

APPENDIX 2

Cheshire East Local Plan

Developer Contributions Supplementary Planning Document

Report of Consultation on Final Draft SPD

March 2024

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1. Introduction

- 1.1 Supplementary Planning Documents (SPDs) add further detail to the policies in the development plan and are used to provide guidance for development on specific sites, or on particular issues. SPDs may be a material planning consideration in planning decisions but are not part of the development plan.
- 1.2 The Developer Contributions SPD provides guidance on the implementation of existing development plan policies from the Cheshire East Local Plan Strategy (LPS) (adopted July 2017), Site Allocations and Development Policies Document (SADPD) (adopted December 2022) and 'saved' policies from the Cheshire Minerals Local Plan and the Cheshire Waste Local Plan.
- 1.3 The SPD provides guidance on the Council's approach to securing developer contributions and planning obligations when considering planning applications. The SPD is limited to matters that fall within the remit of securing contributions where there is a need to mitigate the impacts of development through legal agreements and planning conditions. The specific areas covered in the SPD are:
 - Procedures
 - Affordable Housing
 - Cheshire Constabulary
 - Climate Change
 - Design and Public Realm
 - Ecology
 - Education
 - Highways and Transport
 - Indoor and outdoor sport facilities, public open space, play space and green infrastructure.
 - Recovery of forward funded infrastructure
 - Heritage, public rights of way, flood risk and SuDS, trees and hedgerows.
- 1.4 The first draft of the Developer Contributions SPD was published for consultation during August and September 2022. A report of consultation on the first draft document was also produced, which detailed all the main issues raised and a council response to those issues.
- 1.5 The final draft Environmental Protection SPD was published for four weeks consultation between 17th November and 15th December 2023. This report of consultation provides further information on this final draft consultation.

2. Consultation documents

- 2.1 In addition to the Final Developer Contributions, a Strategic Environmental Assessment, Habitats Regulations Assessment screening assessment and an

Equalities Impact Assessment were published alongside the consultation document for comment.

- 2.2 In addition, a statutory notice and comments form were published to support the consultation.
- 2.3 The consultation documents remain available to view on the council's consultation portal¹.

3. Document availability

- 3.1 Electronic copies of the consultation documents were made available online on the council's consultation portal, which could be accessed through the council's website.
- 3.2 Printed copies of documents were also available at the following locations during opening hours:
 - Crewe Customer Service Centre, Delamere House, Crewe
 - Macclesfield Customer Service Centre, Macclesfield Town Hall
 - Council Offices, Westfields, Sandbach.

4. Publicity and engagement

Consultation notifications

- 4.1 Notification of the consultation was sent to all active stakeholders on the council's Local Plan consultation database who had not opted out of receiving notifications of new consultations, via printed letters and emails. This consisted of around 200 printed letters and over 2,000 emails sent on 17th November 2023. The stakeholders on the database include residents of Cheshire East, landowners, developers, planning consultants, businesses, local groups, and other organisations including the statutory consultees.
- 4.2 Notifications were also sent to all town and parish councils in Cheshire East, elected members and MPs.
- 4.3 Examples of notification letters and emails are included in Appendix 1.

Other publicity

- 4.4 A number of pages on the Council's website provided information and links to the consultation. These pages included:

¹ [Final Draft Developer Contributions SPD - Details - Keystone \(objective.co.uk\)](https://objective.co.uk)

- The council's homepage (in the 'latest news' section): www.cheshireeast.gov.uk.
- The consultations page www.cheshireeast.gov.uk/consultations
- The Supplementary Planning Documents page www.cheshireeast.gov.uk/planning/spatial-planning/cheshire_east_local_plan/supplementary_plan_documents

4.5 An example screenshot of webpages is included in Appendix 2.

4.6 A media release was issued on 10th November 2023, which informed people about the consultation. A copy of the media release is included in Appendix 3.

5. Submitting comments

5.1 Comments could be submitted in several ways:

- Online: using the consultation portal accessed from the council's website.
- By email to localplan@cheshireeast.gov.uk
- By post to Strategic Planning (Westfields) C/O Municipal Buildings, Earle Street, Crewe CW1 2LL.

5.2 Screenshots of the consultation portal are included in Appendix 4.

5.3 Printed copies of consultation response forms were available for people to take away from the locations listed in paragraph 3.2 above. The form could also be downloaded from the consultation portal for completion offline. A copy of the response form is included in Appendix 5.

5.4 Information on how to submit comments was included on the consultation portal and the printed/downloadable response form.

6. Representations received.

6.1 In total, the final draft consultation received 142 comments from 15 consultees.

6.2 The comments received covered a range of topics and issues. A summary of the main issues raised and the council's response (including any changes proposed to the SPD) is set out in the Table below.

6.3 A summary of the representations received at the previous first draft stage and the council's response (including changes made to the SPD) is included at Appendix 6 for completeness.

Document section	Summary of the main issues raised	Representors	Council response including any changes proposed
Chapter 3 / General	It is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents.	Emery Planning	<p>The policies that relate to planning obligations in Cheshire East are set out in the Development Plan, have been examined in public and have been the subject of viability assessment. The PPG does not restrict the use of SPDs in the way suggest by the representation. SPDs are a material consideration in decision making but do not constitute policy themselves. The purpose of SPDs is to provide further guidance on policies held in the development plan and to assist in the broader understanding of how such policies will be applied in the borough.</p> <p>The SPD includes a number of formula-based approaches related to Open Space/Recreation/Leisure, Education, and health contributions (developed in consultation with the NHS). Of these formula-based calculations BNG and Education (for the most part, but not all) are established nationally, as are any contributions where the Sport England calculator is used. The formula for open space and recreation are based on the guidance held in the Macclesfield Borough Council Supplementary Planning Guidance on s106 (Planning) Agreements (2004), and the Congleton Borough Local Development Framework Interim Policy Note - Public Open Space Provision for New Residential Development (2008) as adjusted for inflation.</p> <p>As such, the guidance in the SPD can be considered to represent a starting point for discussions on how policy requirements can be translated into financial contributions. If the approach is not set out in this SPD, it must still be undertaken within the determination of an application, an carried out in a consistent way across similar circumstances. Therefore, the SPD seeks to provide clarity, certainty and transparency up-front to stakeholders about the approach that will be employed, recognising the weight that can be given to the SPD is a matter for the decision</p>

