Authority's opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.
- 19.5 The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATMs.
- 19.6 Where the Licensing Authority is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, the Licensing Authority will expect applicants to ensure that:
- Premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part
 - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit
 - Customers should be able to participate in the activity named on the premises licence

This is not an exhaustive list and the Licensing Authority will consider other aspects based on the merits of the application.

20 Provisional Statements

- 20.1 An applicant may apply for a provisional statement in respect of premises expected to be constructed, altered or acquired.
- 20.2 Applications for provisional statements will be dealt with in a similar manner to applications for a premises licence.

- 20.3 Where a provisional statement is granted and an application subsequently made for a premises licence, the Licensing Authority will disregard any representations made which address matters that could have been addressed when the provisional statement was considered unless there has been a change of circumstances.
- 20.4 A premises licence will be granted in the same terms as the provisional statement unless
- representations are received which address matters that could not have been addressed when the provisional statement was considered
 - there has been a change of circumstances
 - the premises have been constructed or altered otherwise than in accordance with the plans and information included with the application for the provisional statement

21 Reviews of Licences

- 21.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, including the Licensing Authority. However, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- any relevant code of practice issued by the Gambling Commission
 - any relevant guidance issued by the Gambling Commission
 - the Licensing Objectives
 - the Licensing Authority's Statement of Principles
- 21.2 The Licensing Authority may reject an application for review if it thinks that the grounds on which the review is sought:
- are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the Licensing Objectives or the Licensing Authority's Statement of Principles
 - are frivolous
 - are vexatious
 - 'will certainly not' cause the Licensing Authority to revoke or suspend the licence or to remove, amend or attach conditions on the premises licence
 - are substantially the same as grounds cited in a previous application relating to the same premises (the Licensing Authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application)
 - are substantially the same as representations made at the time the application for the premises licence was considered. While the licensing authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the premises licence
- 21.3 General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.

- 21.4 The Licensing Authority itself, as a responsible authority can initiate a review of a particular premises licence, or any particular class of premises licence, for any reason which it thinks is appropriate. This includes reviewing a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them, or to ensure that the principle of primary use is applied.
- 21.5 The Licensing Authority may review any matter connected with the use made of a particular premises if it has reason to believe that the premises licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.
- 21.6 A responsible authority or interested party may apply to the Licensing Authority to review a premises licence. Such reviews can be made in relation to, amongst other things:
- if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address
 - where incidents that have adversely affected one or more Licensing Objectives have occurred at a premises that could have been prevented if advice and guidance from a responsible authority had been heeded
 - if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder
- 21.7 As a review of a premises licence can lead to its revocation the Licensing Authority will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The Licensing Authority accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.

22 Permits

- 22.1 Permits regulate gambling and the use of gaming machines in a premises which does not hold a premises licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.
- 22.2 The Licensing Authority is responsible for issuing the following permits:
- alcohol licensed premises gaming machine permits
 - club gaming permits and club machine permit
 - prize gaming permits
 - unlicensed family entertainment centre gaming machine permits
- 22.3 The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore, the Licensing Authority will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

23 (Alcohol) Licensed Premises Gaming Machine Permits

- 23.1 Premises licensed to sell alcohol are automatically entitled to have 2 gaming machines of categories C or D provided that:
- the requisite notice has been served on the Licensing Authority
 - the appropriate fee has been paid
 - any code of practice relating to the location and operation of gaming machines is complied with
- 23.2 The Licensing Authority can remove the automatic authorisation if:
- provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives
 - gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
 - the premises are mainly used for gaming
 - an offence under the Gambling Act has been committed on the premises
- 23.3 If a licensed premises wishes to have more than 2 machines, then a permit is required.
- 23.4 The Licensing Authority must take account of the Licensing Objectives and any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005 when considering an application for a permit. The Licensing Authority may also consider such matters as it thinks are relevant. Such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling.
- 23.5 The Licensing Authority will expect the applicant to demonstrate that there will be sufficient measures to ensure that children and young people do not have access to the adult only gaming machines. Such measures may include notices and signage, adult machines being in sight of the bar or in sight of staff that will monitor that the machines are not being used by those under 18. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare, Gamblers Anonymous, the Gordon House Association, National Debtline, local Citizens Advice Bureau, and any other relevant and independent advice agencies.
- 23.6 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 23.7 The Licensing Authority may decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for. No other conditions can be attached to the permit.

- 23.8 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

24 Club Gaming and Club Machines Permits

- 24.1 Members clubs and Miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs may apply for a club machine permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming, and games of chance as set out in regulations. A club machine permit will enable the premises to provide gaming machines (three machines of categories B4, C or D).

- 24.2 A club must meet the following criteria to be considered a members' club:

- It must have at least 25 members
- It must be established and conducted wholly or mainly for purposes other than gaming (unless the gaming is permitted by separate regulations)
- It must be permanent in nature
- It must not be established to make a commercial profit
- It must be controlled by its members equally

Examples of these include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

- 24.3 The Licensing Authority may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- the applicant's premises are used wholly or mainly by children and/or young persons
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- a permit held by the applicant has been cancelled in the previous ten years
- an objection has been lodged by the Gambling Commission or the Police

- 24.4 There is also a 'fast-track' procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which a Licensing Authority can refuse a permit are reduced. The grounds on which an application under this process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled

- 24.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

25 Prize Gaming Permits

- 25.1 Gaming is prize gaming if the prize is not affected by the number of people playing or the amount paid for or raised by the gaming. Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.
- 25.2 In exercising its functions in respect of prize gaming permits, the Licensing Authority need not, but may, have regard to the Licensing Objectives and must have regard to any guidance issued by the Gambling Commission.
- 25.3 It should be noted that there are conditions in the Act with which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day
 - the game must be played and completed on the day the chances are allocated and the result of the game must be made public in the premises on the day that it is played
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize)
 - participation in the gaming must not entitle the player to take part in any other gambling
- 25.4 The Licensing Authority cannot attach any other conditions to this type of permit.
- 25.5 During the application process, the applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:
- an understanding of the limits to stakes and prizes set out in regulations
 - That the gaming offered is within the law
 - Clear policies that outline the steps to be taken to protect children from harm
- 25.6 The Licensing Authority will only grant a permit after consultation with the Chief Officer of Police. This will enable the Licensing Authority to determine the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and issues about disorder.
- 25.7 Given that the prize gaming will particularly appeal to children and young persons, the licensing authority will give weight to child protection issues.

