

## Environment and Communities Committee

### Agenda

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**Date:** Friday, 1st July, 2022

**Time:** 10.30 am

**Venue:** Committee Suite 1,2 & 3, Westfields, Middlewich Road,  
Sandbach CW11 1HZ

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

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

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

1. **Apologies for Absence**

To note any apologies for absence from Members.

2. **Declarations of Interest**

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

3. **Minutes of Previous Meeting** (Pages 5 - 10)

To approve as a correct record the minutes of the previous meeting held on 07 March 2022.

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For requests for further information

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**4. Public Speaking/Open Session**

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

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

**5. 2021-22 Annual Performance Review** (Pages 11 - 30)

To receive a report on the performance of Environment and Neighbourhood Services for 2021-22 against the priorities, actions and performance indicators set out in the Corporate Plan.

**6. Implementation of Public Spaces Protection Order (PSPO) for Macclesfield**  
(Pages 31 - 76)

To consider the implementation of a Public Spaces Protection Order (PSPO) in Macclesfield in order to tackle areas of Anti-social behaviour.

**7. Housing Supplementary Planning Document (SPD)** (Pages 77 - 188)

To consider the Housing SPD.

**8. The Minerals and Waste Development Plan** (Pages 189 - 340)

To seek approval to publish the draft Cheshire East Minerals and Waste Development Plan Document (Local Plan part 3) along with its supporting evidence for public consultation.

**9. Local Plan Strategy Review** (Pages 341 - 372)

To consider the Local Plan Strategy Review.

**10. Alignment of 2022/23 Budgets** (Pages 373 - 388)

To receive the alignment of the 2022-23 budgets for Adults, Health and Integration and to note or approve virements and supplementary estimates as required.

**11. Standing Item: Member Advisory Panel: Cheshire East Planning Process Review**

To receive an oral update from the Chair of the Member Advisory Panel.

12. **Standing Item: Members Advisory Panel: Cheshire East Cemeteries Strategy Review**

To receive an oral update from the Chair of the Member Advisory Panel.

13. **Work Programme** (Pages 389 - 392)

To consider the Work Programme and determine any required amendments.

**Membership:** Councillors Q Abel, M Benson, J Bratherton, J Buckley, L Crane, T Dean, A Farrall, L Gilbert, P Groves, C Leach, J Parry, S Pochin (Vice-Chair) and M Warren (Chair)

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## CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Environment and Communities Committee**  
held on Monday, 7th March, 2022 in the The Capesthorne Room - Town Hall,  
Macclesfield SK10 1EA

### PRESENT

Councillor M Warren (Chair)  
Councillor Q Abel (Vice-Chair)

Councillors M Benson, J Bratherton, J Buckley, L Crane, T Dean, A Farrall, L Gilbert, P Groves, C Leach, J Nicholas and J Parry

### OFFICERS IN ATTENDANCE

Paul Bayley- Director of Environment and Neighbourhood Services  
Helen Davies- Democratic Services Officer  
Tom Evans- Neighbourhood Planning Manager  
Ralph Kemp- Head of Environmental Services

### 49 APOLOGIES FOR ABSENCE

There were no apologies for absence.

### 50 DECLARATIONS OF INTEREST

There were no declarations of interest received.

### 51 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of the meeting 20 January 2022 be accepted as a correct and accurate record.

### 52 PUBLIC SPEAKING/OPEN SESSION

Congleton Town Councillor Robert Douglas attended the meeting to speak in relation to agenda item 6. Referral of Notice Motion: Replacement Recycling Site at Congleton, he noted the need for a Household Waste and Recycling Centre (HWRC) within Congleton and noted that the losses to the population of Congleton and surrounding areas would be more significant than when the Arclid site closed.

Councillor Douglas noted the impact of the closure of the site to the vulnerable residents of Congleton plus the environmental impacts in relation to carbon dioxide emissions from vehicles. He requested the Committee consider a full feasibility study for a HWRC for Congleton.

Congleton Town Councillor Suzy Firkin attended the meeting to speak in

relation to agenda item 6. Referral of Notice Motion: Replacement Recycling Site at Congleton, she noted the decision to close the site at Congleton was called into question by Congleton Town Council.

Councillor Firkin acknowledged the help and support given by Paul Bayley, Director of Environment and Neighbourhood Services, Ralph Kemp, Head of Environmental Services and Andrew Dunstone, Waste Strategy Monitoring and Evaluation Officer, to date and requested a commitment by the Committee to consider Congleton for future waste pilots.

### **53 REFERRAL OF NOTICE OF MOTION: LOW CARBON ADVERTISING**

Councillor Quentin Abel was the original seconder of the Notice of Motion and introduced the item to the Committee. Councillor Abel noted that the original Motion contained detail outside of the direct control of the council and for that reason proposed an amendment to the motion that was seconded requesting the inclusion of the following wording to be included at the end of recommendation 3.1.1: 'and encourage the reduction of high carbon products'.

There was some discussion about the current policy on advertising on bus shelters by Transport Service Solutions (TSS) and encouragement for all suppliers to adhere to policy.

Paul Bayley, the Director for Environment and Neighbourhood Services reminded the Committee that from the 1 April 2022, the commissioning work of TSS would transfer back to the council and the operational services would transfer to ANSA. This work would become the remit of the councils Strategic Transport Department to action.

**RESOLVED (Unanimously)**

That the renewal of the current Advertising Concession Agreement in May 2022 which will provide an opportunity to review the current set of prohibitions and encourage the reduction of high carbon products be noted.

### **54 REFERRAL OF NOTICE MOTION: REPLACEMENT RECYCLING SITE AT CONGLETON**

Councillor Denis Murphy was the original proposer of the Notice of Motion and introduced the item to the Committee. Councillor Murphy noted that a lot of residents in Congleton had spoken to him with concerns about the closure of Congleton Household Waste and Recycling Centre (HWRC). There were fears from residents about fly-tipping and the increased disposal of waste through the black bins as part of the domestic refuse collection. Councillor Murphy encouraged the Committee to review the HWRC provision for Congleton.

Councillor June Buckley was the original seconder of the Notice of Motion and addressed the Committee, she noted the figures quoted within the report appeared low but in the context of the pandemic, the sites were closed for a while. Councillor Buckley suggested using 2019 figures to represent a more accurate baseline and noted she had seen more visible instances of fly-tipping despite the reports that it had reduced.

Ralph Kemp, Head of Environmental Services assured the Committee that officers would continue to engage with Congleton Town Council and monitor fly-tipping and vehicle numbers to other HWRC sites.

The Committee had some discussion that noted:

- Congleton was the third largest town within the borough and yet was without a HWRC facility;
- The potential for cross border working with Cheshire West and Chester and a sharing of responsibilities;
- When the Congleton site was closed, Members were advised that provision could be reviewed as part of the procurement process;
- The potential to work costed option in any procurement that would include Congleton as part of service provision;
- The implications of the Environment Act and the potential to monetise waste;
- The potential for a Member Advisory Panel to review HWRC services later in the year;
- The importance of innovative approaches to waste including pop-up centres, upcycling and recycling, and the need to find environmentally-friendly low-impact outcomes;
- The rising cost of fuel and the impact to both residents and contractors;
- The fact that the contract procurement could lead to closures elsewhere.

The Committee noted that the staff who work at the HWR centres were very efficient and polite and requested thanks to be passed on.

Finally the Committee requested clarity on the historic ownership of the old Congleton HWRC site. The Head of Environmental Services advised a written response could be provided.

**RESOLVED:**

That the Committee will await the report regarding the procurement of the HWRC service contract and decide then whether to establish a Member Advisory Panel to look at what the future service provision across the borough will look like.

Councillor Tony Dean proposed a named vote and this was seconded by Councillor Charlotte Leach:

Councillor Quentin Abel	For
Councillor Mike Benson	Against
Councillor Joy Bratherton	For
Councillor June Buckley	Abstained
Councillor Laura Crane	For
Councillor Tony Dean	Against
Councillor Ashley Farrall	For
Councillor Les Gilbert	Against

Councillor Peter Groves	Against
Councillor Charlotte Leach	Against
Councillor James Nicholas	For
Councillor Jonathan Parry	For
Councillor Mick Warren	Abstained

## 55 REFERRAL OF NOTICE MOTION: SINGLE USE PLASTICS

Councillor Kate Parkinson was the original proposer of the Notice of Motion but was unable to attend the meeting, so Councillor Tony Dean (the original seconder) read a statement on her behalf. The statement noted the councils vision for an open, fair and green in its Corporate Plan and requested the Committee encourage the banning of single use plastic from its operations within six months, to promote the use of filtered water fountains and taps within Cheshire East and ESAR buildings and to encourage Councillors to bring their own water flasks and mugs into buildings.

The recycling for mixed plastics was not always easy and often was incinerated or sent to landfill. West Park, Macclesfield was currently trialling a waste recycling bin, encouraging the general public to dispose of their plastic waste more carefully. Cheshire East was the 5th highest area in the country for household waste disposal and costs £33 million per year from this Council's Environmental department budget. While this includes waste from parks, gardens and commercial businesses, the amount of money we spend to get rid of our plastic waste is in the region of £500k.

Councillor Tony Dean then addressed the Committee as the original seconder of the Notice of Motion, he advised the Committee that in 2018 there had been a similar Notice of Motion to eliminate Single Use plastics throughout the councils facilities management supply chain by 2020. This motion was approved and implemented but the evaluation report was never concluded.

Councillor Dean would reaffirm the requirement to remove single use plastics from operations, with the caveat that it can only be used when there is no safe equivalent for health reasons in relation to food.

The Committee noted there was no current baseline of single use plastics, this would be useful to have data to scrutinise against.

The Committee requested that when the report was scheduled that a specialist officer attend the meeting to answer any recycling specific detailed questions that Members might have.

**RESOLVED:** (Unanimously)

That the original motion from 2018 to ban single use plastics proceed and that officers produce a report on the current use of single use plastics across the council be submitted to this Committee for further scrutiny.

**56 STANDING ITEM: MEMBERS ADVISORY PANEL: CHESHIRE EAST CEMETERIES STRATEGY REVIEW**

Councillor Joy Bratherton updated the Committee on work to date. The Members Advisory Panel had a robust set of Terms of Reference, Members had visited Sandbach Cemetery and looked at all aspects of land availability and new land. Alderley Edge and Macclesfield Cemetery visits were scheduled for the 23 March 2022 followed by Crewe and Meadowbrook Cemeteries on the 12 April 2022 with officer based meetings throughout to discuss findings.

RESOLVED:

That the update by Councillor Bratherton be received and noted.

**57 STANDING ITEM: MEMBER ADVISORY PANEL: CHESHIRE EAST PLANNING PROCESS REVIEW**

Councillor Tony Dean updated the Committee on work to date. Phase 1 report is near to completion by Jayne Traverse, Executive Director of Place but will be scheduled for the June Committee. There had been a lot of work to date and there had been meetings completed with management which resulted in a lot of data and improvement ideas. There had been a wide customer review, using agents and councillors on the Member Advisory Panel had canvassed their own groups for issues, there had been responses from all three of the political groups represented.

Councillor June Buckley agreed to take forward the questions asked of groups to the Liberal Democrat Party for full representation.

The Committee noted the need to elevate the issue of planning enforcement.

RESOLVED:

That the update by Councillor Dean be received and noted.

**58 WORK PROGRAMME**

Paul Bayley, Director of Environment and Neighbourhood Services introduced the item to the Committee, he advised that there are currently four items of business for the June Committee, however it was expected that a number of items would be added before then e.g. report from the planning review.

Councillor Ashley Farrall asked if the Cleaner Crewe Pilot report in April could be considered at the June meeting, the Chair noted Councillor Farrall could take that item forward to add to the Work Programme.

RESOLVED:

That the Work Programme be received and noted.

The meeting commenced at 10.30 am and concluded at 11.39 am

Councillor M Warren (Chair)



*Working for a brighter future together*

## **Environment and Communities Committee**

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<b>Date of Meeting:</b>	1 <sup>st</sup> July 2022
<b>Report Title:</b>	2021-22 Annual Performance Review - Environment and Neighbourhood Services
<b>Report of:</b>	Paul Bayley, Director of Environment and Neighbourhood Services
<b>Report Reference No:</b>	EC/06/22-23
<b>Ward(s) Affected:</b>	All wards

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### **1. Purpose of Report**

- 1.1. The purpose of the report is to provide the Committee with a review of the performance of the Environment and Neighbourhood Services department for 2021-22 against the relevant priorities, actions, and measures of success within the Council's Corporate Plan 2021-25.