			<p>maker and therefore that the guidance provided here should be considered as a starting point in negotiations.</p> <p>In cases where viability is disputed, applicants are able to submit financial viability appraisals for consideration in the application process.</p>
	<p>A number of matters raised in regard to: involvement of parish and town councils in S106 negotiation; investment of S106 funding within the parish hosting development; flexibility of agreements; CEC process for recording S106 data; role of town and parishes in deciding where/how S106 to be invested.</p>	<p>Multiple, including : Handforth Town Council, Poynton Town Council</p>	<p>Most of these matters are out of scope of the document. S106 most only be levied where the relevant legal tests can be met. This includes taking a commuted sum where a proposal gives rise to impacts directly related to the development concerned and may result on mitigation taking place elsewhere outside of a parish (for example at a highway junction over a parish border, or to create offsite habitat to mitigate ecological impacts). Therefore, the flexibility that can be applied to S106 investment is limited by the specific circumstances of the development proposal. Where appropriate, S106 will be written to allow flexibility, however this is not always possible.</p> <p>The Council seeks to represent it's communities interests in negotiation with applicants, within the parameter of what is possible as defined by relevant legislation and whilst parish and town councils are third parties to the s106 process (and therefore do not have a formalised role in the process) the Council encourages communities liaise with their ward Councillor and highlight specific infrastructure matters that they feel should be considered. In addition, through neighbourhood plans parish and town councils are able to establish 'local infrastructure plans' that can identify and highlight where investment should be made should CIL or S106 funding become available. Having such a plan assists developers and the Local Planning Authority to shape S106 negotiations where appropriate.</p>

Throughout	<p>The final draft SPD contains a repeated grammatical error – the word “Council’s” is repeatedly misspelled as</p> <p>“Councils” without an apostrophe.</p>	Poynton town council	Corrections made throughout.
4.7	<p>The drafting of this is confusing. For clarity, an additional sentence should be added (before the current final sentence) that explains that the CIL Regulations changes removed Regulation 123, and with it the Regulation 123, and that this was replaced by a requirement for Annual</p> <p>Infrastructure Funding Statements.</p>	Asteer Planning on behalf of Barrat Homes	Agree and updated.
5.9	<p>The above paragraph is fairly vague. Instead, reference should be made to specific policies in the LPS and SADPD (e.g. SADPD policies GEN 4, GEN 7, and HOU 3) which include specific wording allowing Applicants to submit viability assessments where schemes aren't viable. The SPD should make clear that the statement at Paragraph 5.9 provides an opportunity for Applicants to submit viability assessments in relation to other considerations where they are not directly identified in a specific adopted</p> <p>policy.</p> <p>The SPD must also refer to the clawback position set out Policy GEN 7 ‘Recovery of planning obligations reduced on viability grounds’ of the SADPD to make clear that any</p>	Asteer Planning on behalf of Barrat Homes	<p>Guidance not required in the SPD to enable this however an alteration has been made.</p> <p>Reference to GEN 7 now included.</p>

	reduction in contributions in the context of Paragraph 5.9, will be subject to re-assessment against future trigger points.		
5.13	<p>Unlike the approach to indexation of contributions themselves (set out at Paragraphs 5.13-5.22 of the SPD),</p> <p>there is no detail on how monitoring fees will be index linked (i.e. to what index/sources of information). The SPD must provide this detail.</p>	Asteer Planning on behalf of Barrat Homes	The Community Infrastructure Levy (Amendment) (England) Regulations (2019) 1103 ("The Regulations"), enables local planning authorities to charge a fee for the cost of monitoring in relation to the delivery of planning obligations in Section 106 agreements. Fees must be proportionate and reasonable. The relevant statement on fees in the SPD has been updated to remove reference to indexation and instead reflect that fees will be updated annually and published via the councils website.
8.14	As noted within our representations to the last consultation on Draft Developer Contributions SPD, the Council's formula in relation to off-site contributions requires clarification. Paragraph 8.14 states that where a financial contribution is offered, the amount of such contribution will normally be expected to reflect the cost necessary to facilitate an equivalent amount of affordable housing as would have been provided on-site. However, paragraph 8.15 states that the basis for calculating the cost to the developer for off-site provision will be the difference between the open market value of the units that would have otherwise been affordable and the average amount a Registered Provider would offer for those units. The approach therefore appears to be inconsistent with the cost of delivering affordable housing as referred to in paragraph 8.14.	Emery Planning	Noted and agreed. Section largely removed and reference now included to the separate Housing SPD.
8.3	The remainder of Section 8 of the draft SPD then sets out information that appears to be simply reproduced from the already adopted Housing SPD. There does not appear to be any need to include	Asteer Planning on behalf of Barrat Homes	Agree, section update and body of text removed.

	<p>Section 8 in the SPD and this approach may lead to confusion for applicants and officers.</p> <p>Rather, to simplify and clarify the approach, the content of paragraphs 8.3 and 8.4 should simply be added to the introduction section of this SPD and Section 8 removed.</p>		
Section 9	<p>Our original representation still applies in that developer costs towards such services were not examined during the production of the LDS or SADPD.</p> <p>Such costs must be explored and examined through a new Local Plan rather than added as a potential developer contribution through this SPD. Alternatively, the Council's</p> <p>123 CIL list should be updated to allow for CIL payments made to the Council to go towards such infrastructure rather than it being added onto developer costs through additional s106 agreements.</p>	Pegasus on behalf of Tatton Estate.	
11	<p>The consortia would like it noted within the SPD that the delivery of new homes will generate additional local retail expenditure for town centres and therefore such development would positively impact on the vitality and</p> <p>viability of these centres. As such, mitigation should not be sought from residential-led development where positive impacts of this nature would occur.</p>	Pegasus on behalf of Tatton	It is recognised that residential development can have a positive impact on town centres however, where increased usage occurs there can also be an impact on the physical infrastructure of a town centre that may require mitigation in the form of a financial contribution toward new infrastructure and / or maintenance costs.

12	Whilst we note that BNG is a new national policy requirement, which developers will need to adhere to (at their cost), these additional monitoring costs were not set out as part of the evidence for the Site Allocations DPD, the LPS or CIL process and therefore are a new developer cost. Again, this fails the tests applied by the NPPF and Paragraph: 002 Reference ID: 10-002-20190509 of the NPPG and should be picked up through a full review of the Local Plan.	Pegasus	BNG is nationally mandated legal requirement which includes provision to charge for monitoring costs (see NPPG Paragraph: 028 Reference ID: 74-028-20240214)
13 - Education	Regard needs to be had to latent capacity in nearby schools and the impacts of parental preference (i.e., whether local schools are at capacity because of pupils attending from outside of the catchment area). The SPD should make clear that the relevant data will be provided in full to applicants to enable an informed response.	Emery Planning	Relevant information is provided to the planning department at the consultation stage of a development; if further detail regarding the breakdown of school capacity is required the relevant information could be provided. Parental preferences are managed in line with the Admissions Code 2021 and Cheshire's co-ordinated admissions scheme.
13 - Education	How do costs of school expansions etc related to the adopted local plan		Policies IN1 Infrastructure and policy IN2 Developer Contributions establish the policy basis that requires contributions to a range of infrastructure based on an assessment of local need and to mitigate the adverse impacts of development.
13 - Education	some of the more detailed parts of this section might be better included as an Appendix to the SPD?	Poynton Town Council	For ease of reference to the end user, the full detail is retained in the main document.
13 - Education	Section proposes new approach to assessing education needs, contrary to national planning policy and national planning guidance and national educational guidance.	Pegasus on behalf of Tatton Estates	The approach set out follows national guidance and seeks to provide clarity on how assessing need will be calculated in Cheshire East.