26 Unlicensed Family Entertainment Centre (uFEC) Gaming Machine Permits

- 26.1 Where Category D gaming machines are to be provided at premises which do not have a premises licence but will be wholly or mainly used for making Category D gaming machines available for use, an application may be made for a permit.
- 26.2 A uFEC can form a part of larger premises provided it is separate and identifiable.
- 26.3 In exercising its functions in respect of uFEC permits, the Licensing Authority need not, but may have regard to the licensing objectives and must have regard to any guidance issued by the Gambling Commission.
- 26.4 The Licensing Authority cannot attach conditions to this type of permit but will consider the following matters in determining the suitability of an applicant for a permit.
- 26.5 Applicants will be expected to show that there are policies and procedures in place to protect children from harm. These may include appropriate measures and training for staff in dealing with:
- Suspected truant school children on the premises
 - Unsupervised young children on the premises
 - Children causing problems on or around the premises
- 26.6 Applicants will be expected to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs and that staff are trained to have a full understanding of the maximum stakes and prizes.
- 26.7 Applicants will be required to demonstrate that they have no relevant convictions as set out in Schedule 7 of the Act.
- 26.8 The Licensing Authority will not normally grant a uFEC permit for premises that are located close to schools.

27 Temporary Use Notices

- 27.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for gambling would include hotels, conference centres and sporting venues.
- 27.2 The Licensing Authority can only grant a Temporary Use Notice to a person or a company holding a relevant operating licence.
- 27.3 Currently, Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.
- 27.4 The Licensing Authority will object to temporary use notices where it appears that they are being used to permit regular gambling in a set of premises.
- 27.5 A set of premises may not be the subject of temporary use notices for more than 21 days within a 12 month period.

- 27.6 In determining whether a place falls within the definition of a 'set of premises' the Licensing Authority will take into consideration ownership/occupation and control of the premises. For example, a large exhibition centre will normally be regarded as one set of premises and will not be allowed separate temporary use notices for each of its exhibition halls. Individual units in a shopping centre may be regarded as different sets of premises if they are occupied and controlled by different people.

28 Occasional Use Notices

- 28.1 The Licensing Authority has little discretion but to accept occasional use notice at 'tracks'. However the Licensing Authority must ensure that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will, however, consider the definition of a 'track'. The applicant will also need to demonstrate that they are responsible for the administration of the 'track' or is an occupier, and therefore permitted to make use of the notice. It should be noted that the definition of track in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. This could include major halls, hotels and other venues in Cheshire East. If notices are given for a single track which would permit betting to occur for more than 8 days per year the Licensing Authority has an obligation to issue a counter notice preventing such a breach occurring.
- 28.2 Where betting takes place on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.
- 28.3 A track includes a horse racing course, a dog track or any other premises on any part of which a race or other sporting event takes place or is intended to take place. This could include, for example, agricultural land upon which a point-to-point meeting takes place. The track need not be a permanent fixture. Those giving occasional use notices will be expected to demonstrate that the premises fall within the definition of a track.

29 Travelling Fairs

- 29.1 The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machines are operated.
- 29.2 It will fall to the Licensing Authority to decide whether, where category D machines and/ or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 29.3 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair. The Licensing Authority notes the 27 day statutory maximum for the land being used as a fair each calendar year applies to the piece of land on which the fairs are held, regardless of whether it is the same or

different travelling fairs occupying the land. The Licensing Authority will monitor any travelling fairs that take place in Cheshire East that offer gambling as an ancillary use to the fair through liaison with the Event Safety Advisory Group. The Licensing Authority will ensure that the 27 day statutory maximum for the land being used is not breached. The Licensing Authority will advise travelling fair operators if requested of the statutory time period remaining for the land they intend to use.

30 Small Society Lotteries

30.1 The Licensing Authority is responsible for the registration of small society lotteries.

30.2 A society is a non-commercial organisation established and conducted:

- for charitable purposes
- for the purpose of enabling participation in, or of supporting sport, athletics or a cultural activity
- for any other non-commercial purpose other than that of private gain and the proceeds of any lottery must be devoted to those purposes

30.3 The total value of tickets to be put on sale per single lottery must be £20,000 or less or the aggregate value of tickets to be put on sale for all lotteries in a calendar year must not exceed £250,000. If either of these values is exceeded, the society will need to be licensed by the Gambling Commission to operate large lotteries.

30.4 Applications for registration must be made in accordance with the Small Society Lotteries (Registration of Non-Commercial Societies) Regulations 2007.

30.5 An application may be refused on the following grounds:

- An operating licence held by the applicant for registration has been revoked or an application for an operating licence by the applicant for registration has been refused within the past 5 years
- The applicant is not a non-commercial society
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence
- Information provided in or with the application for registration is found to be false or misleading

30.6 Registrations run for an unlimited period, unless the registration is cancelled or revoked.

30.7 The limits placed on small society lotteries are as follows:

- At least 20% of the lottery proceeds must be applied to the purposes of the society
- No single prize may be worth more than £25,000
- Rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society and the maximum single prize is £25,000

- Every ticket in the lottery must cost the same and the society must take payment for the ticket before entry into the draw is allowed

30.8 No later than three months after each lottery draw, returns must be sent to the Licensing Authority containing the following information:

- The arrangements for the lottery
- The total proceeds of the lottery
- The amounts deducted for prizes
- The amounts deducted for expenses
- The amount applied to the purposes of the society
- Whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds and, if so, the amount of such expenses and the sources from which they were paid

31 Exchange of Information

31.1 The Licensing Authority will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission. The Licensing Authority will also have regard to Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

3.1.2 The Council will at all times ensure compliance with the General Data Protection Regulations and the Data Protection Act 2018. However, information will be shared with anyone provided there is a lawful basis to do so. This may include the sharing of personal and/or special category data.

32 Enforcement

32.1 The Licensing Authority will operate within the principles of natural justice and take into account the Human Rights Act 1998. It will have regard to Commission Guidance and will endeavour to avoid unnecessary duplication with other regulatory regimes as far as possible and to be:

- Proportionate: only intervening when necessary and remedies will be appropriate to the risk posed, and costs identified and minimised
- Accountable: able to justify its decisions, and be subject to public scrutiny
- Consistent: implementing rules and standards fairly in a joined-up way
- Transparent: open, and keep conditions placed on premises licences simple and user friendly
- Targeted: focusing on the problems, and aiming to minimise the side effects

32.2 The main enforcement and compliance role for the Licensing Authority is to ensure compliance with the premises licences and other permissions which it grants itself. The Gambling Commission will be the enforcement body for operating licences and personal licences. Similarly, concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority, but the Licensing Authority will be alert to the way premises are operated and will notify the Gambling Commission if it becomes aware of matters of concern in the operation of the premises.

- 32.3 The Licensing Authority will comply with the Enforcement Policy approved by the Council. This Policy includes provisions for licensing offences and is available on the Council's website.

33 Scheme of Delegation

- 33.1 The Licensing Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them.
- 33.2 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Licensing Authority Officers. The table shown at Appendix 5 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committee and Officers. This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

34 Definitions of Gambling Activities

Adult Gaming Centres

Adult gaming centres (AGCs) are a category of gambling premises contained within the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. The holder of an adult gaming centre premises licence may make available for use up to four category B3 or B4 machines, any number of category C or D machines.