### **2. Executive Summary**

- 2.1. This report gives an update on performance across Environment and Neighbourhood Services for 2021-22.

### **3. Recommendations**

- 3.1. That the Committee note the performance of the department.

### **4. Reasons for Recommendations**

- 4.1. The Environment and Communities Committee is responsible for reviewing and scrutinising the performance of the Environment and Neighbourhood Services department.

### **5. Other Options Considered**

- 5.1. Not applicable.

### **6. Background**

- 6.1. Environment and Neighbourhood Services is responsible for delivering a range of Place based front line customer facing services and statutory functions. These include Waste and Recycling, Street Cleansing, Planning, Building Control, Environmental Health, Licensing, Trading Standards, Leisure Services, Libraries, Anti-Social Behaviour, Community Enforcement,

Bereavement Services, Parks, Play Areas, Playing Pitches and Green Spaces, and Emergency Planning.

- 6.2.** Several of our services are commissioned through the Council's wholly owned companies Ansa Environmental Services and Orbitas Bereavement Services, and the independent leisure trust Everybody Sport & Recreation.
- 6.3.** The Cheshire East Council Corporate Plan 2021-25 sets out our vision for an open, fairer, greener Cheshire East with three broad aims to be an open and enabling organisation; a council which empowers and cares about people, and a thriving and sustainable place. The Environment and Neighbourhood Services department contributes to several of the priorities under the aim of a thriving and sustainable place:
- A great place for people to live, work and visit
  - Welcoming, safe, and clean neighbourhoods
  - To reduce the impact on our environment
  - To be carbon neutral by 2025
- 6.4.** The department provides leadership and management for the Council's Environment Strategy and associated action plans, including the Carbon Neutral Action Plan to deliver the commitment to be a carbon neutral council by 2025. An update on the delivery of the Carbon Neutral Action Plan is reported to the Committee in a separate report on an annual basis, most recently in January 2022.
- 6.5.** The department also contributes to the priority to be an open and enabling organisation, increasing transparency in decision-making through the Environment and Communities Committee during the year and undertaking borough wide consultations on draft policies and plans. We have also engaged with residents on projects and initiatives at a local level. The department has been engaged in the development of the Council's Customer Experience Strategy and Customer Charter. The ongoing implementation of modern ICT systems for Building Control, Planning and Regulatory Services will help to significantly improve digital services for customers.

## **6.6. Environmental Services**

Corporate Plan 2021-25: Key priorities	
Welcoming, safe, and clean neighbourhoods	Improved green spaces for all, enabling people to exercise and socialise in our parks and open spaces
To reduce our impact on our environment	To have minimised overall waste generated in the borough and maximised our levels of recycling  To improve biodiversity and natural habitats in the borough

Key Performance Indicators	2020/21 Outturn	2021/22 Outturn	2021/22 Target
Residual household waste collected per household (kgs)	481kg	477kg (estimate)	<481kg
Increase the % of all waste collected sent for recycling, reuse and (to achieve 65% by 2035)	57.5%	57.2% (estimate)	>50%
Maintain volunteers in waste awareness	Approx. 100	Approx. 100	25

- 6.7.** Ansa Environmental Services, a company wholly owned by the Council, are a critical delivery partner in the effectiveness and customer experience of environmental services such as waste and recycling collections, household waste and recycling centres, street cleansing, and the maintenance of parks and green spaces. They also play an important role in delivering some of the council's strategic objectives, such as reducing overall volume of waste, and in developing and delivering improvement plans and projects for our parks and green spaces.
- 6.8.** The pandemic placed strain on the waste collection system with crew shortages and increased tonnages. Despite the numerous pressures Ansa have been able to continue to always empty all three bins. This equates to over 13,000,000 bin lifts and over 160,000 tonnes of waste collected and safely managed. We recognise however that missed bins and rounds not completed increased during this period and Ansa is striving to return to normal levels of service.
- 6.9.** The increased tonnages of all waste streams over the last 2 years presents an ongoing financial risk to the service if waste levels continue at that level. Our recycling levels remain encouragingly high and keep us as the top unitary authority in the northwest and in the top ten nationally.
- 6.10.** The lifting of restrictions in April enabled the waste prevention team and volunteers to get out again into community with 'Love Your Park' events held in 8 parks focusing on an anti-litter campaign. Other highlights included Tatton Foodies Festival, a community litter pick in Holmes Chapel with Brownies & Cubs, a Waste reduction living stand at Macclesfield indoor market, One World week – Alsager, Congleton Green fair and the promotion of the new recycling bins at Queens Park. In all 52 events were attended over the year.
- 6.11.** From a strategic perspective the service is mindful of changes likely to be required by the Environment Act affecting the ways we collect recycling and waste from 2024. With the benefit of funding from the Waste Resources Action programme we have undertaken analysis of the effectiveness of our existing food waste collection system and are beginning feasibility work on options for future compliant collection systems which we will consult on with residents in the coming year. In addition, Ansa is progressing procurement for the Household Waste Recycling Centre contract and Materials Recovery Facility contract for service from March 2023.

- 6.12.** In parks and open spaces grant funding and new partnerships have seen the implementation of the playing field improvement project, jointly funded by the Football Foundation, the Council and ANSA. A new partnership project funded through NHS and public health has provided the groundwork to see Health Education Rangers and Social prescribing through GPs to commence during 2022/23. The project enables GP prescribed individuals to join organised volunteer groups in green spaces focused on sustainability projects to deliver healthier communities.
- 6.13.** As part of the Council's Carbon Neutral Action Plan approximately 300 trees have been planted in our parks and open space. Ansa have trialled low emission grounds equipment with a continued commitment to purchase low emission items in 2022/23. Following the adoption of the Council's tree risk management strategy, zoning work and surveys continue to identify risks to public safety from failing trees on land within the council's ownership. If following inspection trees are required to be removed, where possible a 3:1 ratio for replanting has been implemented. Wider sustainability changes to parks management are being implemented through the development of site management plans and are contributing to an update to the parks strategy to be brought forward next year.
- 6.14.** We are heavily engaged in developing projects to be funded through the Crewe Towns Fund. Primarily we are focussed on the Pocket Parks Improvement Initiative, but we are also involved in the Valley Brook River improvement projects.
- 6.15.** There are several improvement projects that have been completed during the year. Each of these projects undertake engagement and consultation with including:
- Banbury Close, Macclesfield – works completed following contribution from Macclesfield Town Council to improve accessibility to both the Multi-Use-Games-Area and the open space by installing better drainage.
  - South Park, Macclesfield - the installation of new wheelchair accessible equipment at South Park funded by Macclesfield Town Council.
  - Rotherhead Drive, Macclesfield - Work completed on a full replacement of the play area and new connecting footpath to make the equipment more accessible.
  - Meriton Road Park, Handforth - Following a Masterplan consultation earlier in the year, a new path was installed to provide access from a new housing estate into the park.
  - Hassall Road, Alsager – Following on from the new play equipment installed earlier in 2021, a second phase was completed which included the installation of a footpath connecting with the entrance gates and installing an additional piece of equipment.

- New Town Playing fields, Disley - new changing facilities
- Station Road, Wrenbury – Play area fencing has been improved. The old timber fence has been replaced with new play safe steel fence.
- Sandbach Park - Safety surfacing improvements at the park
- Wynbunbury Road, Willaston – Resurfacing works completed which has improved accessibility to the play area.
- Lansdowne Road, Crewe - Crewe Town Council have provided funding to upgrade play equipment. Majority of the refurbishment has been completed with the remaining to be finished in April 2022.
- Queens Park, Crewe – works completed to update and refresh the play area following a grant awarded by the FCC Communities Foundation.
- Works are also under development or in progress at Victoria Park, Weston Playing Fields, and Robin Lane in Macclesfield; Jim Evison Playing Fields and Little Lindow in Wilmslow; Pheasant Walk in Mobberley; Village Hall in Chelford; Lansdowne Road in Crewe in addition to the Town Fund project on the 8 pocket parks and Jubilee Gardens MUGA in Crewe.

**6.16.** The Council's Bereavement Services, cemeteries and crematoria are managed by Orbitas Bereavement Services, another company wholly owned by the Council. The demand on bereavement services returned to normal levels in 2021-22 following an increase in demand in 2020-21 because of the Covid-19 pandemic. The contract for the delivery of bereavement services has been re-procured with Orbitas from 1<sup>st</sup> April 2022 for a period of 5 years with an extension option for a further 3 years. However, the service will be re-branded to Cheshire East Bereavement Services in the future to reflect the nature of the company's operations more accurately as an agent delivering services on behalf of the Council.

### **6.17. Planning**

Corporate Plan 2021-25: Key priorities	
A great place for people to live, work and visit	Enable access to well designed, affordable, and safe homes for all residents  New development to be appropriately controlled to protect and support our borough
To reduce our impact on our environment	To improve biodiversity and natural habitats in the borough
A transport network that is safe and promotes active travel	Improvements in the strategic infrastructure that support sustainable

	and inclusive growth across the borough Safer and well-maintained roads More residents to use walking routes
Thriving urban and rural economies with opportunities for all	Delivery of a strategic regeneration plan for Crewe Delivery of a strategic regeneration plan for Macclesfield Maximise the commercial and regeneration opportunities associated with HS2 for the whole borough

Key Performance Indicators	2020/21 Outturn	2021/22 Outturn	2021/22 Target
Number of major applications registered	130	126	-
Number of non-major applications registered	3,410	3,329	-
Major applications determined within 13 weeks or agreed time	95%	96%	>90%
Non-major applications determined within 8 weeks or agreed time	87%	81%	>90%
% Planning appeals allowed	34%	36%	<30%
Supply of deliverable housing land	6.4 years	6.3 years*	5 years

(\*base date March 2021)

- 6.18.** The Planning Service has been under pressure for several years, with a consistently high level of demand and challenges in retaining and recruiting resources. During 2020 a significant backlog of planning applications started to build up as productivity and recruitment was further disrupted by the pandemic. The backlog peaked at 2,882 in October 2021 but only marginally reduced to 2,654 at the end of March 2022. This is double the normal level of around 1,300 and has had an impact on the capacity of Planning officers to engage effectively with customers.
- 6.19.** The calendar year of 2021 saw an 11% increase in all applications compared with the previous year with notable increases in submissions of smaller householder and prior approval applications. The figures reported in the table above only include applications which are reported to DLUHC and so does not include other minor applications such as prior approvals which have increased significantly due to changes to permitted development rights.

- 6.20.** The % of applications determined within 8 weeks for non-major applications has reduced to 81%. However, this includes applicants/agents who agree to one or more extensions to time. Most applications are actually taking 4-6 months to determine. This has led to a large volume of “failure demand” chasing progress.
- 6.21.** The table below provides the numbers of applications determined (using the same Government statistics as the table above).

Year	Total determined Major	Total determined non-Major
2019-20	135	2,761
2020-21	118	2,580
2021-22	90	2,881

- 6.22.** The number of planning applications determined by Cheshire East is the largest in the northwest of England and within the top 10 for Local Planning Authorities across the country.
- 6.23.** The ‘holding’ process for applications remains in place with applications validated and registered and the appropriate publicity and consultations are taking place but allocation to a case officer is being delayed to manage workloads. Pre-application services have been suspended since the start of 2021 for all but major proposals. Customer expectations are managed through correspondence on receipt of applications, targeted communications to agents and regular updating of information on the website. While it is clearly regrettable, service complaints about delays and lack of communication have inevitably increased over this period.
- 6.24.** An external provider, Capita, have been procured to provide additional capacity of 4-5 officers to assist with the backlog of applications. The contract has been in place since September 2021 and so far, their officers have determined over 500 applications out of 850 allocated to them, the majority of which are householder applications. The contract covers up to 1,000 applications and has been extended for a further period.
- 6.25.** The Service continues to try and recruit staff to fill vacancies and retain current staff. It remains a difficult and very competitive market for both the public and private sector to recruit experienced planning officers. Staff have recruited into the team over the last 12 months, but this is balanced with some leaving. There are currently 6 vacancies within the planning applications team.
- 6.26.** To identify ways to reduce the backlog as quickly as possible, a deep dive review of the Planning service is being undertaken with a Members Advisory Panel to support the review. The review will also recommend actions to improve customer engagement and service standards and deliver against the corporate plan priority to be an open and enabling organisation.