13 - Education	SPD refers to the introducing of policies	Pegasus on behalf of Tatton Estates	Reference to policies has been clarified to refer to the policies of the education department (etc)
13 - Education	Pupil yields are increased via the SPD formula, which does not align to DfE pupil yield.	Pegasus on behalf of Tatton Estates	<p>Department for Education (DfE) scorecard for Cheshire East states the Secondary Pupil Yield is 14.35 (this has been rounded down in the Children's Services contributions policy). This information is available to view on Gov.uk website</p> <p>The wording in 13.94 and 13.95 is misleading, therefore this wording will be changed to give more clarity.</p> <p>Change 13.94 wording "SEN pupil yield as set out in the latest published DfE guidance/scorecard".</p> <p>To</p> <p>"SEN pupil yield as set out at 13.73"</p> <p>Wording at 13.95 changed to "Anticipated pupil yield, calculated using yield stated in 13.73 and the number of 2+ dwellings in the development"</p>
13 - Education	SADPD viability assessment assumed £5,202 yield per dwelling. SPD suggests £13,117 per dwelling for schools alone.	Pegasus on behalf of Tatton Estates	<p>The Council's approach to viability is set out at section 5.6 to 5.11. The figure of £5,202 was the assumed contribution (per dwelling, based on average contributions across the borough) and was not a 'yield per dwelling'. Rather this figure was considered the starting point to test viability across a range of locations and typologies.</p> <p>In calculating the residual value of a site, and therefore it's viability, the viability assessment builds in a range of costs to assess against the value created by build out of development. This includes land acquisition costs, build costs (labour and materials) and the costs of satisfying planning policy. Therefore, it is incorrect to state that £5,202 was the yield per dwelling. This figure is instead the assumption made, based on averages across the borough,</p>

			<p>of the contribution toward S106 and CIL, for the purposes of testing the viability of development in Cheshire East. Based on this modelling assumption, viability was strong in some locations/for some typologies and weaker in others.</p> <p>Therefore, securing the full suite of contributions toward education and other infrastructure will be challenging in some parts of the borough, in other locations such contributions will not compromise the viability of the scheme. The Council will act pragmatically on a case by case basis using best available data to inform its decision making in regards to S106 and viability which means that in some circumstances a lower level of contributions maybe found acceptable.</p>
13 - Education	13.20, 13.34 and 13.41 suggest forecasts will be adjusted regardless of housebuilding rates	Pegasus on behalf of Tatton Estates	Pupil yields and forecasts are based on the number of houses that the Planning department advise are going to be built each year, and for each individual development. Pupils that come from already completed houses are assumed to already be in the schools and are not in the forecast figures.
13 - Education	Eligibility of home to school transport.	Pegasus on behalf of Tatton Estates	The methodology for school transport policy is still being established.
13 - Education	Formula at 5.25 should be adjusted to seek contributions for 3 years.	Pegasus on behalf of Tatton Estates	The DfE 'Securing Developer Contributions' guidance gives an example of 3 years, this period is not a statutory requirement. The governments school to home transport policy is still being established and the number of years to claim for is yet to be determined.
13 - Education	Early years funding requirements are not sufficiently evidenced (5.27)	Pegasus on behalf of Tatton Estates	The national methodology is still being established. Until the methodology is finalised there will be no contributions sought for early years.

13 - Education	Funding position on early years – IFS states that both early years and post-16 places will not be funded by S106	Pegasus on behalf of Tatton Estates	<p>Cheshire East's latest Infrastructure Funding Statement states EY and FE are currently not being requested. The IFS does not say we won't be requesting them.</p> <p>The local.gov.uk website for IFS states:</p> <p><i>"This should include all school phases aged 0-19 years, special educational needs (which could involve greater travel distances), and both temporary and permanent needs where relevant.</i></p> <p><i>For the purpose of reporting the provision of additional school places, the data on school places should be split into the following age groups: Primary; Secondary; Post-16; Other."</i></p>
13.14	CIL should be spent in the place where the development takes place.	Debbie Jamieson	CIL revenue is invested on a range of infrastructure projects across the borough and the approach is set out in the Councils Infrastructure Funding Statements .
13.35	Typo – residential units of 10 units or more	Debbie Jamieson	Glossary has been updated to reflect the definition held in the NPPF.
13.45	It remains unclear whether Further Education contributions will be sought by the council and the position should be clarified.	Asteer Planning on behalf of Barratt	The national methodology is still being established. Until the methodology is finalised there will be no contributions sought for further education.
Section 14	There is no policy basis for contributions to the Cheshire Constabulary and the approach is therefore not justified or consistent with the CIL Regulations.	Emery / Asteer Planning LLP	Noted. The Council recognises there is no specific policy related to policy in the development plan however, the relevant policies that the guidance relates to are set out in the SPD. No changes have been made.
14	Sustrans would encourage that the local authority uses developer contributions to consider developments in a broader context. For example, a new development could be fully accessible and have good provision for active travel but links to the development are not. Developer contributions	Sustrans	Policy INF1 of the SADPD requires the development proposals seek to provide links to national cycle routes, long distance footpaths, canal towpaths and rights of way network. Reference has been included to this effect.

	should be used to improve this connectivity, for example by upgrading the public rights of way network, or improving accessibility by removing barriers for better onward connections.		
14.3	Active design principles should be referenced	Debbie Jamieson	included
14.17	<p>It is important to ensure that potential harmful impacts on the Trust's assets and infrastructure arising from new developments are avoided or mitigated. Potential impacts include increased footfall as a result of a development or new/altered access points increasing the numbers that use the canal and towpath network, which can necessitate improvements to towpath condition.</p> <p>Para 14.17 states "All development should ensure safe access and good connectivity which may mean direct mitigation is necessary within and in the vicinity of a site.'</p> <p>The Trust welcome the addition of 'S106 agreements' for how this type of mitigation can be secured in Para. 14.17.</p>	Canal and River Trust	noted
14.22	The SPD needs to clarify that planning conditions or s106 agreements may be used to prevent occupations until certain contributions are made (rather than the council collecting the money upfront). The SPD also needs to clarify the mechanism for returning contributions if second/subsequent consented sites do not come forward – which may be as simple as a standard clause being written into s106 agreements.	Asteer Planning on behalf of Barrat	This is possible regardless of the SPD, therefore it is not necessary to state it here. The matter of varying S106, which includes the return of fees, is addressed at para. 4.34.
14.26	Update may be required to the list	Crewe Town Council	