Amusement arcades

These are not referred to as such in the Act. See Adult Gaming Centres and licensed and unlicensed family entertainment centres.

Betting

Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true.

Bingo

Bingo has no statutory definition in the Act. It has its ordinary and natural meaning. The distinction between cash bingo, where cash prizes are derived from the stakes, and prize bingo, where prizes were not directly related to the stakes paid, under the previous legislation has been removed for commercial operators, and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. That means that premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms. So too will alcohol-licensed premises, club and miners' welfare institutes (up to a total weekly prize value of less than £2,000).

Prize bingo is traditionally played in arcades, or travelling funfairs. For these operators, prize bingo is subsumed within the allowances for prize gaming in the Act. This means that adult gaming centres, both licensed and unlicensed family entertainment centres, travelling fairs, and any premises with a prize gaming permit will be able to offer prize gaming, which includes prize bingo. There will be Government Regulations issued setting the prize limits.

Casino

‘An arrangement’ whereby people can participate in one or more casino games.

Casino Games

Games of chance not being equal chance gaming ie games in which players stake against a ‘bank’.

Equal chance gaming

This is a game where the chances of winning are equally favourable to all participants, and which does not involve playing or staking against a “bank”. It is immaterial how the ‘bank’ is described and whether or not it is controlled by a player.

Exempt activities

Private betting is betting which takes place between inhabitants of the same premises or between employees of the same employer.

Private gaming (which is gaming that takes place in private dwellings and on domestic occasions) is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access.

Non commercial Gambling is when no part of the proceeds/profits will be for private gain. The proceeds/profits are the sums raised by the organisers, for example, by way of fees for entrance or participation, or by way of stakes, minus an amount deducted by the organiser in respect of costs reasonably incurred in organising the event including the provision of a prize. The following conditions would also have to apply:

- The profits will be for a purpose other than that for private gain;
- The players are informed that the purpose of the gaming is to raise money for a specified purpose other than that of private gain;
- The event must NOT take place in premises which either have a premises licence or on premises relying on a temporary use notice under the new act;
- The gaming must not be remote.

Any Regulations made by the Secretary of State will need to be complied with and will include for example regulations limiting the amounts staked and limiting participation fees. If the profits from the activity used for a purpose other than that which was specified, an offence would be committed.

Gambling

Gambling is defined as either gaming, betting or participating in a lottery.

Games of chance

Includes games that involve elements of both chance and skill. This includes games in which skill can eliminate an element of chance and includes games that are presented as involving an element of chance. It does not include a sport. Playing a game of chance need not involve other participants.

Gaming

Gaming means playing a game of chance for a prize

Gaming machines – Categories

The table at appendix 2 sets out the different categories with the maximum stakes and prizes that apply.

Gaming Machines by Premises Type

The table at appendix 3 sets out the different automatic entitlements at each type of premises.

Fixed Odds Betting Terminals

Fixed odds betting terminals (FOBTs) are electronic machines, sited in betting shops, which contain a variety of games, including roulette. Each machine accepts bets for amounts up to a pre-set maximum and pays out according to fixed odds on the simulated outcomes of games.

The Act classifies FOBTs as B2 gaming machines. Up to four machines can be sited on betting premises. The maximum stake on a single bet is £100, the maximum prize is £500.

Licensed Family Entertainment Centres

These premises require operating licences from the Gambling Commission. They will be able to offer gaming machines in categories C and D. Gaming machines are a form of gambling which is attractive to children and Licensed Family Entertainment Centres may contain machines of the Category D machines on which they are allowed to play as well as category C which they are not permitted to play on.

Lottery

A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

Operating Licence

The Act requires that individuals or companies who intend to provide facilities for certain types of gambling must obtain an operating licence from the Gambling Commission. In general, these licences cover the principal commercial forms of gambling operation. Operating licences may be issued for the following forms of gambling:

- A casino operating licence
- A bingo operating licence
- A general betting operating licence
- A pool betting operating licence
- A betting intermediary operating licence
- A gaming machine general operating licence (for an adult gaming centre)
- A gaming machine general operating licence (for a family entertainment centre)
- A gaming machine technical operating licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine)
- A gambling software operating licence (to manufacture, supply, install or adapt gambling software)
- A lottery operating licence

Premises Licence

A premises licence issued by a Licensing Authority authorises the provision of facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres.

Track

A horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

Unlicensed Family Entertainment Centres

These premises can provide category D machines providing prizes of up to £5 cash or £8 in goods. Stakes are limited to 10p (or 30p for a goods prize). They can also offer prize bingo.

35 Glossary of Terms

Act:	The Gambling Act 2005
Adult:	Means an individual who is not a child or young person
Applications:	Applications for licences and permits as defined separately in this Policy and the Guidance.
Borough:	The area of Cheshire administered by Cheshire East Borough Council
Child and Young Person:	<p>The Act includes the definition of a child at S.45 as:</p> <p>Meaning of “child” and “young person”</p> <p>(1) In this Act “child” means an individual who is less than 16 years old</p> <p>(2) In the Act “young person” means an individual who is not a child but who is less than 18 years old.</p>
Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Council:	Cheshire East Council
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by Cheshire East Council
GamCare:	GamCare is a leading provider of information, advice, support and free counselling for the prevention and treatment of problem gambling. GamCare is a national charity and was founded in 1997.
Guidance:	The Gambling Commission under section 25 of the Act are required to issue guidance on the manner in which local authorities are to exercise their functions under the Act, in particular, the principles to be applied by local authorities in exercising their functions under the Act.
Interested Party:	<p>Interested parties are defined under section 158 of the Act. To accept a representation from an interested party, the council must take the view that the person:</p> <p>(a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,</p> <p>(b) has business interests that might be affected by the authorised</p>

activities

(c) represents persons in either of these groups.

Interested parties can also be a councillor or an MP

Licensing
Authority:

Cheshire East Council

Licensing
Objectives:

The Act contains three licensing objectives which underpin the functions that the licensing authorities will perform

1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

2. Ensuring that gambling is conducted in a fair and open way

3. Protecting children and other vulnerable persons from being harmed or exploited by gambling

Mandatory
Condition:

Means a specified condition provided by regulations to be attached to a licence

NatCen:

National Centre for Social Research. Conducted the British Gambling Prevalence Surveys of 1999, 2007 and 2010 on behalf of the Gambling Commission

Notifications:

Means notification of temporary or occasional use notices

Premises:

Any place, including a vehicle, vessel or moveable structure

Regulations:

Regulations made under the Gambling Act 2005

Representations:

In dealing with applications the Council is obliged to consider representations from two categories of person, referred to in the Act as interested parties and responsible authorities.

Responsible
Authority:

Responsible authorities are public bodies that must be notified of applications and that are entitled to make representations to the Licensing Authority in relation to applications for, and in relation to, premises licences. All representations made by responsible authorities are likely to be relevant representations if they relate to the licensing objectives.