- 6.27.** Enforcement complaints increased during the pandemic and in the earlier part of the year with more people working at home and having greater awareness of the environment around them. The table below shows the number of complaints opened and closed over the last three years, which indicates new cases have slightly tailed off but there remains a legacy of open cases.

Year	Enforcement cases opened	Enforcement cases closed
2019-20	1,062	1,023
2020-21	1,091	593
2021-22	1,033	777

- 6.28.** The Enforcement team have issued 11 Enforcement Notices, 12 Planning Contravention Notices and 2 Breach of Conditions Notices and 1 Temporary Stop Notice during the year.
- 6.29.** The notable case in Mobberley for the unlawful change of use of land for residential caravans was a significant success which resulted in a dismissed appeal at the end of March. The unauthorised works began some two years earlier and involved numerous officers from the Planning Service and Legal in both Court proceedings alongside the handling of a planning application and serving an Enforcement Notice for the Green Belt site. This is a good example of collaborative working across the Council but also working with the local community. It also highlights the impact a large enforcement case can have on resources.
- 6.30.** Recruitment in Enforcement was successful in filling vacant posts to the established structure for a limited time but unfortunately vacancies also remain within the enforcement team.
- 6.31.** Notwithstanding the pressures on the Planning Service, it continues to approve significant strategic developments in accordance with development plan policies to ensure they are sensitive to their surroundings but also achieving good sustainability. Key strategic housing/mixed use developments at Basford, Leighton, and employment sites in Middlewich have been approved. Significant progress has been made in bringing forward both residential and employment sites at North Congleton as a new community becomes established. Key sites in Crewe town centre as part of wider regeneration work have now also begun with the Royal Arcade site receiving planning approval.
- 6.32.** The strong emphasis on the urban design quality of schemes which has been embedded over the last few years, is now starting to become the norm. Through the hard work of the Environmental Planning team developers now understand the quality required for Cheshire East – particularly for the larger schemes with the emphasis on creating places and character areas with good connectivity and accessibility for all modes of travel.

- 6.33. The Council's Ecologists have consistently sought to secure appropriate mitigation for developments either for on or off-site mitigation. Biodiversity net gain is therefore already well engrained within the Service to capture the future requirements of the Environment Act.
- 6.34. Consultations on draft Conservation Area Appraisals for parts of Macclesfield, Ollerton and Alderley Edge have been launched, and an Urgent Works Notice was served on a property in Congleton to protect its heritage value. The number of 'works to protected trees' applications has suffered a similar surge and backlog as mainstream applications due to shortage of resource.
- 6.35. Planning Appeal performance has slightly decreased for the year, but the Service is making soundly based decisions and there are no significant adverse trends. More appeals are starting to come through the system as the Planning Inspectorate work through their backlog which adds to pressures for the team.
- 6.36. The five-year housing supply figure remains at a robust level of 6.3 years with 2,376 net completions during the 2020-21 monitoring year.
- 6.37. The examination of the Publication Draft Site Allocations and Development Policies Document (SADPD) was held in October and November 2021. The Inspector's interim comments were received in January and were largely favourable, and subject to some amendments to policies (termed 'main modifications') the Plan was likely to be considered sound. Consultation on these modifications will run until the end of May 2022 after which time the Planning Inspector will consider comments and produce his final report. It is hoped adoption of the Plan will take place by early Autumn.
- 6.38. Work has continued to produce the first draft Minerals and Waste Plan for Cheshire East.
- 6.39. There has been significant progress on several Supplementary Planning Documents (SPDs) which provide further advice and guidance alongside planning policies. Consultations have been undertaken on draft SPDs for Jodrell Bank, Housing, Sustainable Drainage Systems, Biodiversity Net Gain, Environmental Protection and Forward Funded Infrastructure have all taken place. 7 Neighbourhood Plans have also been made during the period.
- 6.40. Implementation of the Tree Risk Management Strategy, to manage the risk to public safety from the failure of trees on land owned by the council, has continued since adoption in April 2021 and the action plan is being progressed. Work has so far included identifying specific categories of land for 'zoning' for inspection frequency and method, training, and guidance for staff and confirmation of inspection periods.
- 6.41. Significant progress has been made on the implementation of the new IT system for Planning, Building Control and Land Charges. Final testing of the data mapping and data migration is taking place, after which work will move on to the proposed workflow for new applications and data. There has been

some slippage to the original programme, but it is planned that the first phase of the new system will be operational in September 2022.

- 6.42.** Building Control faces similar challenges to other services in terms of resources but has continued to respond to demand. Throughout the year the team has experienced the exit of 6 professional members of the team to the private sector, representing 50% of the resources available. Whilst some recruitment has been possible this has placed greater pressure on those who remain. Additional training has also been undertaken to ensure the team has the required competencies to meet the needs of the Building Safety Regimes (post Grenfell).
- 6.43.** Over the year the Building Control team has dealt with 1,785 applications of which 93% of full plans were assessed within 15 days of receipt. Officers have inspected 17,500 elements of construction whilst undertaking 9,382 visits. The team responded to 78 reports of dangerous structures, some of which being out of hours. The team also continued to maintain statutory registers associated with works undertaken by the private sector.

#### **6.44. Regulatory Services**

Corporate Plan 2021-25: Key priorities	
Welcoming, safe, and clean neighbourhoods	Crime and anti-social activity and anti-social behaviour to be reduced Victims of crime and exploitation to be supported effectively by the council and partners through collaboration To protect residents and improve our environment

- 6.45.** The Regulatory Services team were responsible for ensuring local businesses complied with the Covid-19 restrictions introduced by government to help reduce transmission of the virus. During the year the service dealt with 153 Covid compliance complaints and requests for advice and followed up on 724 positive Covid cases within a workplace setting. Although most legislative requirements were removed on 19 July 2021 and then more completely in February 2022 the service has continued to provide advice and guidance to businesses on the changes and to support those that wished to maintain ongoing control measures as part of their own company policy.
- 6.46.** The service also signed up to the Health and Safety Executive spot check service which ensured that 3,900 businesses received additional contact either in the form of telephone survey and/or inspection follow up.
- 6.47.** Following the publication of the Government's *Living with Covid* strategy, the removal of all restrictions, the reduction in testing requirements, and the cessation of contact tracing services the team are maintaining their close links with the Public Health Team as they plan for their next phase of work. This will be to provide support to any public health initiatives focussed on local

businesses where we have significant experience and close working relationships.

- 6.48.** The Licensing Team has been progressing a comprehensive review of the Cheshire East Taxi Licensing Policy in response to the release of the Department for Transport's 'National Minimum Standards' document. The amended draft policy has been subject to consultation with the trade, public and other relevant stakeholders. Proposed changes include setting emission and age limits for vehicles and extending our data sharing arrangements with partner agencies to support safeguarding. A report outlining the proposed final Policy is scheduled for Licensing Committee in June and will be presented to Environment and Communities Committee in August 2022.
- 6.49.** The Licensing Team has responded efficiently to changes in process imposed by Government. Checks are now being made to the tax status of various licence holders through HMRC. It has also been necessary to implement and communicate changes to documentation required for 'Right to Work' checks. Information in relation to vehicle emissions, to support Clean Air Zones, continues to be communicated to the Department for Transport.
- 6.50.** The Food Safety/Standards Teams have been working to the requirements of the Food Standards Agency 'Recovery Plan' which was published in June 2021 to provide a work plan for local authorities outside of the usual inspection regime. The national Recovery Plan became the basis for our Food Law Enforcement Plan, a two-year plan, that was approved by Environment and Communities Committee in November 2021. The first 'milestone' in the Recovery Plan (March 2022) has been met by the teams and further 'milestones' are scheduled at strategic points up to 31 March 2023. It is anticipated that in the coming months the Food Standards Agency will start to release information on its anticipated food inspection delivery model to be implemented from 2023/2024 onwards which will inform future delivery and priority areas.
- 6.51.** In addition to inspection work the Commercial Services Team continue with their reactive work including the investigation of service requests, workplace accidents and food poisoning/infectious disease notifications which have remained at a consistent level throughout the pandemic (2,700 contacts during 2021-2022).
- 6.52.** Following the UK's exit from the EU there is additional work that is being picked up by the Team. This includes an increased number of enquiries relating to food export and approval requirements and having to issue a higher number of Export Health Certificates; this work is particularly complex and is now the subject of specialist training for officers involved with this work to improve both the local and national response. From a Trading Standards perspective the team have been responsible for following up referrals from Port Authorities where consignments of unsafe products bound for Cheshire East have been identified and stopped at port.

- 6.53. Joint working between the Trading Standards and Commercial Services teams continues to ensure the ongoing promotion of 'Natasha's Law' to businesses that sell prepacked food for direct sale (PPDS) including changes to labelling requirements that were extended to a wider number of businesses in October 2021.
- 6.54. Work has continued with Macclesfield Football Club, who have just been promoted following their first competitive season. The focus is to ensure that they meet their obligations and that the ground is safe for all who attend. This has included 'During Performance Inspections' to monitor safety management procedures in a match day environment and an ongoing review of permissible supporter numbers. This work is supported by the wider Event Safety Advisory Group including representatives from Police, Fire and Ambulance services.
- 6.55. In year, the Trading Standards Team have undertaken a variety of activities to stop fraudulent, illegal, and unfair trading. This has resulted in the seizure and destruction of over 3,300 unsafe high-risk products and the successful sentencing of a prolific rogue trader. In parallel with this work our Financial Investigator will assess the suitability of action under the Proceeds of Crime Act and instigate appropriate action. The team has also completed 37 age restricted operations to ensure goods are not sold to underage consumers.
- 6.56. The Team also has a focus on protecting the most vulnerable from predatory crime including rogue trading, mass marketing and scams. Interventions such as rapid response protocols and the Banking Protocol project has helped save over £970,000 of consumer detriment in year. Individuals who have found themselves the victim of scams and doorstep crime are subsequently supported by the Older Person's Scams Awareness and Aftercare Project (a partnership between Age UK and Cheshire East) where they are provided with aftercare, support, and advice. This project achieved a national award from the Chartered Trading Standards Institute as an '*outstanding example of collaborative work between key stakeholders engaging with the most vulnerable members of the public*'.
- 6.57. The Environmental Protection Team deal with complaints in relation to issues such as noise, smoke, dust, and odour from both domestic and commercial premises. During the pandemic the service saw a significant increase in the number of these complaints, with numbers only starting to decrease during the third and final quarters of 2021-2022. A total of 2,600 complaints were received, a 14% reduction on 2020-2021. To address demand the service has had to increase its target response times although is now able to implement a return to a first response target of 5 working days. An online form for the reporting of noise complaints has also helped to manage complaint numbers and customer expectations.
- 6.58. During 2021-2022 the service submitted both its Air Quality Annual Status Report and Air Quality Action Plan to Defra in line with statutory requirements, both of which were approved. The Action Plan provides a clear vision on how the Council is aiming to improve air quality within the Borough. The plan

includes general action measures which aim to improve air quality across the entire borough and site specific measures to help tackle poor air quality in the twelve air quality management areas declared within the borough.