14.35	<p>The Trust considers it is important for this SPD to recognise the potential contribution that canal networks can make to walking and cycling networks (facilitating modal shift, active travel and healthier lifestyles for local communities) and that, in line with the tests outlined in CIL regulations 2010 and Paragraph 57 of the NPPF, it outlines an approach to enable any direct impact arising from a proposed development near a waterway to be appropriately mitigated where existing infrastructure is inadequate to meet the demands generated by it.</p> <p>This could be achieved by amending Para 14.35 to reflect broader networks than the PROW network, e.g. canal towpaths and/or permissive paths as part of the network of connections that enable healthy and active lifestyles and reduce the need to travel by private car ...and contributions may be required to the wider network in some circumstances.</p>	Canal and River Trust	
14	Sustrans would encourage that the local authority uses developer contributions to consider developments in a broader context. For example, a new development could be fully accessible and have good provision for active travel but links to the development are not. Developer contributions should be used to improve this connectivity, for example by upgrading the public rights of way network, or improving accessibility by removing barriers for better onward connections.	Sustrans	
14.3	Active design principles should be referenced	Debbie Jamieson	Amendment included
14.17	It is important to ensure that potential harmful impacts on the Trust's assets and infrastructure arising from new developments are avoided or mitigated. Potential impacts include increased footfall as a result of a development or new/altered	Canal and River Trust	Amendment included

	<p>access points increasing the numbers that use the canal and towpath network, which can necessitate improvements to towpath condition.</p> <p>Para 14.17 states "All development should ensure safe access and good connectivity which may mean direct mitigation is necessary within and in the vicinity of a site."</p> <p>The Trust welcome the addition of 'S106 agreements' for how this type of mitigation can be secured in Para. 14.17.</p>		
14.22	<p>The SPD needs to clarify that planning conditions or s106 agreements may be used to prevent occupations until certain contributions are made (rather than the council collecting the money upfront). The SPD also needs to clarify the mechanism for returning contributions if second/subsequent consented sites do not come forward – which may be as simple as a standard clause being written into s106 agreements.</p>	Asteer Planning on behalf of Barrat	
14.35	<p>The Trust considers it is important for this SPD to recognise the potential contribution that canal networks can make to walking and cycling networks (facilitating modal shift, active travel and healthier lifestyles for local communities) and that, in line with the tests outlined in CIL regulations 2010 and Paragraph 57 of the NPPF, it outlines an approach to enable any direct impact arising from a proposed development near a waterway to be appropriately mitigated where existing infrastructure is inadequate to meet the demands generated by it.</p> <p>This could be achieved by amending Para 14.35 to reflect broader networks than the PROW network, e.g. canal towpaths and/or permissive paths as part</p>	Canal and River Trust	Included and updated

	of the network of connections that enable healthy and active lifestyles and reduce the need to travel by private car ...and contributions may be required to the wider network in some circumstances.		
14.31		Internal change	Change to expand on approach to public transport and bus route provision.
14.4		Internal change	Changed text: It is the responsibility of the applicant to demonstrate that highway solutions are technically sound and can be implemented to the required technical standards current at the time of the planning permission.
Section 14	<p>The SPD does not currently reference National Highways or the SRN, but it is key that developers understand the requirement to ensure that their development does not have a severe impact on our network. Where it does, we would look to recommend conditions for mitigation that would require the use of S278 powers to ensure that necessary highway mitigation is funded and constructed.</p> <p>Both the Circular and our Planning for the Future1 guidance give further information on what is expected where a development does impact the SRN.</p> <p>We would therefore be keen to see the SPD expanded, section 14 regarding Highways and Transport in particular, to include reference to the Circular and the Planning for the Future guidance where the impact of the development.</p>	Highways England	Reference to the guidance / circular and conditions etc is now included at section

	is on the SRN.		
Section 14	It would be helpful to include SD6/Table 13.1 from the LPS in the SPD, for ease of reference.	Pegasus on behalf of Tatton Estates	The table has now been included in the document.
Section 14	<p>It should be made clear that where development proposals provide more than the required open space provision set out in the SPD in one or more areas, this could be used to off-set the need to provide alternative forms of open space (or other recreation facilities and</p> <p>contributions such as indoor sport contributions) in order to recognise developments that deliver significant green infrastructure over and above these requirements.</p>	Pegasus on behalf of Tatton Estates	<p>There are some sites where the requirements of the location or site allocation (in regard to habitat, trees, landscape, SuDS, etc) can make a site seem very green but this may not be an 'overprovision', rather the overall arrangement is what is required to make the application acceptable/meet policy requirements.</p> <p>There requirements set out here do not replace or prioritise recreation/sport/leisure contributions over other policy requirements and in reaching a position that mitigates impacts and meets policy requirements, the local planning authority must consider all relevant issues within a planning application and reach a balanced view. In reaching this determination, viability is considered and may lead to negotiations over provision of various policy requirements. Also, it should be noted that SE6 sets out the minimum standards required.</p>
Section 14	It would be helpful if the SPD could provide further confirmation of the ability to stack open space requirements in line with the expectations of the Local Plan definitions that confirm such spaces can be multi-functional.	Pegasus on behalf of Tatton Estates	Whilst the council will take a pragmatic approach to securing policy requirements, 'stacking' may not work in all instances. For instance, provision of habitat space may be compromised if the same space is required to function of recreation green space (due to disturbance of species). The issue has now been referenced in the document.
	Open Space definition should be added to the glossary	Pegasus on behalf of Tatton Estates	Glossary has been updated to include Open Space
Section 14	<p>The total impact of the contributions on a typical</p> <p>development would appear to be significantly in excess of the figures relied upon in the Viability Assessment Update. The viability assessment</p>	Emery Planning	The Council's approach to viability is set out at section 4.

	should be re-run to include for the latest contributions sought through this SPD, in the context of other economic conditions.		
Section 14	The table is blank	Multiple	<p>The lack of information in the table was a publishing error.</p> <p>The information in the table has not changed since the first stage of consultation and is not proposed to change further. Comments received at the first stage of consultation have been take into account. Two themes emerged from the original consultation and have been considered, however no changes to the original table have been made.</p> <p>The first theme related to the ability to 'overlap requirements across the typologies rather than the requirements being rigidly adhered to. The council will take a pragmatic approach and seek solutions which secured the best outcome for the public. Therefore, detailed matters of stacking and multiple use are to be resolved through the design of the scheme, related to viability and can be negotiated with the Planning Authority during pre-application stages.</p> <p>The second theme requested that the table include a statement clarifying that requirements will be negotiated on a case by case basis. The table represents a starting point from which to calculate contributions and the ability to vary such contributions is available where applicants demonstrate a viability issue</p>
Section 14	<p>Sport England have two calculators: the Sports Facility Calculator (primarily used for calculating monies for indoor sports facilities) and the Playing Pitch Calculator (primarily used for calculating monies for outdoor sports facilities).</p> <p>It is strongly recommended that reference is given to the use of the Playing Pitch Calculator (in addition</p>		Suggestions incorporated at chapter 14 and glossary.