Section 157 of the Act identifies the bodies that are to be treated as responsible authorities.

They are:

(a) a licensing authority in England and Wales in whose area the premises is wholly or partly situated

(b) the Gambling Commission

(c) the chief officer of police or chief constable for the area in which the premises is wholly or partially situated

(d) the fire and rescue authority for the same area

(e) (i) in England and Wales, the local planning authority, or

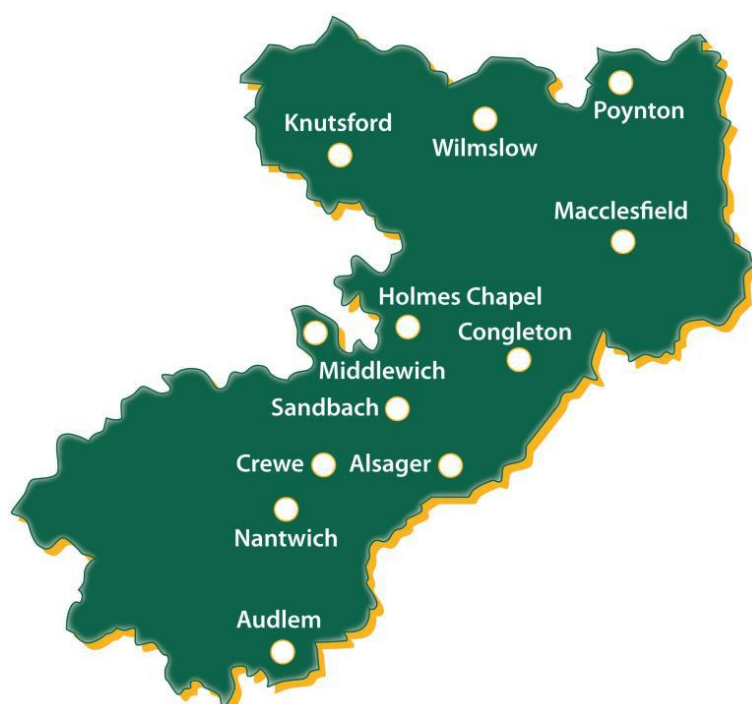
(ii) in Scotland, the planning authority

- (f) the relevant authority as defined in section 6 of the Fire (Scotland) Act 2005
- (g) an authority which has functions in relation to pollution to the environment or harm to human health
- (h) anybody, designated in writing by the licensing authority as competent to advise about the protection of children from harm
- (i) HM Revenue & Customs
- (j) any other person prescribed in regulations by the Secretary of State.

Cheshire East – Area Profile (spring 2015)

Introduction

Cheshire East is the third biggest unitary authority in the North West and the thirteenth largest in the country. It therefore has a wide breadth of social grades, age profiles and ranges of affluence. There is a clear link between these measures and the likelihood of a person gambling. It also needs to be acknowledged that there are clear differences between the type of person who gambles responsibly and the type who is identified as a problem gambler. This profile will therefore concentrate on the measures that can contribute to gambling and problem gambling.



People

Cheshire East has an estimated population of 372,700¹, the population density is 3.2 residents per hectare², making Cheshire East less densely populated than the North West (5.0 per hectare) and England (4.1 per hectare).

Between the 2001 and 2011 Census, the median age of residents has increased from 40.6 years to 43.6 years³. Between the same years, the number of over 65s has increased by 11,700 residents or 26%, which is a greater increase than the North West (15%) and England & Wales (20%).

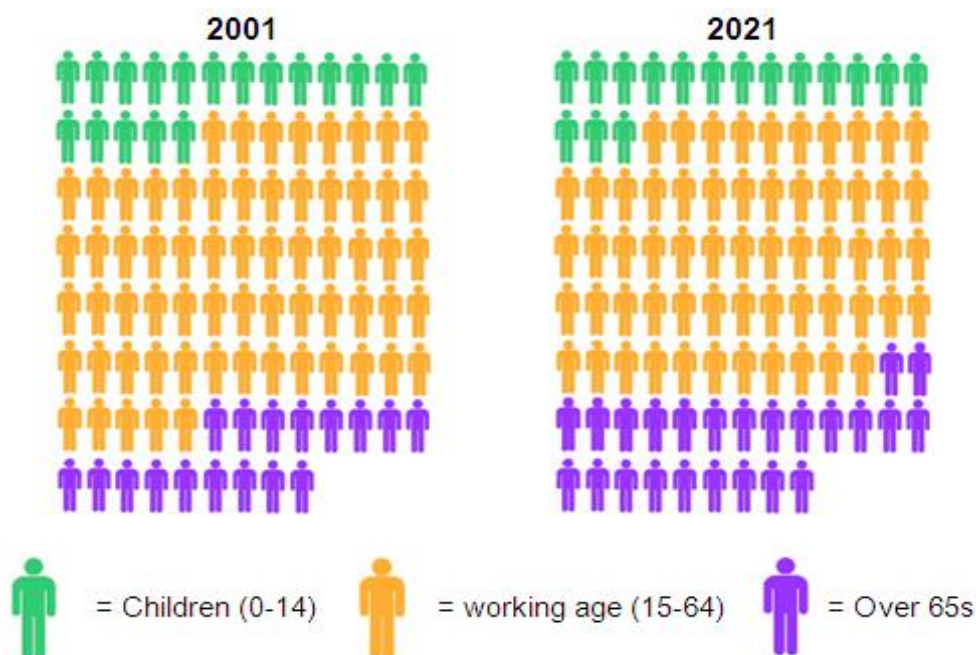
¹ 2013 Mid-year population estimates, Office for National Statistics, NOMIS, Crown Copyright

² 2011 Mid-year population estimates and UK Standard Area Measurements (SAM) 2011, Office for National Statistics, Crown Copyright

³ 2001 and 2011 Census, Office for National Statistics, Crown Copyright

From 2011 to 2021 the population was expected to increase by 15,700 people (4.2%) to 385,800, a greater increase than the North West (3.7%) but less than England (7.5%)⁴. The number of children (aged 0-14) is estimated to increase by 4%, with a slight decrease (-2%) in those of working age (15-64). The number of residents over the age of 65 is expected to increase substantially by 19%, however this increase is similar to England (20% increase). Caution should be exercised when using any predictions about the future population, as they assume trends in recent years will continue into future years.

Figure 1: Proportion of residents by broad age groups – change over 20 years⁵



Economy

Cheshire East contains 5.1% of the North West region's working-age residents⁶, but accounts for an even greater share (5.7%) of the region's employees⁷. In terms of economic output, its contribution is much greater still, at 6.9%⁸.