- 6.59.** The Contaminated Land team have been working closely with the Cheshire East Assets team to assist with several Council owned sites where there is potential land contamination. This work has included detailed assessments to help identify the scale of any issue and provide information on any further work required. This work on our own estate is part of our priority work within the Cheshire East Contaminated Land Strategy which was approved by Committee in July 2021.
- 6.60.** The Environmental Protection Team have undertaken a joint project to deal with the problem of rodents in and around Memorial Square in Crewe, an issue that attracted significant social media attention. This has included work with the Assets team to install a permanent bait station on the square. A letter was sent to several businesses on Sandon Street in Crewe advising of the problem and reminding them of their responsibility regarding waste management. Ansa agreed to clear any residual waste in the area to help identify any new waste deposits following engagement with the local businesses and therefore aid any necessary enforcement action. Other businesses in the wider area have been contacted and provided with advice on the treatment of rats within their own property boundaries. This action has seen an overall reduction in complaints about rodent activity in the area.
- 6.61.** Changes to Animal Welfare Legislation in 2018 are continuing to impact upon the work of the Animal Health and Welfare Team. The Team have seen an increase in the number of applications linked to the pandemic and an increase in complaints about what are subsequently found to be unlicensed breeders. During the year the service has refused two applications for breeding licenses one of which was appealed to the First Tier Tribunal and was successfully upheld. There are several ongoing investigations around illegal breeding that will continue to enforcement action as appropriate. Animal licensing activity is also set to increase during 2022-2023 when the legislation is extended to include a wider range of business models including rehoming and charity animal shelters.
- 6.62.** From April 2022, the dog warden service, previously provided by the Animal Health and Welfare Team has been transferred to the Community Enforcement team where it will have greater integration into existing work around dog fouling, responsible dog ownership and dog related antisocial behaviour.
- 6.63.** In January 2022 the Animal Health and Welfare Team dealt with two outbreaks of Avian Influenza (AI) within the Borough; over 100 outbreaks were dealt with nationally. The two incidents in Warmingham and Calverley, which occurred only two weeks apart, ultimately led to the destruction of several thousand birds. Officers were involved with foot patrols in the Protection Zone, liaising directly with poultry keepers to ensure that poultry was securely housed, and

approximately 7,000 letters were sent to all properties within the Surveillance Zone providing general advice and guidance. A close working relationship with our colleagues in Cheshire West and Chester has also meant that officer resources have been shared in those areas where the Zones overlap or are contiguous with the Authority boundaries. The national restrictions relating to poultry keeping are scheduled to be lifted at the beginning of May 2022 and plans are already being developed to update and train Local Authorities in advance of the 2022 AI season.

- 6.64.** The CCTV service provides 24 hour a day visual oversight to our towns and works closely with the Police and enforcement services to share information, review specific areas on request and provide recorded evidence as appropriate. In 2021-2022 the service responded to 32,400 incidents. Work is ongoing to replace our ageing analogue system to a wireless infrastructure. This will improve our response to system faults, reducing the amount of down time and reducing service costs.
- 6.65.** The Home Office has awarded a top British Standards accreditation to the CCTV service. It is the second time in a year the team has received recognition for the quality of its operation, its high standard of security and the service it delivers to the residents of the borough. The British Standard 7958 means the service has been independently audited by the Home Office. The accreditation states the data collected in the form of video images, are gathered ‘in the most professional, proportionate and ethical manner.’ This accreditation supports plans for the service to expand its range of chargeable services in the future.
- 6.66.** During 2021-22 there has been continued resource shortfall across several teams within the service despite recruitment work. Most notably this has impacted the Commercial Services Team who are responsible for food safety and health & safety functions and is reflective of a national shortfall in qualified officers. This is being partially managed through a contract for the provision of food hygiene inspections by an external provider which will continue into 2022-2023. Elsewhere in the service work is ongoing to provide development opportunities to increase qualified resource through apprenticeship and graduate qualification schemes.

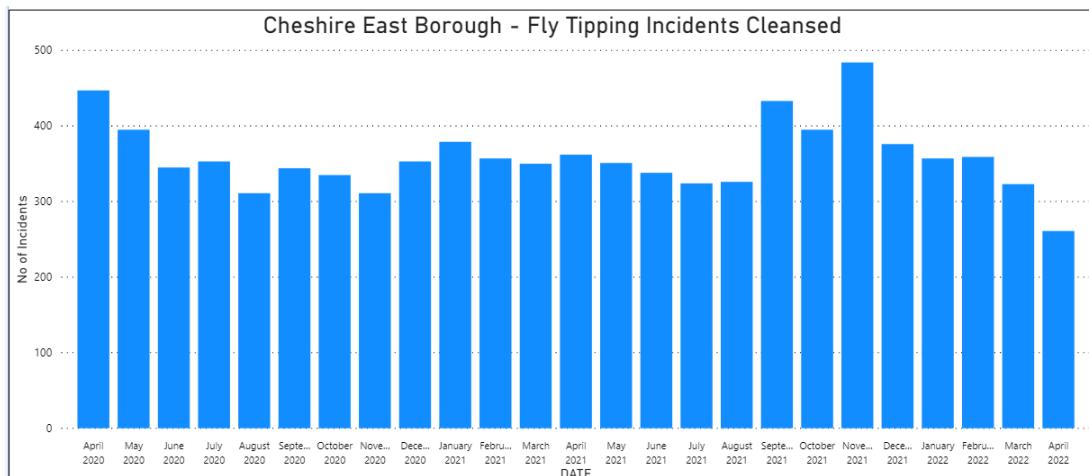
#### **6.67. Neighbourhood Services**

Corporate Plan 2021-25: Key priorities	
A great place for people to live, work and visit	<p>A high-quality accessible library service that remains relevant to the changing needs of Cheshire East residents and delivers value for money</p> <p>High quality leisure and sports provision across the borough that delivers good value for money</p>
Welcoming, safe, and clean neighbourhoods	Crime and anti-social activity and anti-social behaviour to be reduced

	<p>Victims of crime and exploitation to be supported effectively by the council and partners through collaboration</p> <p>To protect residents and improve our environment</p>
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Key Performance Indicators	2020/21 Outturn	2021/22 Outturn	2021/22 Target
Number of visitors to libraries	286,040	684,574	800,000
Number of visitors to leisure centres	426,651	2,082,213	2,000,000

- 6.68.** New enforcement policies for Community Enforcement, Anti-Social Behaviour and body worn cameras were approved by the Committee in July.
- 6.69.** The Community Enforcement Team has responded to and cleared, with the assistance of Ansa, 4,428 incidents of fly-tipping. In 2020, 78% of reported fly-tipping incidents within the borough were within Crewe with over half of that within 20 streets and alleyways in central Crewe.
- 6.70.** The Cleaner Crewe project, a pilot scheme to make the streets and alleyways in central Crewe cleaner and tidier, has been successful with several alleyways being cleaned and further enhanced with plants and artwork. Other preventative actions are also being used such as bins being supplied to households, alongside a greater present of Enforcement Officers following the 4 E's approach – engage, explain, and encourage compliance, but enforce when there is a failure to cooperate or persistent breaches. The project has seen collaborative working between various departments within the council, the local MP, Crewe Town Council, and residents, with the Town Council funding an extra Community Enforcement Officer. The project has resulted in 49% reduction in fly-tipping since November 2021 in the pilot area. This has contributed to an overall reduction of 15% in fly-tipping across the borough.



- 6.71.** As well as responding to fly-tipping, the Community Enforcement Team also deal with abandoned vehicles and in the last 12 months issued 21 Fixed Penalty Notices and seized 121 abandoned vehicles.
- 6.72.** The Anti-Social Behaviour Team during 21/22 have opened 227 new cases and closed 232. The team has seen an increase in the submission of Anti-social behaviour Alert youth notifications received from the Police which has resulted in approximately 744 warning letters being sent out to the parents/carers of young people who have been involved in early stages of anti-social behaviour across the borough. As a result, the team have also seen an increase in Acceptable Behaviour Discussion and Acceptable Behaviour Contract meetings, so far none of which have resulted in progression to a Criminal Behaviour Order/ Civil Injunction.
- 6.73.** A proposal to implement a Public Space Protection Order (PSPO) within the Town Centre area of Macclesfield was nominated to the North Multi Agency Action Group (MAAG). A draft order was agreed and has recently gone out for public consultation. The proposal is due to be considered at the Environment and Communities Committee in July 2022. The proposed order will give police officers and authorised officers of the council the ability to request open or closed vessels of alcohol are handed over to assist in tackling the ASB displayed within the town centre.
- 6.74.** The libraries service is adjusting to changes in the way people access libraries following the pandemic. Children's usage continues to grow and informal learning activities for adults are very popular. We continue to offer a comprehensive book stock and wide range of e-resources for both adults and children. Adults coming in to browse the book stock and borrowing of books has not returned to pre-pandemic levels yet. However, we are seeing more people in crisis and more people needing low levels of support to enable them to help themselves.
- 6.75.** In 2021-22 1,528,857 books were borrowed, 782,115 by adults and 735,395 by children. 91,506 e-books, 59,877 e-audio titles and 44,645 e-magazines were downloaded.
- 6.76.** Winter wellbeing resources were delivered to all Cheshire East libraries enabling other agencies working in communities and library staff to provide residents in need with much needed equipment including duvets, hot water bottles, gloves, and slow cookers. One family that came into Nantwich library to pick up some food and other things expressed how grateful they were to the library for helping them and as a result they have been moved from their tent into a B&B and are awaiting a permanent move into a rented flat in Crewe.
- 6.77.** Pre-school activities programme resumed in its entirety and proved to be as popular as previously. In addition, all frontline staff have participated in "Stories and Songs" training delivered inhouse in conjunction with Speech & Language Therapists.
- 6.78.** Weekly face-to -face drop in work clubs have resumed at Crewe, Macclesfield and Sandbach libraries with work coaches available by appointment at other

sites. Staff from each library have had additional training in supporting people looking for work and staff from Springboard and Journey First use libraries to meet with residents they are supporting into employment

- 6.79.** The Summer Reading Challenge took place in person and this year's theme of 'Wild World Heroes' saw 4,390 children participating in person with an additional 326 participating virtually. An additional 398 pre-school children took part in the Mini Challenge. 78 volunteers helped support the challenge with 64 the volunteers were under the age of 24.
- 6.80.** The programme of children's events proves very popular, Our Science Technology Engineering Arts and Maths (STEAM) skill activities are increasing with more regular Coding Clubs and Mini Maker sessions and new Reading Sparks activity sets available for loan.
- 6.81.** During February half term Wilmslow library partnered with Wilmslow's Way Better to host a day of STEAM workshops introduced by giant size Transformers. 1,449 people visited the library to participate. One Mum emailed in to say "A massive thank you for the wonderful fun day to all concerned, my son described it as an 'amazing day' he found it inspiring and enthralling"
- 6.82.** A 'Crafternoon' Tea was developed at Congleton Library once a month to enable people to learn a new craft. The idea has now been rolled out to other libraries. Feedback from people attending has been positive some comments received being: "this group clears my mind and helps me stop thinking about my problems", "I was lonely and anxious when I first came to Crafternoon, now I have made friends and go to other clubs with them" and "I've recently had brain surgery and the craft makes me concentrate which the doctor says is important for my recovery"
- 6.83.** Arts Council England funding was received for the Luminate Youth project at Crewe library. Young people between 11-16 years living in wards in Crewe were able to benefit from this light themed creative digital and arts skills project which taught a variety of critical thinking and creative skills through face-to-face workshops over an 8-week period and culminated in a light installation and exhibition.
- 6.84.** The face-to-face Cheshire East Council Customer Service Points within libraries continue to add significant value for many residents. A gentleman came in for help with emergency assistance and said "I don't know what I would have done without you being open", Another example is a 94 year old lady came in for help with her pension that hadn't been paid, the staff phoned DWP and were able to sort the issue, she comment that she has been a library customer since the 1960's and she didn't know where else to go.
- 6.85.** Library services continues to support the wider organisation when required with 6 members of library staff recently temporarily re-deployed to support Adult Social Care in business administration tasks around grants the Council had received.