	<p>to the Sports Facility Calculator) to secure the necessary monies for outdoor sports provision.</p> <p>Sport England notes the Council's playing field definition and to avoid confusion requests that it aligns with the NPPF's definition of a playing field:</p> <p><i>Playing field: The whole of a site which encompasses at least one playing pitch as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015.</i></p> <p>Furthermore, Sport England request that it would be useful if a definition for a 'playing pitch' is also included that follows the Town and Country Planning (Development Management Procedure) (England) Order 2015 -</p> <p><i>Playing pitch: The 2015 Order defines a playing pitch as 'a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo.'</i></p>		
Section 14	SPD should clarify that green infrastructure includes blue infrastructure to reflect definition in the NPPF	Canal and Rivers Trust	SE6 doesn't refer to blue infrastructure specifically but it is clear from list of assets that it does include them. It is increasingly often the case it is referred to as blue/green infrastructure now across the industry
13.35	Typo – residential units of 10 units or more	Debbie Jamieson	Glossary has been updated to reflect the definition held in the NPPF.
15.22	typo	Debbie Jamieson	Corrected

	<p>Gap funding</p> <ul style="list-style-type: none"> • At paragraphs 16.5 and 16.15 there are references to gap funding and where there is a gap in provision. I presume this may be emanating from the recent High Court judgement between Leicestershire NHS Trust and Harborough DC. It is therefore important to ensure that the distinction is made between contributions towards capital costs (i.e. physical infrastructure) as opposed to revenue costs, the latter of which was subject to the High Court judgement. This is important because capital costs for healthcare were not implicated in by this recent High Court case. However, we don't want to rule out the possibility of revenue funding, but we need to acknowledge that the High Court judgement identified a range of considerations if this type of contribution is sought. <p>Example calculation Please remove the word 'outline' from paragraph 16.25 – to correct an error as could apply to other planning application types.</p> <ul style="list-style-type: none"> • Please replace paragraphs 16.26-16.31 with the following textbox to ensure consistency of approach across the wider ICB area: <p>Basis of Calculation. The current model of primary care provision generally focuses on a shift away from smaller GP practices to larger</p> <p>scale premises that accommodate a range of healthcare services. To meet NHS objectives, an operationally efficient primary healthcare facility should accommodate a minimum of 7,000</p>	Lucy Andrews NHS	Reference to capital costs has been included and the relevant text has been inserted into the document to represent the approach employed by NHS partners
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	<p>registered patients. This equates to approximately four full-time GPs serving 1,750 patients each.</p> <p>In Cheshire East, based on census data, the average household size is 2.3 people. This means that an average primary healthcare facility serving 7,000 patients would provide for the equivalent of 3,043 housing units.</p> <p>The Department of Health and Social Care (DHSC) publishes Health Building Notes (HBNs) that provide best practice guidance on the design and planning of new healthcare buildings and the adaptation or extension of existing facilities. Health Building Note 11-01: Facilities</p> <p>for Primary and Community Care, indicates a modern four GP practice would typically have a floorspace requirement of 600sqm (an allowance of 150sqm Gross Internal Area (GIA) per 1,750 patients).</p> <p>Where existing premises are in the right location and have the potential for improvement, NHS partners preference is generally for extension and refurbishment of existing facilities to meet the needs arising from new development.</p> <p>NHS partners have provided relevant build costs for extension and refurbishment for use in the calculation.</p>		
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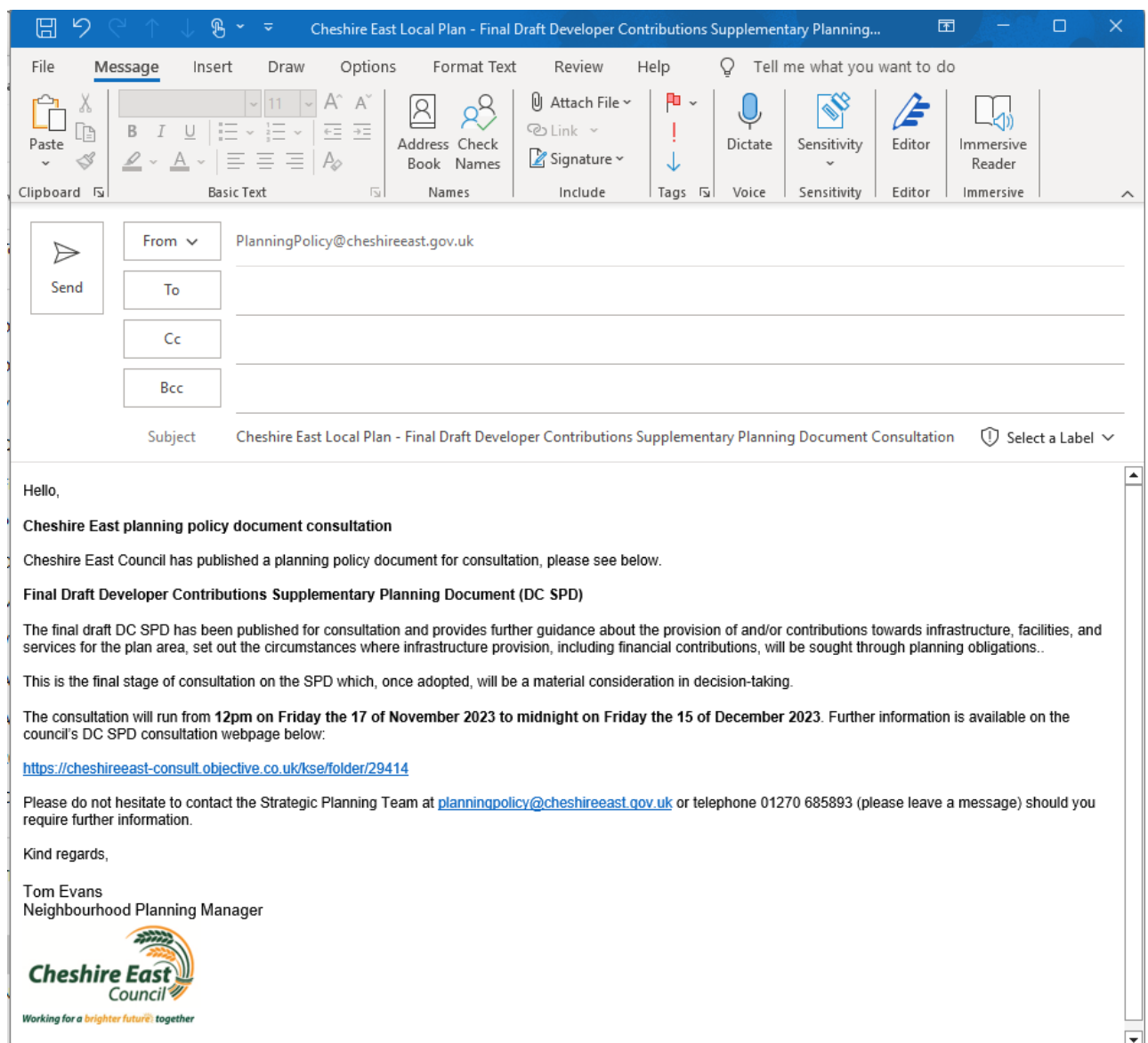
	<p>Where healthcare contributions are required for larger and strategic developments (see section below), this may involve alternative build costs depending on the mitigation project(s) identified.</p> <p>Based on the above factors, the contribution per dwelling is calculated as follows:</p> <p>Population served by surgery = 7,000 Equivalent number of dwellings (at an average of 2.3 persons per dwelling) = 3,043</p> <p>Total cost of required primary care floorspace = £2,752,367</p> <p>Cost per dwelling = £904</p> <p>The financial contribution per dwelling has been calculated as £904.</p> <p>This will contribute to the capital cost of primary healthcare provision. The approach has been reviewed in dialogue with NHS partners and ensures the financial contribution sought is directly, fairly and reasonably related in scale and kind to the development proposed.</p>		
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	<p>Importantly, this SPD includes a mechanism for annual review of build cost data to ensure that health facilities can be delivered.</p> <p>Contributions will relate only to the capital cost of health provision and will be index linked. In order to ensure compliance with CIL Regulations the Council, working with its NHS partners, will identify a specific health project(s) for which the contribution will be used.</p> <ul style="list-style-type: none"> • Replace paras 16.32 and 16.33 with: <p>Larger and Strategic Development Requirements.</p> <p>For larger development sites or areas, these will be dealt with on a case-by-case basis and the Council will work closely with NHS partners to identify appropriate mitigation measures and developer contributions.</p> <p>An assessment will first be made as to whether existing facilities in the surrounding area can accommodate the increase in patients arising from the development. Where a development proposal is of such magnitude that it would result in an increase in population that cannot be</p> <p>accommodated by existing health provision, developer contributions will be sought. This may</p>		
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	include works such as refurbishment, reconfiguration or an extension to existing health facilities, or in some instances may justify the delivery of a new health facility. The Council will seek to secure the land at zero cost and then contributions towards the delivery of a health centre.		
16	<p>However, the final sentence is unfinished and we consider it would merit stating: Where a contribution is required a proportionate developer contribution will be sought that</p> <p>distinguishes between the needs generated by the existing population within the area and new population that will be generated by the development.</p> <p>7.8. The inclusion of this completed sentence would allay our</p> <p>concerns.</p>	Asteer Planning on behalf of Barrat	Paragraph has now been included
16	<p>Paragraph 16.24 states that the costs are calculated based on the baseline build cost, but it is still unclear what the</p> <p>baseline build costs are. For clarity, this should be set out.</p>	Asteer Planning on behalf of Barrat	Build costs are provided by the NHS as a consultee based on NHS guidance on this matter. The NHS produces cost guides that are periodically updated. NHS England » Healthcare Premises Cost Guides (HPCGs)
18.3	Page 63 Final Draft SPD – 18.3 & 4 – should include for lighting improvements/provision	Crewe Town Council	Reference has now been made to lighting in the document
18.6	<p>Paragraph 18.6 must address how the overlap will be addressed to prevent double counting in order to pass the</p> <p>tests for collecting contributions.</p>	Asteer Planning on behalf of Barrat	Updated at new para. Reference 17.6