The proportion of working age residents who are claiming job seekers allowance benefit is low (1.0%) when compared to the North West (2.0%) and England (1.9%) averages⁹. Within Cheshire East there are large disparities – from 0.1% in Adlington & Prestbury to 2.7% in West Coppenhall and Grosvenor. If all out-of-work benefits are included rather than just those actively seeking work, 7.8% of residents of working age receive an out-of-work benefit¹⁰, ranging from 1.4% in

⁴ 2012 Sub-National Population Projections, Office for National Statistics, Crown Copyright

⁵ 2001 and 2011 Census, Office for National Statistics, Crown Copyright & 2012 Sub-National Population Projections, Office for National Statistics, Crown Copyright

⁶ 2013 Mid-year population estimates, Office for National Statistics, Crown Copyright

⁷ 2013 Business Register and Employment Survey, Office for National Statistics, Crown Copyright

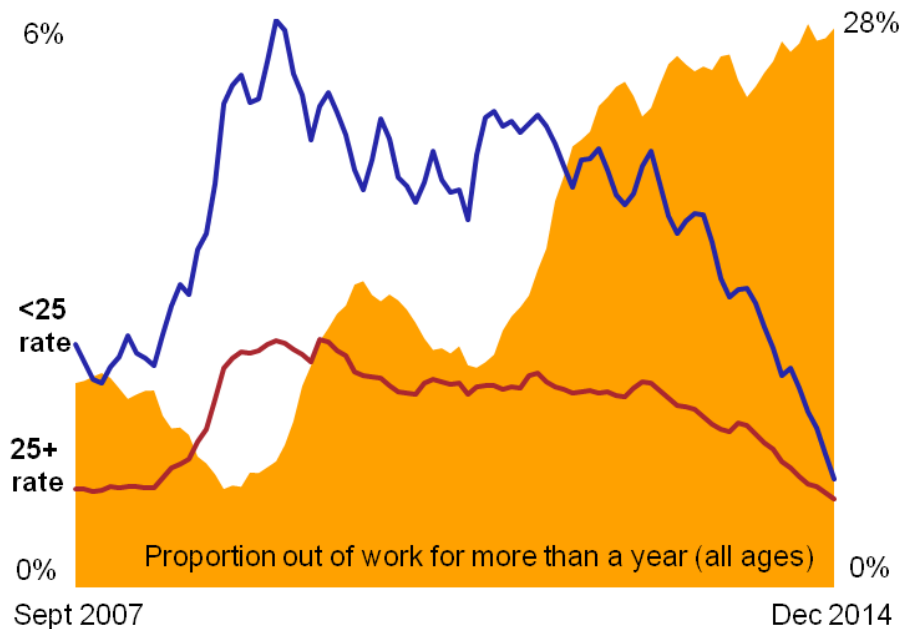
⁸ Regional GVA NUTS3 (1997-2013), Table 3.1, Regional Gross Value Added (Income Approach), Office for National Statistics

⁹ December 2014, JSA Claimant Count, DWP and 2013 mid-year estimates, Office for National Statistics, NOMIS, Crown Copyright

¹⁰ Out-of-work benefits, 4 quarter average July 2013 – June 2014, Department for Work and Pensions. Calculations consistent with NI 152/153

Macclesfield Town Tytherington to more than one in four residents of working age (26.5%) in East Coppenhall, Crewe.

Figure 2: Job Seekers Allowance claimants (unemployment) for young people (under 25) and others (over 25), with the proportion of people of all ages claiming for more than one year¹¹



Average (median) household income levels are high (£33,000) compared to Great Britain (£28,500)¹². However, there is a considerable range of average household income levels at ward level, from £18,800 in Crewe St Barnabas ward to £56,900 in Prestbury. Across Cheshire East there are 16 of 231 statistical areas (LSOAs)¹³ which are within the top 20% of most deprived areas in England (figure 3), affecting 28,800 or 7.7% of Cheshire East's population¹⁴. 11 of these areas are in Crewe, with 2 in Wilmslow/Handforth, 2 in Macclesfield and 1 in Congleton. Overall, relative deprivation levels were worse in 2010 than 2007, as only 14 areas were within the top 20% of most deprived areas.

Acorn data is socio-economic data that analyses the residents and places them in classifications, depending on various factors such as demographics, affluence and spending habits. There are seventeen Acorn groups, with the 'Executive Wealth' group being the largest in Cheshire East (27%) a considerably higher proportion than the UK average (12%). There are also approximately five times more residents in the 'lavish lifestyles' groups within Cheshire East compared to the UK, although this group constitutes a small proportion of all Cheshire East's residents (6%).

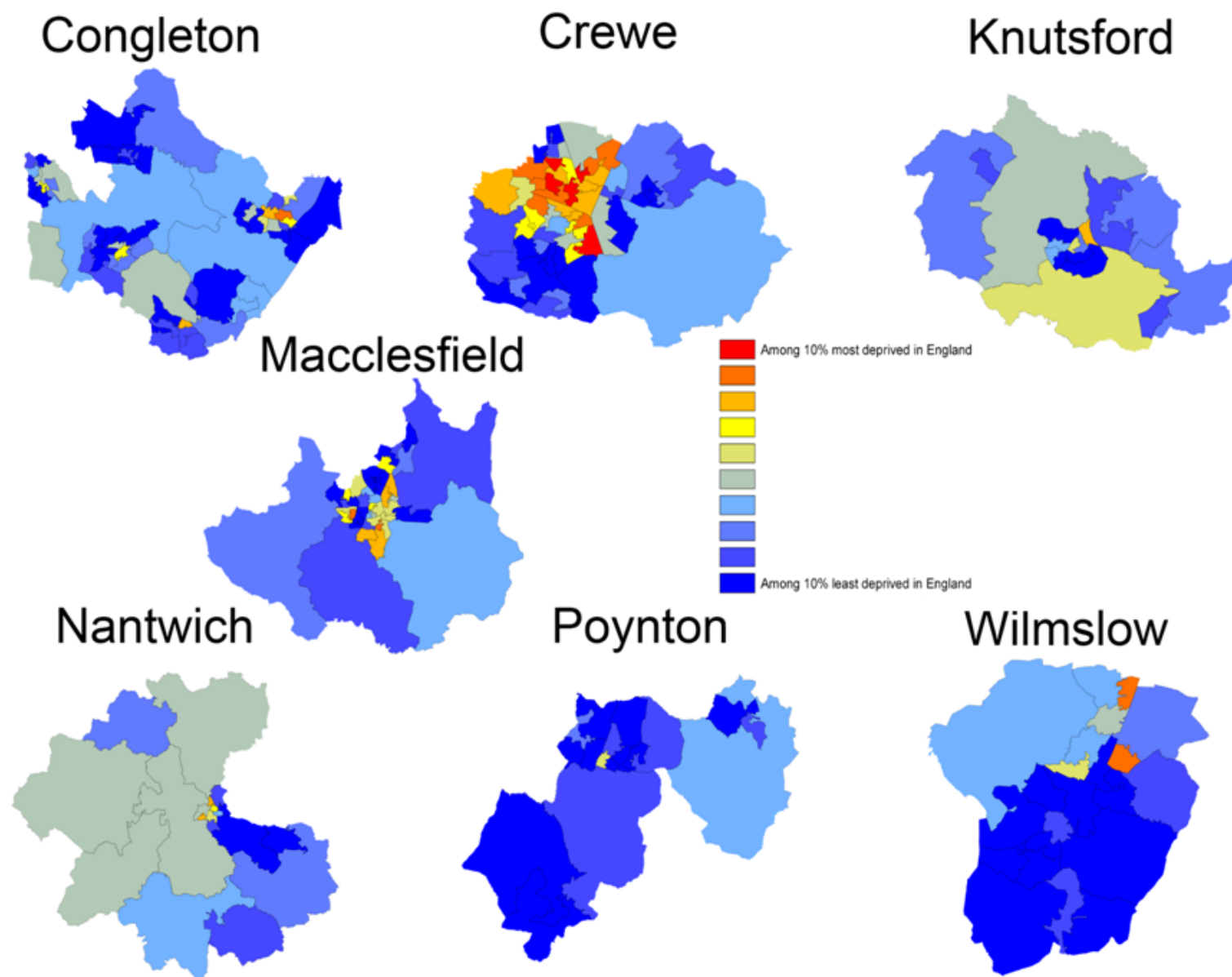
¹¹ December 2014, JSA Claimant Count, DWP and 2013 mid-year estimates, Office for National Statistics, NOMIS, Crown Copyright