- 6.86. Everybody Sport and Recreation reported an encouraging position in terms of recovery of memberships and participation by the end of 2021-22, after the Covid-19 restrictions were fully lifted at step 4 of the Government's Roadmap to Recovery from 19<sup>th</sup> July. There were 2,082,212 visitors across the sites during 2021-22, compared with 426,651 in 2020-21. Although this still reflects a significant reduction from 2019-20 with over 3,500,000 visitors to the council's leisure centres. With membership levels now returning to near pre-pandemic levels, we are hopeful that we will see overall visitor numbers also return to pre-pandemic levels in 2022-23.
- 6.87. Learn to swim has exceeded pre-pandemic levels with over 8,000 active learn to swim participants. Everybody has also engaged with 110 local primary and high schools to support catch-up swimming session to enable those children that were impacted as part of the pandemic to access swimming lessons. These will take place during the summer and autumn terms.
- 6.88. Everybody also delivered a range of targeted health and wellbeing initiatives for local residents including a 'long covid' scheme, rehabilitation for cancer, and hundreds of children enjoying multiple HAF funded active holiday schemes.
- 6.89. The investment in the council's leisure centres continues. Work on the refurbishment of Nantwich swimming pool has concluded and the centre has been renamed 'Nantwich Leisure Centre' to reflect the enhanced offer. Work has also started on the refurbishment and new pool at Congleton Leisure Centre, which is due for completion late November 2022 and should be fully open by February 2023. In addition, a planning application has been approved to extend and enhance the leisure and sports provision at Sutton Lane in Middlewich. Business case for the redevelopment of Poynton and Knutsford Leisure Centres are in development.
- 6.90. Everybody Sport and Recreation has been renamed as Everybody Health and Leisure from 1<sup>st</sup> May 2022 to reflect the way their services have evolved to deliver a range of health and wellbeing services, for people of all ages and abilities.
- 6.91. **Emergency Planning**
- 6.92. The department is responsible for the Council's emergency planning responsibilities to ensure the Council has the capability to respond effectively to any major incident or emergency in support of our communities and the multi-agency response. The service is commissioned through the Joint Cheshire Emergency Planning Team, a shared service with Cheshire West and Chester Council.
- 6.93. The Emergency Planning team have played a key role throughout the Covid-19 pandemic coordinating the Council's response. The Council's CEMART (Council Emergency Management and Response Team) was first stood up in March 2020 to co-ordinate the Council's preparedness and response to the pandemic. Whilst the frequency of meetings varied reflecting the ever-changing situation, CEMART was not stood down until April 2022.

**6.94.** Alongside coordinating the response to the pandemic, the team also coordinated the Council's response to 11 other major incidents during 2021-22 including power outages, flooding and other impacts of Storms Arwen, Dudley, Eunice and Franklin, and a series of bird flu outbreaks. The team have also continued to implement emergency management training and exercises alongside partner agencies from the Cheshire Resilience Forum and ensure that statutory planning obligations under COMAH (Control of Major Accident Hazards Regulations), PSR (Pipeline Safety Regulations), and Flood and Water Management legislation are met.

## **7. Implications**

### **7.1. Legal**

**7.1.1.** There are no legal implications arising from this report.

### **7.2. Finance**

**7.2.1.** The financial implications of changes in performance requirements or responding to current performance levels will be provided in separate Finance Review reports to the Committee.

### **7.3. Policy**

**7.3.1.** The report sets out how the department is contributing to the Cheshire East Council Corporate Plan 2021-25.

### **7.4. Equality**

**7.4.1.** There are no equalities implications arising from this report.

### **7.5. Human Resources**

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

### **7.6. Risk Management**

**7.6.1.** The performance reporting process provides opportunities for the Council to identify and focus on areas for improvement to support achievement of its strategic ambitions. Timely performance reporting mitigates risk of the Council not achieving its outcomes by providing the opportunity to review outputs, identify trends and areas for improvement, and introduce corrective and/or preventative actions wherever necessary to address areas of poor - or under – performance.

### **7.7. Rural Communities**

**7.7.1.** There are no implications for rural communities arising from this report.

### **7.8. Children and Young People/Cared for Children**

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

### **7.9. Public Health**

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

## 7.10. Climate Change

**7.10.1.** The department's performance contributes to several of the strategic goals set out in the Council's Environment Strategy including:

- Cheshire East Council will be carbon neutral by 2025
- Reduce Waste
- Improve Air Quality
- Ensure new development is sustainable
- Protect and enhance our natural environment

<b>Access to Information</b>	
Contact Officer:	Paul Bayley Director of Environment and Neighbourhood Services <a href="mailto:paul.bayley@cheshireeast.gov.uk">paul.bayley@cheshireeast.gov.uk</a>
Appendices:	None
Background Papers:	None



*Working for a brighter future together*

## **Environment and Communities Committee**

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**Date of Meeting:** 1<sup>st</sup> July 2022

**Report Title:** Macclesfield Town Centre Public Spaces Protection Order (PSPO)

**Report of:** Jayne Traverse – Executive Director Place

**Report Reference No:** EC/09/22-23

**Ward(s) Affected:** Macclesfield Central Ward

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### **1. Purpose of Report**

**1.1.** The purpose of the report is to consider the implementation of a Public Spaces Protection Order (PSPO) for Macclesfield Town Centre in response to ongoing anti-social behaviour.

### **2. Executive Summary**

**2.1.** The Council is responsible for the consideration, implementation and monitoring of all Public Spaces Protection Orders (PSPO's) across the Borough under the Anti-Social Behaviour Crime and Police Act 2014. It is the responsibility of local authorities to consider requests for such orders and have policies and procedures in place which allow decisions on proposed PSPOs within their area to be made. It is also important to note that legislation stipulates that it is only Councils who can implement these orders.

**2.2.** For the Council to consider a potential PSPO, a nomination must first be made to the Multi-Agency Action Group (MAAG), whereby an initial decision will be made in line with the Councils PSPO Procedure as to whether a stakeholder group should be set up to discuss the possibility of an order.

**2.3.** This process would have been followed for PSPO's to tackle alcohol related behaviour in the past for other areas of the borough. The decision as to why an order like the one proposed for Macclesfield Town Centre might as not be recommended to proceed could include:

- Lack of police related incidents to evidence persistent behaviour and detrimental impact on the community.

- Lack of evidence to show that alternatives have been attempted to tackle/design out the behaviour.
  - The behaviour can be narrowed down to a minority of known, repeat offenders who have already been identified and can be tackled using other police powers or powers under the Anti-Social Behaviour Crime and Police Act 2014.
  - The behaviour is displayed by young people under the age of 18, police legislation already exists in relation to the legal confiscation of alcohol and partnership working with police and other relevant agencies would be undertaken to tackle the ASB displayed by Young People
  - The relevant lead on the requested PSPO (normally a Police Inspector, ASB Lead and or/relevant Town or Ward Councillor) has agreed that a PSPO is no longer required or has asked that the steps above are consider first.
- 2.4.** In May 2021 Cheshire Constabulary's North Local Policing Unit Sergeant submitted a nomination to the Neighbourhood Services Multi-Agency Action Group (MAAG) requesting consideration of a PSPO for Macclesfield Town Centre and surrounding areas due to an increase in incidents involving adults involved in alcohol fuelled Anti-Social Behaviour. MAAG agreed that the initial legal thresholds had been met and to pursue further investigation into the possibility of a PSPO in line with the Council's Anti-Social Behaviour (ASB) Enforcement Policy and PSPO procedure.
- 2.5.** Since May 2021 a draft order has been developed and the decision was taken in accordance with delegated powers under the constitution by the Director of Environment and Neighbourhood Services in January 2022 to take the draft order to public consultation. The public consultation has now ended. A summary has been produced and is provided at appendix 4. The Committee are now asked to consider implementation of this order.
- 2.6.** The Council's Corporate Plan 2021-25 sets out our vision for a more open, fairer, greener Cheshire East. The plan also sets out priorities under the three broad aims including "welcoming, safe and clean neighbourhoods". Implementation of this PSPO will support the achievement of this priority and in particular the action to "Use our full range of education, engagement and enforcement tools to protect our communities. Take formal enforcement action as appropriate, to reduce offending and increase compliance"

### **3. Recommendations**

- 3.1. That the committee approves the proposed PSPO, as provided in appendices 1A and 1B, with a commencement date of 18th July 2022 and a duration of 3 years.

#### **4. Reasons for Recommendations**

- 4.1. The consideration for the application of this PSPO has followed the Council's ASB Enforcement Policy and its PSPO procedure as provided in appendices 2 and 3. Approval and implementation of the PSPO must be submitted to Committee for a decision before it can become a legal order.
- 4.2. The public consultation held in relation to the proposed PSPO evidenced that 93% of those who took part were in support of the order and the requirements/prohibitions it sets out.
- 4.3. Implementation of this order will give additional powers to Police Officers, Police Community Support Officers and Authorised Officers of the Council to act on any Anti-Social Behaviour as early and as swiftly as possible. It will send an important message to those living, working in, and visiting Macclesfield Town Centre that we have listened to the concerns they have raised and acted accordingly to deal with matters that have been having a detrimental impact of their lives.
- 4.4. It has been identified that a lot of the incidents within the Town Centre have been initially fuelled by individuals and groups of individuals purchasing their own alcohol and choosing to sit and drink the alcohol in public. There are currently no other powers that can be utilised in relation to requests to hand alcohol over to authorised officers. If these powers were handed to officers, it would allow them to request that the root cause is handed over to them, this will help to alleviate potential more serious, criminal behaviour. The PSPO will also assist officers to focus attention on those minority who are set on blatantly ignoring such requests and continuing with their behaviour.
- 4.5. The Council does not wish to deter people from using the town's seating areas and visiting the area to relax and enjoy the surroundings responsibly. However, via representation through stakeholder meetings, incident reports and through elected members it is apparent that the current behaviour is impacting on people wanting to visit the area. For over 24 months now members of the public and businesses alike have been subject to rowdy, loutish behaviour from a minority because of the consumption of alcohol in public and subsequent behaviours that tend to follow this (such as using the area as a public toilet). This can be during the day or during the evening when those who have visited the area to enjoy its night-time economy have used walls, flowerbeds, and shop frontages as toilet areas on their commute home.

#### **5. Other Options Considered**

- 5.1. The order is not implemented, and Police Colleagues use other powers to deal with offenders as and when the behaviour meets a criminal threshold, rather than trying to stop the behaviour before it reaches that point.

Option	Impact	Risk
Do nothing	Behaviours displayed as outlined in this report will continue until criminal offences are committed and police colleagues have the power to deal with them. Negating an opportunity to deal with them at a much earlier opportunity	Reputational issues for the council having had the opportunity to put things in place assist in tackling this behaviour sooner. Members of the public might be subject to the impact of more serious behaviour when it could have been deterred at an earlier stage

## 6. Background

- 6.1.** Macclesfield Borough Council previously placed a Designated Public Places Order (DPPO) within a similar footprint of the town centre that the proposed PSPO will cover. This order gave Police Officers the power to confiscate open vessels of alcohol from individuals if they believed that further consumption of the alcohol would lead to public nuisance/disorder. It did not however allow for any powers to be used against those who refused or allow for further action in relation to repeat offenders of this behaviour. This legislation was discontinued on the arrival of the ASB Crime and Policing Act 2014 and was replaced with Public Spaces Protection Orders. Councils were able to carry over any DPPO's beyond an automatic 3-year period from commencement of the new Act if there was evidence in place to show that this was proportionate and incident thresholds were met. Unfortunately, at the time evidence of this was required in 2017, there was no evidence to support that a PSPO was required in the area, so the DPPO was allowed to discontinue.
- 6.2.** The Council's Anti-Social Behaviour Team put in place processes and procedures considering the new Act that would allow police and other partner agencies to nominate areas that required consideration for a PSPO to their Multi-Agency Action Group (MAAG) as and when incidents evidenced the need. The most up to date procedure is included at appendix 3. Unlike the old DPPOs, PSPOs give additional powers and thresholds to allow authorised officers to deal with anti-social behaviour impacting on wider members of the public quickly and efficiently (once in place), with consequences leading to court action should the requirements of the order not be followed.
- 6.3.** In May 2021 the matter was nominated to the MAAG by Macclesfield Local Policing Unit Sergeant. Incidents reported included individuals entering shops, demanding alcohol is served to them, causing public disorder and damage offences if this was refused. Targeting of the Age Uk shop causing disturbances, putting off and scaring customers and causing staff members to resign, most of which were voluntary workers and some elderly members of the community. Urinating and defecating in public during the day and evening in shop doorways and planters being either witnessed by staff/public or people visiting/arriving at the Town the next day to the results.