18.12	<p>The Local Lead Flood Authority (LLFA) should provide an assessment of the potential impacts on the drainage network and the above paragraph should be amended as according. The Council provided some clarification in the Report on Consultation (that this will be carried out at the planning application stage) which should be added to and made clear in the SPD.</p>	Asteer Planning on behalf of Barrat	Paragraph 17.12 addresses this matter.
19	<p>The Trust reiterate our request that the definition of 'Green Infrastructure' provided in the glossary of the SPD is</p> <p style="padding-left: 40px;">amended to the definition provided in the Glossary (Annex 2) of the NPPF (2021), as outlined below, for clarification that Green Infrastructure includes Blue Spaces.</p> <p>'A network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.'</p>	Canal and River trust	Glossary updated to reflect advice.

Appendix 1: Example letters and emails



Email sent to consultees on database

«Name»

«Address_1» «Address_2»
«Address_3» «Postcode»

Strategic Planning
Westfields, Middlewich Road
Sandbach
CW11 1HZ

Tel: 01270 885893 (please leave a message)

Email: planningpolicy@cheshireeast.gov.uk

DATE: 17/11/2023

OUR REF: Final Draft DC SPD

Dear «Name»,

The council has published a planning policy document for consultation:

Final Draft Developer Contributions Supplementary Planning Document (DC SPD)

The final draft DC SPD has been published for consultation and provides further guidance on about the provision of and/or contributions towards infrastructure, facilities and services for the plan area, set out the circumstances where infrastructure provision, including financial contributions, will be sought through planning obligations. This is the final stage of consultation on the SPD which, once adopted, will be a material consideration in decision-taking.

The consultation will run from **12pm on Friday the 17 of November 2023 to midnight on Friday the 17 of December 2023**. Further information is available on the council's DC SPD consultation webpage: <https://cheshireeast-consult.objective.co.uk/kse/folder/29414>

Printed copies of the following consultation documents have been sent to you:

- Final Draft DC SPD;
- Final Draft DC SPD comment's forms; and
- A laminated Notice of Publication of the Final Draft DC SPD

I would be very grateful if you would display the documents provided in a prominent location for public viewing. A number of comments forms have also been provided for people to take away. Should you require any additional copies of the comments forms, or further information then please do not hesitate to contact the Strategic Planning Team.


Many thanks for your assistance in this matter.



Yours sincerely,



Tom Evans
Neighbourhood Planning Manager

Appendix 2: Example website screen shot

Cheshire East Council

  [Listen](#)

Enter Keywords

[Home](#) / [Planning](#) / [Spatial planning](#) / [Cheshire East Local Plan](#) / [Supplementary Planning Documents](#)

Supplementary planning documents

Supplementary planning documents add further detail to policies in the development plan and provide further guidance on specific topics or locations.

Draft supplementary planning documents

Final Draft BNG SPD Consultation

The final draft consultation began at **12pm of Tuesday the 31 of October 2023**, and will close at **midnight of Friday the 1 of December 2023**.

You can view the document and the representations made, as well as make your own comments on our [consultation portal](#).

Final Draft DC SPD Consultation

The final draft consultation began at **12pm of Friday the 17 of November 2023**, and will close at **midnight of Friday the 15 of December 2023**.

You can view the document and the representations made, as well as make your own comments on our [consultation portal](#).

Final Draft EP SPD Consultation

The final draft consultation began at **12pm of Friday the 17 of November 2023**, and will close at **midnight of Friday the 15 of December 2023**.

You can view the document and the representations made, as well as make your own comments on our [consultation portal](#).

Other Draft SPDs

SPDs being prepared on a number of topics including:

- [Jodrell Bank Observatory](#); and
- [Sustainable Drainage Systems](#).

Comments on previous consultations are currently being considered and the next steps for each SPD will be published here when available.