¹² 2013/14 Paycheck, CACI Ltd. Figures are median values

¹³ Lower Super Output Areas

¹⁴ Indices of Deprivation 2007 and 2010, Department for Communities and Local Government with mid-year population estimates, 2013, Office for National Statistics

Figure 3 Deprivation by LAP, Index of Multiple Deprivation 2010



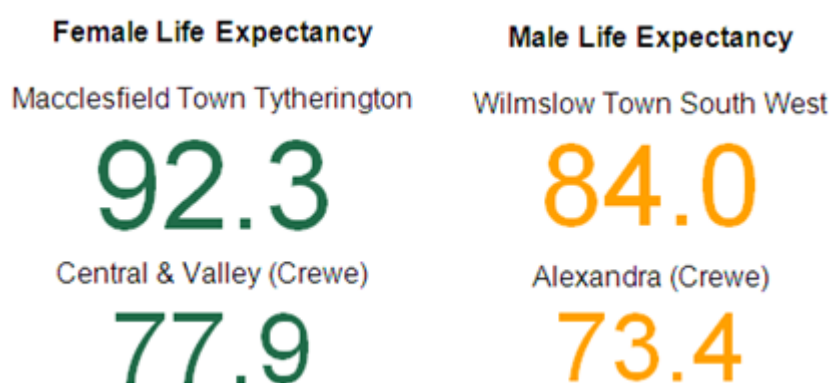
Health

In the 2011 Census, 17.5% of residents reported they had a long term problem or disability which limited their day to day activities, an increase from 16.7% in 2001¹⁵. In a recent survey of the Council's Citizens Panel, 74% of respondents described their general health as 'good or very good' and 5% described it as 'bad or very bad'¹⁶.

Life expectancy (LE) in Cheshire East is higher than regional (North West) and the national (England & Wales) averages. LE at birth for females is 83.6 years, compared to 81.8 years in the North-West and 83.1 years nationally¹⁷. LE at birth for males is 80.4 years, compared to 78.0 in the North West and 79.4 nationally.

There is a noticeable difference within the female population of around 14 years between the lowest rates in Central & Valley (Crewe) and the highest in Macclesfield Town Tytherington¹⁸. For males, there is an 11 year gap between the lowest rates in Alexandra and Crewe and the highest in Wilmslow Town South West.

Figure 4: Male and Female Life Expectancy at birth¹⁹



Smoking rates are generally relatively low. An estimated 16.6% of the adult population are current smokers, which is lower than the North West (23.6%) and England (22.2%). Rates vary from 7.9% in Adlington & Prestbury to 34.3% in St Barnabas²⁰.

Healthy eating rates are relatively high, with an estimated 31.4% regularly consuming their '5 a day', higher than both the North-West average (26.2%) and England (28.7%).

¹⁵ 2001 and 2011 Census, Office for National Statistics, Crown Copyright

¹⁶ Autumn 2011 Survey, InfluenCE, Cheshire East Research and Consultation Team

¹⁷ Life expectancy at birth and at age 65 by local areas in England and Wales, 2011-13, Office for National Statistics. National refers to the figure for England

¹⁸ Life Expectancy at Birth for MSOAs, 2006-10, Department for Health

¹⁹ Life Expectancy at Birth for MSOAs, 2006-10, Department for Health

²⁰ 2006-08 Estimates of Adults' Health and Lifestyles, Office for National Statistics (ONS)

Education

The qualification levels of working age residents in the Borough (aged 16-64) is high. An estimated 31% have a degree level qualification or equivalent and above, much higher than the North West (21%) and England & Wales (25%)²¹. Conversely, the proportion of residents with no qualifications (9%) is lower than the region (12%) and nationally (11%).

Prevalence of Licensed Gambling Premises

There are a total of 30 licensed gambling premises in Cheshire East, broken down into the following categories:

Town	Type	Number
Betchton (M6 Services)	Adult Gaming Centre	2
Crewe	Adult Gaming Centre	2
Macclesfield	Adult Gaming Centre	1
Total		5

Town	Type	Number
Congleton	Betting Shop	2
Crewe	Betting Shop	9
Handforth	Betting Shop	1
Knutsford	Betting Shop	1
Macclesfield	Betting Shop	4
Middlewich	Betting Shop	1
Nantwich	Betting Shop	1
Sandbach	Betting Shop	1
Wilmslow	Betting Shop	3
Total		23

Town	Type	Number
Crewe	Bingo	2
Total		2

There are no casinos and no licensed family entertainment centres.

The largest number of licensed premises are in the towns of Crewe and Macclesfield

²¹ Annual Population Survey January 2011 – December 2011, Office for National Statistics, Crown Copyright

Conclusion

According to NatCen's British Gambling Prevalence Survey of 2010 the rates of problem gambling in the general population are 0.9% and 0.5% (depending on the measures used). This would equate to a problem gambling population in Cheshire East of 33,543 and 18,635.

According to information available from the Gambling Commission there are 13,489 licensed gambling premises in the UK.

The number of licensed betting premises has decreased significantly. This decreased predated any economic impacts of the coronavirus pandemic in 2020 and 2021. And may link to the Government's decision to change the law relating to fixed odds betting terminals. The increase in use of online gambling facilities may also be a factor.

Whilst gambling is prevalent across the country this prevalence appears to be concentrated in the main city areas and primarily in the London Boroughs.