- 6.4. At the time of the MAAG nomination Police confirmed that the area the PSPO is proposed to cover was responsible for over 40% of the total number of ASB incidents for the whole of Macclesfield since July 2021, all behaviours being related back to the issues that the PSPO proposes to cover. One business premises alone had reported over 30 incidents between January 2021 and April 2021 outlining alcohol related Anti-Social Behaviour/offences.
- 6.5. At the MAAG held on 20<sup>th</sup> May 2021 it was agreed that the matter be considered further and that a key stakeholder group was set up to look at a consideration for a PSPO in more detail.
- 6.6. On 17<sup>th</sup> June 2021 an initial stakeholder meeting was held to discuss further the PSPO consideration. In attendance were Police, Lead CEC officers, relevant Ward and Town Cllrs, and representatives from two of the businesses who have been subject to the related behaviours.
- 6.7. A detailed police incident document highlighting Anti-Social, and Alcohol related incidents was submitted by the Sergeant to the Council's ASB and Community Enforcement Team Manager. The document detailed a list of 561 incidents from July 2020 – July 2021, all of which were not directly associated with the area being considered for the PSPO but there were enough incidents listed within the report to satisfy the need to progress the consideration of a PSPO further.
- 6.8. A draft order was produced and discussed with the stakeholder group on 14<sup>th</sup> January 2022, with minor amendments were made ahead of public consultation.

## 7. Consultation and Engagement

- 7.1. There is a legal requirement to consult with members of the public in relation to any proposed PSPO that the Council wishes to implement under Part 4 Chapter 2 section 72 of the Anti-Social Behaviour Crime and Policing Act 2014.
- 7.2. The public consultation ran from 31<sup>st</sup> January 2022 until 14<sup>th</sup> March 2022. A summary of the results is provided at appendix 4 of this report. 97 responses were received to the consultation. Overall, 93% of the respondents either agree or strongly agree with the proposal.
- 7.3. The proposed PSPO has been placed on the Council's website alongside our other existing orders. Once a decision on the proposed order has been made, this will be published on the website alongside a summary of the consultation results and subsequent FAQs gathered from the open-ended responses.
- 7.4. If the PSPO is implemented this will also be published on our website. Alongside this a publicity campaign will be instigated with the Council's and Cheshire Constabularies Communications Teams. The implementation of the order will commence throughout the Summer of 2022, including the installation of signage in key areas of the town. Enhanced joint patrols will take place in

order to Engage, Educate, Encourage on the PSPO with a view to moving to Enforcement for those who are blatantly ignoring the terms of the PSPO.

## **8. Implications**

### **8.1. Legal**

- 8.1.1.** The local authority's duties and powers in relation to Public Spaces Protection Orders are prescribed by Part 4, Chapter 2 of the Anti-Social Behaviour Crime and Policing Act 2014.
- 8.1.2.** Non-compliance with a prohibition or requirement in a PSPO is a criminal offence. Members should only make the Order if satisfied on reasonable grounds that:
  - 8.1.2.1.** The activities complained of in this report are being carried on in a public place or it is likely they will be carried on in a public place, and the activities have or will have a detrimental effect on the quality of life of those in the locality.
  - 8.1.2.2.** The effect or likely effect of the activities complained of in this report are, or are likely to be, persistent or continuing such as to make those activities unreasonable in the locality thereby justifying the imposition of a prohibition or requirement.
- 8.1.3.** Members should be satisfied that the prohibitions or requirements of the PSPO are ones that it is reasonable to impose to prevent or reduce the detrimental effect of the activities complained of in this report.
- 8.1.4.** Members should be satisfied that the PSPO identifies the activities complained of in this report and includes a statement that where the consumption of alcohol is prohibited a constable or authorised person may require it not to be consumed and or require its surrender, and that a failure to do so without reasonable excuse is an offence. The PSPO must include the period during which it will have effect.
- 8.1.5.** Members should be aware that an individual who either lives in the restricted area contained in the PSPO or works or regularly visits there, has a right within six weeks of the PSPO being authorised to apply to the High Court for an order that it is not valid because the Council did not have the power to make the PSPO, or include a particular requirement or prohibition within it because it is either not reasonable in scope or the grounds for it are not reasonable or do not exist. Members must satisfy themselves that it has the power to make the PSPO and the prohibitions and or requirements are reasonable in scope and there are grounds for imposing them.
- 8.1.6.** Members in deciding whether to authorise the PSPO must have regard to the rights of freedom of expression and freedom of assembly under Articles 10 & 11 of the European Convention on Human Rights as incorporated into UK law by the Human Rights Act 1998. Thus, an individual has a right to express themselves in public and the right to peaceful assembly and

association, which can only be restricted in accordance with the law and where necessary to protect public safety and or for the prevention of crime and disorder.

- 8.1.7.** A PSPO will satisfy Article 10 & 11 if it is made in accordance with the provisions of the Anti-Social Behaviour Crime and Policing Act 2014 and the prohibitions and or requirements within it are necessary to protect public safety and or prevent crime and disorder as is the case here.
- 8.1.8.** Members may only authorise a PSPO to have effect for 3 years or less.
- 8.1.9.** Enforcement and Investigation in relation to the breach of the PSPO will be undertaken in line with:
  - Anti-Social Behaviour Crime and Policing Act 2014
  - Regulations of Investigatory Powers Act 2000 (RIPA)
  - Police and Criminal Evidence Act 1984 (PACE)
  - Criminal Procedure and Investigations Act 1996
- 8.1.10.** Whilst enforcement of the requirements or prohibitions of the PSPO can be undertaken by the Police or an authorised individual or individuals within the Council, the burden of prosecuting offences arising from noncompliance will rest solely with the Council.

## **8.2. Finance**

- 8.2.1.** Consideration will need to be given to the cost of signage for key parts in and around the area that the PSPO will cover. During stakeholder meetings it has been agreed that costs will be met via an initial application to the PCC for funding. However, should this not be successful all key stakeholders will need to agree a shared cost dependant on the level of signage agreed. It is anticipated that any contribution Cheshire East Council may be required to make would not exceed £2500 which if needed could be funded from within the Neighbourhood Services Anti-Social Behaviour Team Budget.
- 8.2.2.** Staffing/policing of this order, if implemented would primarily be via Cheshire Constabulary who are also authorised to police PSPO's and issue FPN's for breach of PSPO's. Any staffing support supplied by the Council will be via the Neighbourhood Services Community Enforcement Team as and when necessary and in line with the team's service specific enforcement policy. This is covered within the existing Community Enforcement Team Budget

## **8.3. Policy**

- 8.3.1.** Implementation of the PSPO will support the Corporate Plan 2021-25 to provide welcoming, safe, and clean neighbourhoods, to reduce anti-social behaviour and improve our environment.
- 8.3.2.** Officers of the Council who are authorised to enforce against PSPO's will do so in line with the Council's Corporate Enforcement and Service Specific Enforcement Policies.

#### **8.4. Equality**

- 8.4.1.** An equality impact assessment has been undertaken; no equality implications have been identified.

#### **8.5. Human Resources**

- 8.5.1.** There may be occasions when the councils Community Enforcement Team issue fixed penalty notices (FPN's), the issuing of FPN's may have an additional resource demand on legal services, however the volume is expected to low as the aim of the PSPO is to enable the police to deal with incidents in a timely and swift nature.

#### **8.6. Risk Management**

- 8.6.1.** There is a reputational risk to the Council if it appears that the policy, procedure, and legal thresholds within the relevant legislation have not been met. As highlighted under section 8.1.4 the validity of the order itself can be challenged.

#### **8.7. Rural Communities**

- 8.7.1.** There are no implications for Rural Communities.

#### **8.8. Children and Young People/Cared for Children**

- 8.8.1.** There are no implications for Children and Young People/Cared for Children. There are already powers in place that can deal with young people under the age of 18 in possession of alcohol. The PSPO is for the purpose of dealing with those over 18.

#### **8.9. Public Health**

- 8.9.1.** The PSPO will help in the reduction of incidents of alcohol related ASB, which should in return have a positive impact on residents' health through providing a mechanism to create safer neighbourhoods and deal with issues at the earliest opportunity.

- 8.9.2.** Questions have been raised in relation to the order being used to unfairly tackle those who street are homeless. This is not the case; a lot of work has been undertaken with Police and the Council's Homelessness Relief Teams and continues. Most of the individuals who have been spoken to and dealt with in relation to the behaviour the Council are seeking to tackle have housing provision but have made lifestyle choices that include partaking in the sitting and gathering in public areas to drink alcohol and where appropriate referrals will be made to the appropriate council team(s) in relation to substance misuse.

- 8.9.3.** Concerns have also been raised in relation to the issuing of Fixed Penalty Notices (FPN) to those who cannot afford to pay them. In relation to the requirements around alcohol, it is anticipated that there will be little requirement to issue FPN's as the order is not breached unless the individual

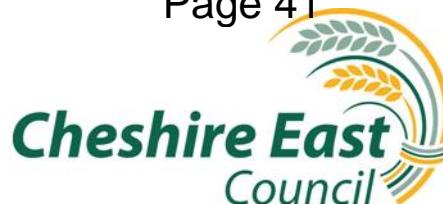
refuses to hand over the alcohol. Individuals who are struggling to pay a FPN within the set time will be encouraged to contact the council as soon as possible, furthermore it should be noted that any FPN's will only be issued to people of 18 years of age or older.

## **8.10. Climate Change**

### **8.10.1. There are no implications on climate change.**

<b>Access to Information</b>	
Contact Officer:	Laura Woodrow-Hirst – ASB and Community Enforcement Manager <a href="mailto:Laura.woodrow-hirst@cheshireeast.gov.uk">Laura.woodrow-hirst@cheshireeast.gov.uk</a> Tel: 01270 685895
Appendices:	Appendix 1A and 1B – Macclesfield Town Centre proposed PSPO and plan  Appendix 2 – Anti-Social Behaviour Enforcement Policy  Appendix 3 - CE PSPO Procedures Jan 2022  Appendix 4 – Macclesfield Town Centre PSPO Consultation Summary
Background Papers:	Cheshire East Councils PSPO webpage: <a href="#">Public Spaces Protection Orders (PSPO's) (cheshireeast.gov.uk)</a>  Cheshire East Councils Corporate Enforcement Policy: <a href="#">Cheshire East Enforcement Policy</a>  ASB Crime and Policing Act 2014 – Guidance for Professionals: <a href="#">[Title] (publishing.service.gov.uk)</a>

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**CHESHIRE EAST [BOROUGH] COUNCIL  
PUBLIC SPACES PROTECTION ORDER  
MACCLESFIELD TOWN CENTRE**

Cheshire East [Borough] Council [the Council] makes this Order under **Part 4 Section 59 Anti-Social Behaviour, Crime and Policing Act 2014** [hereinafter referred to as the 'Act'], having consulted as required by **Section 72** of that Act.

This Order takes effect on 18<sup>th</sup> July and has a duration of 3 years.

### **INTRODUCTION**

This Order applies to the Public Place(s), or parts of the Public Place(s), known as Macclesfield Town Centre **shown edged red on the Plan attached to this Order** (the Restricted Area)

The Council is satisfied on reasonable grounds that it is likely that the activities detailed in Part-1 of this Order are being carried out and are likely to continue to be carried out in the Restricted Area, or parts of it, which have and will have a detrimental effect on the quality of life of those in the locality.

Further, it is satisfied that the effect of these activities is, or is likely to be, of a persistent or continuing nature, and is, or likely to be such, as to make the activities unreasonable. The effect of the activities, therefore, justifies the restrictions imposed.

**Cheshire East [Borough Council] therefore has exercised its power under section 59(4) Anti-Social Behaviour, Crime and Policing Act 2014 to make this Order prohibiting or requiring the things specified in Part 2:**

### **PART 1**

#### **ACTIVITIES TO WHICH THIS ORDER APPLIES**

1. Consumption of alcohol in the Restricted Area.
2. Urinating/defecating on Land in the Restricted Area.

### **PART 2**

#### **PROHIBITIONS AND REQUIREMENTS OF THIS ORDER**

1. A person in the Restricted Area is to hand over any containers (sealed or unsealed) which are believed to contain alcohol when required to do so by a police officer or Authorised Officer to prevent public nuisance or disorder.
2. A person in the Restricted Area shall not urinate and/or defecate on or within Land to which this Order applies.