Screenshot: SPDs webpage www.cheshireeast.gov.uk/planning/spatial-planning/cheshire_east_local_plan/supplementary_plan_documents

Appendix 3: Press release



 [Listen and translate](#)

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/ 10/11/2023 - Cheshire East set to consult on key planning documents



Cheshire East set to consult on key planning documents

10 November 2023

Cheshire East Council wants your views on proposals to help secure environmental protections and financial contributions from developers for community facilities.

The authority is also to prepare an 'issues paper' to provide an initial opportunity for public engagement to help shape the direction of the council's new Local Plan. The Local Plan is the council's proposed 15-year strategic blueprint for the borough.

A developer contributions supplementary planning document (SPD), which sets out how the council will secure funding to provide the range of infrastructure and facilities needed to service new development, has been approved for further public consultation before formal adoption.

The decision by the council's environment and communities committee follows feedback from initial public consultation last autumn, which was used to re-draft the document.

The draft SPD aims to give developers more clarity on how their proposals can meet the policy requirements of Cheshire East's Local Plan via so-called section 106 agreements, which are often financial contributions to be used to secure mitigations from developments – from parks and green spaces to highways and education.

The committee also approved holding a public consultation on the final draft of the council's

environmental protection supplementary planning document. This also underwent a first consultation last autumn.

This SPD provides guidance on the council's approach to environmental protection issues when considering planning applications.

The areas covered in the final draft are air quality (including dust pollution), contaminated land, noise, light pollution and odour pollution. It sets out the relevant technical advice to prevent or reduce the impact of proposed developments on public amenity and the health, wellbeing of people across the borough.

The SPD provides greater clarity to developers, landowners, communities and decision-makers on the council's approach to environmental protection and provides additional guidance to applicants on how they should respond to the policy requirements in the council's Local Plan Strategy and site allocations and development policies document. It also signposts sources of information, including relevant documents and council services.

Councillor Mick Warren, chair of the environment and communities committee, said: "Supplementary planning documents are a recognised way of providing additional guidance on how planning policies should be used – in this case to support local services provision and protect the borough's environment.

"Although not formally part of our statutory development plan, SPDs should be taken into account when deciding a planning application or when considering an appeal against a planning decision.

"Through section 106 agreements (S106), for example, the council receives a wide range of funds to deliver local facilities and services and we want to ensure everyone is clear about what is required in order to secure planning permission."

Since the adoption of the Local Plan Strategy in 2017, more than £15m has been spent on infrastructure projects through S106 financial contributions related to development.



Cllr Warren added: "By providing up-front, up-to-date and clear advice on our planning policies, our aim is to ensure developers and property owners know what's expected of them when they are making relevant planning applications, as well as supporting the council to determine them."

Once feedback has been considered and any appropriate changes made, the SPDs can be formally adopted – to provide important tools to help protect public health and wellbeing and ensure communities benefit from development in their areas.

The committee also recommended that, alongside an issues paper on a new Local Plan, there would be a 'call for sites' and public consultation on draft housing land availability, a sustainability appraisal and settlement hierarchy review. The decision to draft a new Local Plan reflects changed circumstances since the current plan's adoption in 2017.

Cllr Warren said: "The programme to prepare and adopt our new-style, updated Local Plan will include

several rounds of public consultation followed by a public examination overseen by an independent planning inspector.”

Comments on the two SPDs can be made from **Friday 17 November** until the **midnight deadline** on **15 December 2023**.

To view the documents and to have your say, visit the [consultation pages online](#)

Feedback can also be posted to: Strategic planning (Westfields), C/O Municipal Buildings, Earle Street, Crewe CW1 2BJ.

Copy of press release

Appendix 4: Consultation portal screenshot

Planning Policy Consultation Portal

Welcome to Cheshire East Council's Planning Policy Consultation Portal.

We would love to hear your feedback on new planning policies and guidance, and we use this consultation portal to invite views.

You can use the portal to submit comments on current consultations, view the comments submitted for recent closed consultations, and register to receive updates on new consultations. In most cases, you will be asked to log-in or register before submitting comments.

All planning policy consultations are listed below, and you can also view the consultations by topic area:

- Minerals and Waste Plan
- Neighbourhood Planning
- Site Allocations and Development Policies Document
- Supplementary Planning Documents

To view all current planning policies, please see the [Local Plan](#) pages on the council's website.

Default Ascending Search

Final Draft Biodiversity Net Gain Supplementary Planning Document

3

The Biodiversity Net Gain SPD provides guidance for all parties involved in the planning application process, explaining how BNG should be achieved in development proposals across the Borough.

closed

31/10/2023 12:00PM22/12/2023 11:59PM

LEARN MOREGO TO EVENT

Final Draft Developer Contributions SPD

142

Consultation on the final draft SPD. This will provide guidance on contributions to (or provision) of infrastructure, facilities and services and how these will be sought through planning obligations.

closed

17/11/2023 12:00PM15/12/2023 11:59PM

LEARN MOREGO TO EVENT

Final Draft Environmental Protection SPD

34

Consultation on the final draft SPD. This will provide guidance on a range of health-related environmental issues that must be addressed through the planning process.

closed

17/11/2023 12:00PM15/12/2023 11:59PM

LEARN MOREGO TO EVENT

Weston & Basford NDP (Modification) Regulation 16

13

The Weston & Basford NDP (Modification) regulation 16 submitted plan consultation webpage.

closed

29/08/2023 12:00PM23/10/2023 07:00PM

LEARN MORE

Final Draft Sustainable Drainage Systems SPD

23

Consultation on the final draft SPD. This will provide guidance on how applicants can integrate sustainable drainage systems in their proposals.

closed

04/09/2023 12:00PM02/10/2023 07:00PM

LEARN MORE

Draft Minerals and Waste Plan

285

Consultation on the Draft MWP. This will allocate sites/areas for the provision of minerals and the management of waste. It will also set policies to guide decisions on planning applications.

closed

09/11/2022 07:00AM21/12/2022 05:00PM

LEARN MOREVIEW THE DOCUMENT

Call for Minerals Sites and Areas

0

Invitation to put forward sites for future minerals related development. This information will be used to help inform land allocations in the Minerals and Waste Plan.

closed

09/11/2022 07:00AM21/12/2022 05:00PM

Call for Waste Sites

0

Invitation to put forward sites for future waste related development. This information will be used to help inform land allocations in the Minerals and Waste Plan.

closed

09/11/2022 07:00AM21/12/2022 05:00PM

Draft MWP Interim Sustainability Appraisal

4

The Interim Sustainability Appraisal assesses the extent to which the Draft MWP will help to achieve relevant environmental, economic and social objectives, when judged against the alternatives.

Consultation portal screenshot 1

34

Supplementary Planning Documents Consultations

Final Draft Developer Contributions SPD

INFORMAL SUBMISSION - CLOSED

Consultation on the final draft SPD. This will provide guidance on contributions to (or provision) of infrastructure, facilities and services and how these will be sought through planning obligations.