As the persons most at risk from problem gambling are white, young males from a low income background this is most likely to affect the residents of Crewe and to a lesser extent Macclesfield. These are also the areas that already have the highest numbers of licensed gambling premises. It will therefore be incumbent upon applicants to demonstrate that they will take appropriate steps to follow the Gambling Commission's relevant Codes of Conduct and the Council's Statement of Gambling Principles to ensure that no one is exploited or harmed by gambling.

Summary of gaming machine categories and entitlements

Category of machine	Maximum stake (from April 2019)	Maximum prize (from Jan 2014)
A	Unlimited - No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£2	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D - non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30p	£8
D - non-money prize (crane grab machine)	£1	£50
D - money prize (other than a coin pusher or penny falls machine)	10p	£5
D - combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D - combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

* With option of max £20,000 linked progressive jackpot on premises basis only

Summary of machine provisions by premises

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks occupied by pool betting			Maximum of 4 machines categories B2 to D (except B3A machines)				
Bingo premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Adult gaming centre				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Family entertainment centre (with premises licence)						No limit on category C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institute (with permits)					Maximum of 3 machines in categories B3A or B4 to D*		
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises (with gaming machine permit)						Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines

* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

** Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only, but not B3A machines.

Summary of gaming entitlements for clubs and alcohol-licensed premises

	Members' club or MW institute with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit or club machine permit	Pubs and other alcohol licensed premises
Equal chance gaming	Yes	Bridge and/or Whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	Poker £1000 per week £250 per day £10 per person per game Other gaming No limit	Poker £1000 per week £250 per day. £10 per person per game Other gaming No limit	Poker £100 per premises per day. Other gaming £5 per person per game Cribbage & dominoes No limit
Limits on prizes	No limit	No limit	Poker £250 per game Other gaming No limit	Poker £250 per game Other gaming No limit	Poker £100 per game Other gaming No limit
Maximum participate on fees – per person per day	Bridge and/or whist* £20 Other gaming £3	£18 (without club gaming permit) £20 (with club gaming permit)	Bridge and/or whist* £18 Other gaming £3 (commercial club) £1 (members' club)	Bridge and/or whist* £18 Other gaming £1	None permitted
Bankers or unequal chance gaming	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
Limits on bingo	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

* On a day when no other facilities for gaming are provided

TABLE OF DELEGATION OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate		X (Full Committee)	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice and occasional use notices			X
Decision to give a counter notice to a temporary use notice		X	

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Appendix 2

Summary of logged changes to the Statement of Gambling Principles

Paragraph	Type of change	Change
3.1	Additional wording	The 2010 survey remains the most current survey conducted by NatCen. NB previous studies were undertaken in 2007 and 1999
3.7	Updated data	Data updated to reflect the GamCare Annual Review 2020/2021
3.8	Change in wording	Changes in tense
3.10	New paragraph	Update on the pilot project (existing para 3.10 moved to 3.11)
Area Profile	Changes to data and update in conclusions	Changes the number and location of licensed premises. Additional paragraph referencing the decrease in the number of licenced premises in the Borough.

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Working for a brighter future together

Council

Date of Meeting:	14 December 2022
Report Title:	Political Representation on the Council's Committees
Report of:	David Brown, Director of Governance and Compliance
Ward(s) Affected:	All

1. Purpose of Report

- 1.1** To report to Council changes in political group membership and to secure a resolution from Council in respect of the political proportionalities of the Council, and committee memberships.

2. Executive Summary

- 2.1** The law requires that each relevant Council decision-making body must be politically balanced as far as reasonably practicable, and that there is an appropriate total balance of Committee seats across the political structure of the Council of the whole.
- 2.2** This report addresses recent changes in political group memberships; one Independent Group member having sadly passed-away, and another Real Independent Group member's membership of the Council having ceased. This resulted in two council vacancies, and the remaining Real Independent Group member, becoming non-grouped.
- 2.3** At the time of writing this report, discussions had not been concluded with the Council's political groups and non-grouped independent members. The Council's revised political proportionalities and the allocation of committee places had not therefore been finalised. The Appendix to this report, which will reflect the product of those discussions, will be circulated to all Members and distributed around the Council Chamber at the Council meeting.
- 2.4** The report recommendations seek a resolution of Council, as required by legislation.

3. Recommendations

- 3.1.** That the political group and other representation, as set out in the Appendix to this report, and the methods, calculations and conventions used in determining this, as outlined in the report, be adopted and the allocation of places to Committees be approved.

4. Reasons for Recommendations

- 4.1.** To comply with primary legislation, the Local Government and Housing Act 1989 and supporting secondary legislation, Local Government (Committees and Political Groups) Regulations 1990.

5. Other Options Considered

- 5.1.** Legislation requires the Council's political representation on committees, and its political structure, to be reviewed upon a change in political group membership. Whilst one option might be for the Council to take no action in response to the change in group membership, this is not an option which Council is advised to take.

5.2. Background

- 5.3.** The Appendix will set out the political representation on committees, this being based on the political structure of the Council as a whole.

- 5.4.** The proportionalities in the Appendix are based upon the following methods and conventions:

- applying the relevant percentage to each body
- rounding up from 0.5 and above, and rounding down below 0.5
- where rounding up would result in more than one political Group (or non-grouped members) receiving an additional seat, and the total allocation of seats exceeding what is required, the Group (or non-grouped members) having the lowest residual entitlement will not receive an additional seat
- where the required number of members for a decision-making body cannot be achieved using the above methods and calculations, the political group (or non-grouped members) having the largest residual entitlement for that body will be entitled to be awarded the additional place (e.g. if one group etc is entitled to 4.25 places, and another group is entitled to 1.48 places, the first group will be awarded 4 places on the body in question, and the second group will be awarded 2 places)
- where two or more political Groups (or non-grouped members) have an identical residual percentage, the agreement of one Group etc to sacrifice a seat will be observed. Alternatively, the matter will be resolved by the toss of a coin.

6. Consultation and Engagement

- 6.1.** In preparation of the Appendix to this report, consultation took place with the Council's political groups, and non-grouped members, who agreed its contents.

7. Implications

7.1. Legal

- 7.1.1.** The main rules on political proportionality are set out in S. 15(5) Local Government Housing Act 1989, and they are to be applied sequentially. The Local Government (Committees and Political Groups) Regulations 1990, made pursuant to the Local Government and Housing Act 1989, make additional provisions in respect of the political group and non-grouped representation on a local authority's committees, in relation to the overall political composition of the Council. The legislation applies to overview and scrutiny committees and the decision-making committees and sub committees of the Council.
- 7.1.2.** 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:
- 7.1.3.** Not all of the seats can be allocated to the same political group (ie there are no single-group committees).
- 7.1.4** The majority of the seats on the body are to be allocated to a political group with a majority membership of the authority.
- 7.1.5** 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.
- 7.1.6.** The proposals contained in this report meet the requirements of the legislation.
- 7.1.7.** The 1990 Regulations require political group leaders to notify the Proper Officer of the groups' nominations to the bodies in question.