## PART 3

### OFFENCES

**Failure without reasonable excuse to comply with the requirements imposed by Part 2 (1) of this Order is an offence under Section 63 of the Anti-Social Behaviour Crime and Policing Act 2014. A person guilty of an offence under Part 2 (1) of this order is liable on summary conviction to a fine not exceeding level 2 on the standard scale, namely £500.00.**

**Failure without reasonable excuse to comply with the requirements imposed by Part 2 (2) of this Order is an offence under Section 67 of the Anti-Social Behaviour Crime and Policing Act 2014. A person guilty of an offence under Part 2 (2) of this order is liable on summary conviction to a fine not exceeding level 3 on the standard scale, namely £1000.00.**

**A constable or an Authorised Person may under Section 68 of the Anti-Social Behaviour, Crime and Policing Act 2014 issue a fixed penalty notice to anyone the constable or an Authorised Person has reason to believe has committed an offence under Sections 63 or 67 of that Act in relation to this Order.**

## PART 4

### EXEMPTIONS

**Part 2 (1) of this Order does not apply to premises as described in section 62 of the Anti-Social Behaviour, Crime and Policing Act 2014.**

**Section 62 (1) Anti-Social Behaviour Crime and Policing Act 2014:**

- (a) premises authorised by a premises licence to be used for the supply of alcohol;
- (b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
- (c) a place within the curtilage of premises within paragraph (a) or (b);
- (d) premises which has a Temporary Event Licence by virtue of Part 5 of the Licensing Act 2003;
- (e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980.

**Section 62 (2) Anti-Social Behaviour Crime and Policing Act 2014:**

A prohibition in a public spaces protection order on consuming alcohol does not apply to council-operated licensed premises when the premises are being used for the supply of alcohol."

## PART 5

### DEFINITIONS

In this Order:

**Public Place** means any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

**Land** means any passageway, pavement, verge, road, recreational space, park or common and any apparatus or structure situated upon it or within them, which is a Public Place within the meaning of this Order, and includes the curtilages of premises adjoining a passageway, pavement, verge, road, recreational space, park or common.

**Authorised Person** means a person so authorised by Cheshire East [Borough] Council to issue a fixed penalty notice pursuant to S.68 of the Anti-Social Behaviour Crime and Policing Act 2014.

## PART 6

### OTHER MATTERS

A Police Constable, Police Community Support Officer or Authorised Person must show authorisation when reasonably requested to do so.

In making this Order the Council certifies that it has had particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights.

## PART 7

### APPEALS

In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order or Variation is made.

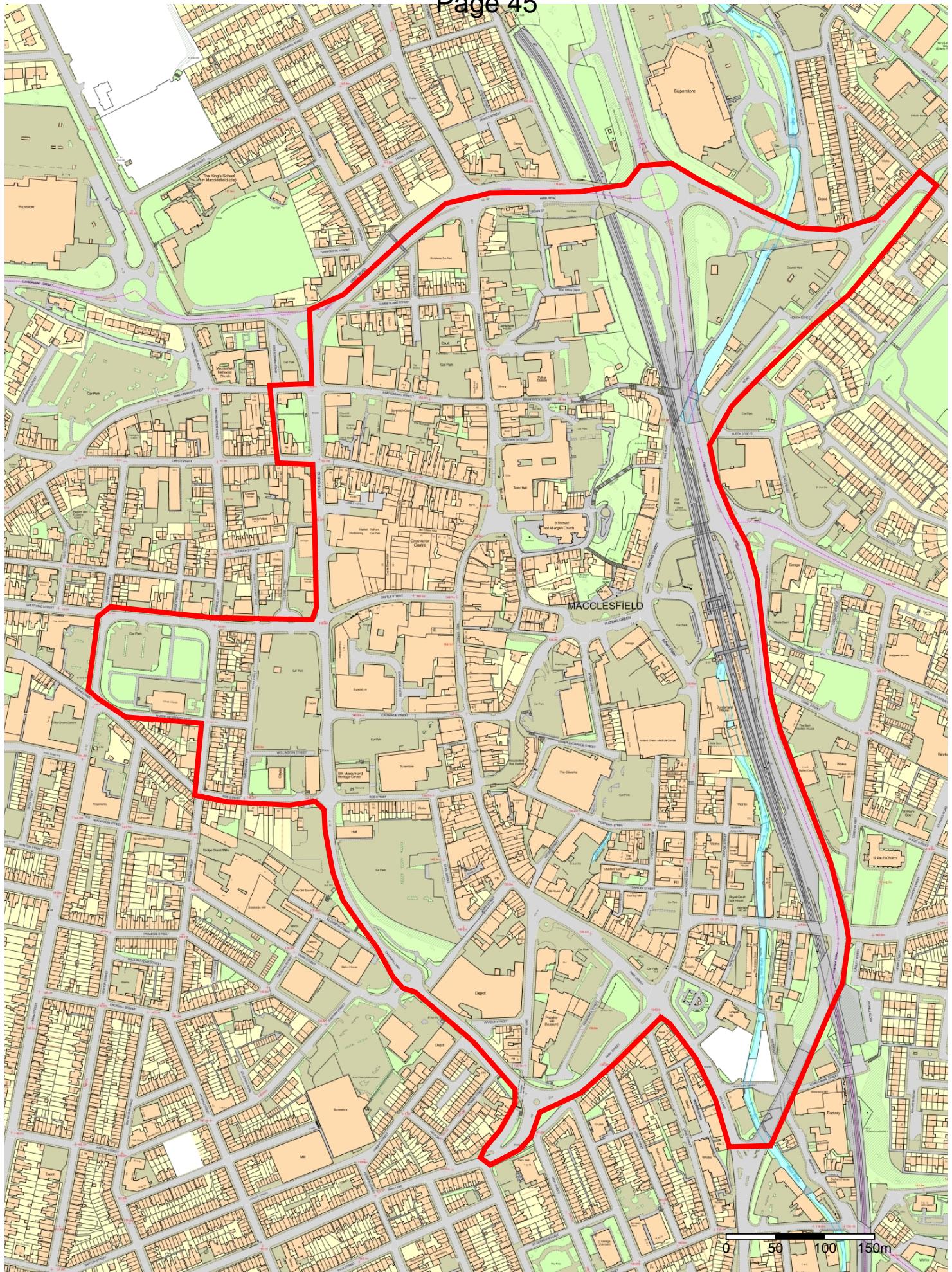
### APPENDIX

**PLAN** - Map of area (outlined in red) in which **Part 1** and **Part 2** of this Order applies

By order of Cheshire East Borough Council acting under the authority of its Environment and Community Committee.

Dated: \*\*\*\*\*

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19/1/2022

### Macclesfield PSPO Plan



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## **Enforcement Policy**

Anti-Social Behaviour

July 2021

To be read in conjunction with the Cheshire East Council  
Corporate Enforcement Policy and Cheshire East Council  
Community Enforcement Policy

**1. Aims of this Policy**

- 1.1 To advise and inform businesses and individuals with regards to:
  - The legislative powers available to the Anti-Social Behaviour Team within in relation to the effective enforcement of Anti-Social Behaviour incidents
  - The decision-making process when considering enforcement action
- 1.2 This policy must be read in conjunction with the Cheshire East Corporate Enforcement policy which provides details of the overarching approach taken by Cheshire East in its enforcement duties.
- 1.3 With regard to Environmental Offences linked to waste, abandoned and nuisance vehicles this policy must also be read in conjunction with the Community Enforcement Policy.

**2 Introduction**

- 2.1 The Council within its published corporate plan has stated ambition to have 'Welcoming safe, and clean neighbourhoods' and in particular to use the full range of education, engagement, and enforcement tools to protect our communities; and take formal enforcement action as appropriate, to reducing offending and increase compliance with the law from individuals or businesses.
- 2.2 This policy primarily covers areas of enforcement the Anti-Social Behaviour Team will consider when managing cases/dealing with incidents. However, this policy also covers areas of work their co-located and joint managed Community Enforcement Team will consider the use of Anti-Social Behaviour Legislation to tackle waste, abandoned and nuisance vehicle offences.
- 2.3 Both the Anti-Social Behaviour and Community Enforcement Teams are based within Police Partnership offices at Crewe and Macclesfield Police stations. This allows the Anti-Social Behaviour Team to share relevant access to police systems for checks on cases referred and to update police systems on any actions taken. It also allows the Community Enforcement Team to be joint located with the Anti-Social Behaviour Team to allow for cross working in relation to cases that are shared. The Community Enforcement Team do not have access to police systems.
- 2.4 The Community Enforcement Team are uniformed officers authorised by the council to undertake enforcement action under various legislation linked to Environmental (including waste) and Anti-Social Crime.
- 2.5 The Anti-Social Behaviour Team are a team of Anti-Social Behaviour Coordinators who have a problem solving, multi-agency approach to tackling Anti-Social Behaviour Complaints. They are non-uniformed coordinators and are not a re-active team who attend incidents of Anti-Social Behaviour.

The Anti-Social Behaviour Team utilise powers under the Anti-Social Behaviour Crime and Policing Act 2014 in relation to enforcing against those who have persistently caused behaviour that have had a negative impact on another individual/community/neighbourhood.

The Anti-Social Behaviour Team will also assist other agencies (such as the police) in providing evidence via witness statements and exhibited information in relation to actions they may have taken to curb such behaviour ahead of formal enforcement action they may be considering.

Incidents of Anti-Social Behaviour requiring an officer to attend must be reported to the Police. (further information around reporting can be found on point 9.5 of this policy)

- 2.6 This policy will not detail policy and procedure around all elements of dealing with Anti-Social Behaviour complaints but will highlight those that have been assessed as requiring enforcement action.
- 2.7 Co location with police colleagues, also allows the teams to work closely with the Police Beat officers, and relevant teams in relation to tackling Anti-Social Behaviour and Environmental Crime.

### **3 Policy Guidance**

- 3.1 In addition to the range of legislation available to the team, national guidance and codes of practice are considered when determining the most appropriate course of action to remedy a problem alongside in-house procedures for operational officers.  
National guidance in relation to all of the legislative actions within this policy can be found on <https://www.gov.uk/>
- 3.2 The Anti-Social Behaviour and Community Enforcement Teams possess various powers and duties to deal with Anti-Social and Environmental incidents, including breaches of legislation and policy. In other words, although there are many things that the service must do, there are also many others which it may do only where it is expedient to do so. Where this discretion is available then the service will consider several wider factors and tests to determine its regulatory approach, taking into account the level of harm caused by the incident or contravention. Further information on these guiding principles can be found in Section 3.0 of the Cheshire East Corporate Enforcement Policy.
- 3.4 Enforcement action should not normally be considered as an initial remedy for any contraventions of legislation and policy under Anti-Social Behaviour offences. In most circumstances the Council's approach to dealing with Anti-Social Behaviour will follow the 4 E's principle of enforcement - Engage, Educate, Encourage, Enforce. Where possible coordinators should consider informal action/preventative measures in the first instance. However, there are occasions, depending on the severity of the contravention, threshold or public interest tests within legislation where formal action will be considered as the initial and most appropriate course of action.
- 3.5 Where an Anti-Social Behaviour incident has been witnessed by a member of public, it must be understood that in some circumstances without a formal witness statement it is very likely that pursuit of the suspected offence will not be possible

### **4 Legislative Framework**

- 4.1 The Anti-Social Behaviour Team has key legislative powers, under the ASB Crime and Policing Act 2014. This offers a wide range of powers to enable to fulfil the duties for

which they are responsible when dealing with relevant Anti-Social Behaviour cases/incidents.

4.2 The below list highlights the main legislative powers by which the Anti-Social Behaviour Team undertake their duties to investigate and take appropriate action in relation to Anti-Social Behaviour incidents and how investigations of such are undertaken:

- Anti Social Behaviour, Crime and Policing Act 2014
- Police and Criminal Evidence Act 1984 (PACE)
- Criminal Procedure and Investigations Act 1996
- Regulations of Investigatory Powers Act 2000 (RIPA)

4.3 Additional legislation by which the Anti-Social Behaviour Team operate under in line with any investigations they undertake can be found under section 3 of the Cheshire East Corporate Enforcement Policy. These include considerations under the Human Rights Act 1998 and the Data Protection Act 2018 and General Data Protection Regulations 2018 (GDPR)

4.4 In some instances, specific powers contained within legislation are restricted to those officers who are deemed to have the skills and experience to enforce them. These delegations are formally recorded within individual authorisations granted to and held by each officer, including any officers who may be employed by commissioned services, where appropriate.