INFORMATION	PROPOSAL	WHAT PEOPLE SAY
<div><div>More Information</div><div>Strategic Planning Team</div><div>Cheshire East Council</div><div>0300 123 5014 (Please ask for Strategic Planning)</div><div>planningpolicy@cheshireeast.gov.uk</div></div> <div><div>Supporting Files</div><div><div>Final Draft DC SPD Statutory Notice.pdf</div><div>Final Draft DC SPD Comments Form.pdf</div><div>Final Draft DC SPD - EqIA Form.pdf</div><div>Final Draft DC SPD - SEA HRA Screening.pdf</div><div>Final Draft DC SPD - Appendices.pdf</div><div>Final Draft DC SPD - Report of Consultation.pdf</div><div>Final Draft DC SPD (PDF Version).pdf</div></div></div> <div><div>Recent Comments</div><div><div>Lucy Andrews</div><div>Kate McDowell</div><div>See What People Say</div></div></div>	<div><div>PRIVACY POLICY</div><div>If you take part: your name may be displayed, your answers may be displayed, your town/city will not be shown</div><div>GO TO EVENT</div></div> <div><div>The purpose of this SPD is to provide information about the provision of and/or contributions towards infrastructure, facilities and services for the plan area, set out the circumstances where infrastructure provision, including financial contributions, will be sought through planning obligations.</div><div>Responses are invited on the Final Draft DC SPD between the 17 November 2023 and midnight on the 15 December 2023.</div><div><div>Consultation Document</div><div>The Final Draft DC SPD is available to download on this consultation portal:</div><div><div>Final Draft DC SPD (PDF file)</div><div>Final Draft DC SPD - SEA HRA (PDF file)</div><div>Final Draft DC SPD - EqIA (PDF file)</div><div>Final Draft DC SPD - Appendices (PDF file)</div><div>Final Draft DC SPD - Report of Consultation (PDF file)</div></div><div><div>A screening exercise has been carried out to determine whether the draft DC SPD gives rise to the need for further Strategic Environmental Appraisal or Appropriate Assessment (under the Habitats Regulations). This screening concludes that further such assessment is not necessary. The screening report is also available for consultation. An Equalities Impact Assessment ("EqIA") has also been published and this concludes that the Draft DC SPD will not have a significant adverse impact on persons sharing any of the characteristics protected under the Equality Act 2010. Copies of published EqIAs can be found on the Council's website.</div><div>For the duration of the consultation, the document can also be viewed at public libraries in Cheshire East upon request. Opening hours are on our website or telephone the 24 hour library information service on 0300 123 7739.</div></div><div><div>Submit your views</div><div>To comment online using this consultation portal, please log-in or register and then click the 'View Document' button. This is our preferred method of submitting responses, but you can also respond by email (to planningpolicy@cheshireeast.gov.uk) or in writing (to Strategic Planning Westfields, C/O Municipal Buildings, Earle Street, Crewe CW1 2BJ).</div><div>Alternatively, you can download this Final Draft DC SPD comments form (PDF file) and return it by email or by post to the relevant address above.</div><div>Whichever method used, please make sure that your comments reach us by midnight on the 15 December 2023. We are not able to accept anonymous comments and you must provide us with your name and contact details. Your personal information will be processed in line with our Strategic Planning Privacy Notice and your name and comments will be published on this consultation portal.</div><div><div>Further information</div><div>We have also published a formal notice of publication of the Final Draft DC SPD Statutory Notice (PDF file).</div><div>For further information or for assistance in making comments, you can contact the Strategic Planning Team at planningpolicy@cheshireeast.gov.uk or by leaving a message on 01270 685893 and we will respond as soon as possible.</div></div></div></div></div>	

Consultation portal screenshot 2

Appendix 5: Consultation response form

Cheshire East Local Plan



Final Draft Developer Contributions Supplementary Planning Document - Comments Form

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

Consultation on the draft SPD will take place between **12pm on Friday the 17 of November 2023 and midnight on Friday the 15 of December 2023.**

Consultation document

The consultation document can be viewed online at

<https://cheshireeast-consult.objective.co.uk/kse/folder/29414>

A screening exercise has been carried out to determine whether the draft DC SPD gives rise to the need for further Strategic Environmental Appraisal or Appropriate Assessment (under the Habitats Regulations). This screening concludes that further such assessment is not necessary. The screening report is also available for consultation. An Equalities Impact Assessment ("EqIA") has also been published and this concludes that the Draft DC SPD will not have a significant adverse impact on persons sharing any of the characteristics protected under the Equality Act 2010. Copies of published EqIAs can be found on the Council's website.

For the duration of the consultation, the document can also be viewed at public libraries in Cheshire East during opening hours. For information about opening hours see www.cheshireeast.gov.uk/libraries or telephone 0300 123 7739).

Submit your views

The council's online consultation portal is our preferred method of submitting responses (<https://cheshireeast-consult.objective.co.uk/kse/folder/29414>) but you can also submit responses or return this form by email or post to:

By e-mail: planningpolicy@cheshireeast.gov.uk

By post: Strategic Planning (Westfields), C/O Municipal Buildings, Earle Street, Crewe CW1 2BJ

Please make sure that your comments reach us by **midnight on Friday the 15 of December 2023**. We are not able to accept anonymous comments and you must provide us with your name and contact details. Your personal data will be processed in line with our Strategic Planning Privacy Notice, which is available on the council's website:

https://www.cheshireeast.gov.uk/council_and_democracy/council_information/website_information/privacy-notice/spatial-planning-including-neighbourhood-planning-team-privacy-notice.aspx

For further assistance in making comments, you can contact the Strategic Planning Team at planningpolicy@cheshireeast.gov.uk or by leaving a message on 01270 685893 and we will respond as soon as possible.

Cheshire East Local Plan

Final Draft Developer Contributions Supplementary Planning Document - Comments Form

Please return to:

Strategic Planning (Westfields)
C/O Municipal Buildings, Earle Street, Crewe CW1 2BJ or by email to
localplan@cheshireeast.gov.uk

Please return by:

Midnight on Friday the 15 of December 2023

This comment form has two parts:

- Part A – Personal details.
- Part B – Your representation(s).

Comments Form Part A: Personal Details

	Personal Details*	Agent's Details (if applicable)
Title		
First Name		
Last Name		
Job Title (where relevant)		
Organisation (where relevant)		
Address Line 1		
Address Line 2		
Address Line 3		
Address Line 4		
Postcode		
Telephone Number		
Email Address (where relevant)		
Your Reference No. (if known)		

Personal Details*

Agent's Details (if applicable)

* If an agent is appointed, please complete only the Title, Name and Organisation in column 1 but complete the full contact details of the agent in column 2.

Please complete a separate Part B form for each comment that you would like to make. This response form provides enough space for four comments but please copy and attach further part B forms if required.

Extract from comments form (not including the duplicated part B forms)

Appendix 6: Representations from the previous first draft stage

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

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

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

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

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

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

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

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

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

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