8.1 Finance

- 8.2.1.** There are no direct financial implications.

8.2 Policy

- 8.2.1** here are no direct implications for policy.

8.3 Equality

- 8.3.1** There are no direct implications for equality.

8.4 Human Resources

8.4.1 There are no direct human resource implications.

8.5 Risk Management

8.5.1 Failure to comply with the Act and Regulations when appointing its committee memberships would leave the Council open to legal challenge.

8.6 Rural Communities

8.6.1 There are no direct implications for rural communities.

8.7 Children and Young People/Cared for Children

8.7.1 There are no direct implications for children and young people/Cared for Children.

8.8 Public Health

8.8.1 There are no direct implications for public health.

8.9 Climate Change

8.9.1 There are no direct climate change implications.

Access to Information	
Contact Officer:	Brian Reed, Head of Democratic Services and Governance brian.reed@cheshireeast.gov.uk 01270 686670
Appendices:	Appendix A - Political Proportionalities
Background Papers:	The background papers relating to this report can be inspected by contacting the report writer.

COUNCIL – 14 DECEMBER 2022**NOTICES OF MOTION****Submitted to Council in Accordance with the Council Procedural Rules****1 Sustainable and Inclusive Growth Commission Report****Proposed by Councillor Q Abel**

In November 2020 the Sub-regional Leaders' Board of Cheshire and Warrington set up the Cheshire and Warrington Sustainable and Inclusive Growth Commission. The aim of this was to move further and faster towards the Sub-region's ambition to be the most sustainable and inclusive sub-region in the UK, to help address inequality and climate change.

In September 2022 the Commission released their full report, which focussed on four theme areas:

- Inclusive Economy
- Sustainable Transport
- Sustainable Land Use
- Carbon Net Zero

For the actions within the report to be pursued the individual local authorities within the sub-region will need to prioritise the themes as areas to action.

[Sustainable and Inclusive Growth Commission report](#)

Motion

1. Cheshire East Council notes and acknowledges the report and recommendations of the Cheshire and Warrington Sustainable and Inclusive Growth Commission.
2. That the Council's Economy and Growth Committee be asked to consider the report and to determine the Council's response to the recommendations.

2 LGA Campaign "Save Local Services"

Proposed by Councillor M Goldsmith and Seconded by Councillor A Moran

Background

The global pandemic, the Ukrainian war and the impact of Brexit has rocketed inflation to 11.1%, a level not seen for over 40 years. When UK councils set their budgets in February 2022, no one envisaged such high inflation or that its impact would be so quick. In recent months, the price of goods, services and staff wages have all risen at record levels. These increases must be paid NOW but councils have fixed incomes and spending budgets never designed for such high inflation.

For example, the government has now agreed a national pay rise of 6% for all council workers. For decades this had been around 2% and Cheshire East, like most other councils, budgeted for 2%. This 6% wage rise is backdated to April, so it adds £6m to our immediate costs this year. This is about 2% of council tax revenue. It is a cost increase we could not predict, had no control over, did not budget for but must pay immediately.

But this is not the only increase. Councils are not covered by the government's energy cap either. Therefore, we must pay full market rates to heat schools, libraries and leisure centres. Construction costs have also gone up 18% and the care homes for our vulnerable residents want immediate price rises too.

Rampant inflation has added £8.9m to Cheshire East's costs this year. Just to deliver the same services. In February 2022, the day after Russia invaded Ukraine, Full Council debated its latest 4-year spending plan. The Conservatives wanted to use a financial surplus of £2.4m to lower council tax. Instead, the administration put it into the council's reserve funds. Thank goodness we did. It means Cheshire East can remain solvent this year. We are one of the lucky ones though.

Many councils, of all political types, are now talking about imminent bankruptcy. The Conservative councils of Hampshire and Kent have requested emergency government support to avoid Section 114 insolvency notices within months.

In the latest budget, the Chancellor allowed council tax to increase by 5% in April 2023. However, this is far too little and far too late. It does nothing to fix the current financial problems caused by uncontrolled inflation. It also does nothing to fix future problems with inflation either. With inflation at 11.1%, a 5% rise in council tax next April means a 6.1% CUT in council funding. This means Cheshire East will have almost £20m less to spend on local services.

The LGA says Local councils need £2.4 billion of emergency funding NOW to keep vital public services going. On budget day, the Daily Telegraph published how central government wasted £14 billion last year on items such as 'Vegan ice cream, a villa party in Naples, staff training by RADA actors and £6,091 on an amusement park in Sydney, Australia'. The government also spent £9.2bn on failed energy companies like Bulb. Therefore, the £2.4 billion councils need to keep vital services running is a fraction of this waste.

The Chancellor also stated the UK is now officially in recession. So, with rampant inflation, economic recession plus councils' facing bankruptcy or savage cuts, the Chancellors claim to be delivering a plan for "stability, growth and public services" seems rather detached from reality.

Therefore, Cheshire East Council Supports the LGA Campaign to "Save Local Services" AND asks the Government to provide immediate emergency support to address the funding gap for all local councils.

[Save local services | Local Government Association](#)

Motion

That Cheshire East Supports the LGA Campaign to “Save Local Services” and asks the Government to Provide Emergency Funding for All Local Councils

3 Quality Council Homes for Cheshire East

Proposed by Councillor C Naismith and Seconded by Councillor A Critchley

Background

We are in a cost-of-living crisis on top of a housing crisis. Thousands of people within Cheshire East are struggling with above inflation rent increases in the private sector, which hampers their ability to contribute to the local economy or to save to get on the housing ladder themselves.

Indeed, the Cheshire Homechoice waiting list is growing daily, with families in need having to wait years for an offer of accommodation, and the council having to resort to bed & breakfast accommodation to fulfil its legal duty to help homeless families.

The council recognises that access to high quality, genuinely affordable and decent housing is intrinsically linked to positive health, education and social mobility outcomes. Put simply: if you provide people with a safe, warm and stable place to live they will be healthier and have more opportunity to get on in life.

While the council recognises that "affordable housing" is currently delivered within Cheshire East this is largely by private developers and registered housing providers.

The Government definition of "affordable" is limited because it is linked to market rent rather than local incomes. As such, often housing which meets the definition of "affordable" is not affordable to local people.

The Council notes the success of council's such as Salford, Trafford, Wandsworth and nearby Stoke-on-Trent currently delivering high quality council housing at council rents, below market levels and the positive impact this has had on the living standards of residents in those areas.

The council notes that it does not currently operate a Housing Revenue Account: a requirement of Authorities who wish to build-to-let their own housing stock.

Motion

This Council commits to:

- 1) Creating a Cheshire East Council housing revenue account.
- 2) The development of a long-term strategy for the construction of high-quality, genuinely affordable council housing across the borough, underpinned by long-term secure tenancy agreements, with rents relative to the average wage of the geographical area. Thus Providing residents the security, health, education & social mobility opportunity that they deserve.