## **5 Anti-Social Behaviour:**

- 5.1 The Council's Anti-Social Behaviour Team consists of 4 x ASB Coordinators based within either Crewe, Congleton or Macclesfield Police Station Partnership offices. They are co located with police colleagues and our Community Enforcement Team to allow for a joint agency approach to tackling Anti-Social Behaviour in the Borough of Cheshire East.
- 5.2 The Anti-Social Behaviour Team's main functions are to work with neighbourhoods, including businesses and visitors to tackle and focus on a problem-solving, solution-based approach to anti-social behaviour complaints reported into the team. More than often this involves alternate methods to legal/criminal enforcement, working with other agencies and police colleagues to tackle the behaviour reported.
- 5.3 The Anti-Social Behaviour Team generally do not open cases for those residents that are tenants of a registered housing provider as they have their own policies and procedures in place to tackle reports of ASB. Registered housing providers are also able to act under tenancy agreements in most circumstances. However, where cases may be more complex, or the reports include Neighbourhoods/Communities that are a mixture of both private and social housing residents then the Anti-Social Behaviour Team will work alongside the relevant registered providers and agencies to address the issues.
- 5.4 Below is a non-exhaustive list of the types of cases the Anti-Social Behaviour Team might deal with, some of which may include incidents involving the Community Enforcement Team:

- Neighbour Disputes leading negative impact on \_communities including boundaries, parking, building works, conflict of lifestyles, smoking of cannabis/cigarettes near to other properties/windows, parties, neighbours' dogs/animals, and noise that does not hit the statutory requirements for consideration under Environmental Protection enforcement legislation
- Reports of young people involved in anti-social behaviour in and around their communities and neighbourhoods from low level incidents involving large groups causing high levels of noise and intimidation, football games causing damage to others properties, alcohol and drug related anti-social behaviour to those young people engaging in gang activity/persistent criminal activity involving anti-social behaviour as an additional impact of their criminal behaviour.
- Adults either in groups or individually involved in anti-social behaviour within a neighbourhood or wider community/town/area. Behaviours may consist of, alcohol/drug misuse, persistent abusive language or behaviour towards others, begging, busking, anti-social chugging/sales representatives in streets and town centres.
- Anti-social use of vehicles gathering in areas attracting unwelcome, disruptive attention, noise of revving or stereos, damage to areas, parking in a way that impacts negatively on the local community
- Businesses/organisations/private landowners who's lack of engagement and/or willingness to undertake improvements in and around their own sites to reduce anti-social behaviour or that their behaviour towards others has impacted negatively on the local community. This can also include private landlords or letting agents
- Environmental anti-social behaviour (in conjunction with the Community Enforcement Team) such as;
  - (i) irresponsible dog ownership either in the community or allowing dogs to stray onto others private land/gardens not accessible to the public
  - (ii) persistent mismanagement of household or business waste having a negative impact on the local community that has already been investigated in line with the Community Enforcement Policy

- 5.5 It is important to note that many of the behaviours listed under 5.4 may also be best initially investigated under existing legislation that may tackle the problem outside of the Anti-Social Behaviour Crime and Policing Act 2014. This will involve the Anti-Social Behaviour Team liaising with other Council departments and outside partner agencies such as the Police.
- 5.6 There are several interventions the Anti-Social Behaviour Team may undertake in order to first assess the scope and nature of the ASB reported in order to ascertain the size of problem and reach out to Neighbourhoods and Communities. Examples of some of these interventions are below:
- ASB Community Questionnaires - on-line surveys that are either delivered to properties or via a door to door visit of a certain Neighbourhood or Community depending on the size and nature of the anti-social behaviour reported.

- Anti-social behaviour Logbooks - for private own, businesses or private rent sectors
  - Residents/Neighbourhood meetings or surgeries – allowing individuals to discuss concerns they might have and received guidance, advice and assistance.
  - Liaison with partner agencies - such as those listed under 10.1 of the Council's Corporate Enforcement Policy
- 5.7 The types of informal interventions the ASBT may consider ahead of use of legislative powers/enforcement may include:
- Informal approaches to those involved in the ASB via any of the above methods under 5.6
  - Referral to Mediation Services
  - Polite request letters/informal warning letters
  - Acceptable Behaviour Discussions
  - Referral to appropriate preventative agencies, such as the Councils “front door” services (adult safeguarding/preventative services and young person’s safeguarding and preventative services)
  - Acceptable Behaviour Contracts
  - Voluntary Parent Contracts
  - Professionals meetings
  - Referral to our place based Multi-Agency Action Group (MAAG)
- 5.8 The **Multi Agency Action Group** is a bimonthly meeting of core agencies who discuss nominations submitted into them with reference to place based Anti-Social Behaviour issues that require a more enhanced multi-agency approach and support from a wider network of partners.
- Nominations to this group are submitted via the appropriate nomination form to the ASB Team who will, alongside Police Colleagues, triage and either accept the nomination or advise on a course of action should the nomination not be suitable for the group.
- For a nomination to be accepted onto the panel, the nominating body must be able to evidence:
- Level of incidents at the place-based area that evidence a substantial increase and that they are having a detrimental impact on the local Community/Neighbourhood.
  - What has been done already to try to tackle the issue
  - Who has already been involved with the issue
  - Suggestions in relation to remedies for the issue and who else might need to be involved.
- 5.9 When undertaking any case work the Anti-Social Behaviour Team will also give consideration as to whether the case may fit the thresholds for a “Community Trigger”. If this is the case, the team will advise accordingly or make a trigger application

themselves. More information about the community trigger can be found on our website [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)

- 5.10 If interventions listed under 5.7 have proved not to be effective then the Anti-Social Behaviour Team will look to consider powers it has under the Anti-Social Behaviour Crime and Police Act 2014.

## **6 Anti-Social Behaviour Crime and Policing Act 2014**

- 6.1 Both the Anti-Social Behaviour and Community Enforcement Teams have joint use of powers it can consider under the Anti-Social Behaviour Crime and Policing Act 2014 to tackle those who are persistently causing anti-social behaviour which is having a detrimental impact on our neighbourhoods and communities.
- 6.2 It is important to note that certain tests need to be met within the legislation for the Council to consider implementation of any of the powers and subsequent enforcement under this act. More information in relation to the Anti-Social Behaviour Crime and Policing Act 2014 can be found at [www.gov.uk](http://www.gov.uk) and accessing the Statutory Guidance (last updated January 2021).
- 6.3 In line with this the Council also needs to consider the Code for Crown Prosecutors when looking to enforce under this act under the Evidential Test and the Public Interest Test, more details of which can be found within sect 3.5 of the Council's Corporate Enforcement Policy.
- 6.4 The below powers listed are not the full range of powers under this act, but more those that the Anti-Social Behaviour and Community Enforcement Team's may commonly consider when dealing with complaints of anti-social behaviour and environmental incidents/offences if there has been no behaviour change when using other interventions.

## **6.5 Public Spaces Protection Orders (PSPO's)**

Public Spaces Protection Orders replaced gating orders and dog control orders and can be used to control behaviours which are having or are likely to have a detrimental effect on the quality of life of those in the locality. Behaviours which can be controlled through restrictions or positive requirements within a PSPO can include:

- controlling access over public land
- the consumption of alcohol
- dogs roaming freely and/or fouling
- public urination/defecation
- busking/street entertainment
- storage of household items or waste /wheelie bins
- littering
- anti-social use/parking of vehicles
- aggressive behaviours linked to begging, street peddling or preaching

This list is not exhaustive and restrictions or positive requirements will be dependent upon the nature of the issues the PSPO is imposed to deal with. The Council does have a procedure in relation to Public Spaces Protection Orders and how they are to be applied for and accessed. Details of Public Spaces Protection Orders the Council

currently has in force and or any under consultation/review can be found by visiting our website [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)

6.5.1 Legislation and formal enforcement if deemed appropriate

Legislation relating to Public Spaces Protection Orders are within sections 59-75 of the Anti-Social Behaviour Crime and Policing Act 2014. It specifies two conditions that must be met in order for a Public Spaces Protection Order to be considered which are:

Condition 1 is that:

- activities carried out in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality
- it is likely that activities will be carried on in a public place within that area and that they will have such an effect

The second condition is that the effect. Or the likely effect of the activities:

- is, or is likely to be, of a persistent or continuing nature
- is, or is likely to be, such as to make the activities unreasonable
- justifies the restrictions imposed by the order

6.5.2 Breach of legislation is a Criminal Offence

The Community Enforcement Team are authorised to issue a fixed penalty notice of £100 if appropriate.

6.5.3 Police Officers and Police Community Support Officers are also authorised to issue fixed penalty notices for breach of Public Spaces Protection Orders. Some of the Council's Public Spaces Protection Orders are primarily monitored by Cheshire Constabulary due to the nature of behaviour they cover and times of day the breaches occur.

If Prosecuted, a fine of up to level 3 can be given (which currently stands at £1000).

6.5.4 In relation to offences relating to failure to clean up dog foul and responsible dog ownership, the Council have adopted Public Spaces Protection Orders to deal with these matters. Our Community Enforcement Team are the primary service responsible for the policing of this order. More information about our "responsible dog ownership Public Spaces Protection Orders" can be found on our website [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)

6.6 **Community Protection Notices (CPN's)**

The Community Protection Notice can be used to deal with, ongoing problems or nuisances which are having a detrimental effect on a community's quality of life by targeting those responsible. These can be issued to an individual or body (business, organisation etc) if their conduct is having a detrimental effect on the quality of life of those in the locality, that the conduct is persistent and continuing and that the conduct is unreasonable.

6.6.1 There are a number of processes that need to have been undertaken before a Community Protection Notice is issued. The Anti-Social Behaviour or Community Enforcement Team may choose to write to the individual/body to inform that the

Community Protection Notice process may be followed if the behaviour does not improve. Should this not have the desired impact then the team must:

- Inspect/monitor reports they have received, or the relevant team has received in relation to the behaviour
- Issue an official Community Protection Warning which is a requirement of the Act before a Community Protection Notice is issued
- If the behaviour continues, issue a Community Protection Notice specifying the conduct to be stopped or action to be taken
- Monitor the behaviour of the offender after the Community Protection Notice is served

## 6.6.2 Legislation and formal enforcement if deemed appropriate

The Community Protection Notice is covered in sections 43 to 58 of the Anti-social Behaviour, Crime and Policing Act 2014. The legal test to allow the use of this power is that the behaviour has to:

- have a detrimental effect on the quality of life of those in the locality.
- be of a persistent or continuing nature.
- and be unreasonable.

## 6.6.3 Breach of legislation is a Criminal Offence

A fixed penalty notice can be issued of up to £100 if appropriate.

A fine of up to level 4 (for individuals which currently stands at £2500),

or a fine for businesses. (which currently can be up to £20000)

## 6.6.4 The Council's use of Community Protection Notices

Community Protection Notices can be used to tackle several anti-Social behaviour issues if they meet the legal test. The Council are currently reviewing how and when they might issue Community Protection Notices. As a result, the Anti-Social Behaviour and Community Enforcement Teams will be piloting their use during 2021/22. Once this has been decided, our procedures around this will be amended accordingly.

## 6.7 **Criminal Behaviour Orders and Civil Injunctions**

These are orders that can be placed on individuals either “tagged” onto a matter that a defendant is already appearing for in criminal court for (Criminal Behaviour Orders) or applied for separately in the County Court. (Civil Injunctions).

Criminal Behaviour Orders or Civil Injunctions will include prohibitions to stop the anti-social behaviour but can also include positive requirements to encourage the offender/individual to address the underlying causes of their behaviour.

## 6.7.1 Legislation and formal enforcement if deemed appropriate

**Civil Injunctions** are covered under sections 1 to 21 of the Anti-social Behaviour, Crime and Policing Act 2014 and the legal test for Councils for such injunctions are based on the balance of probabilities that the respondent has engaged in or threatens to engage in;

- Conduct that has or is likely to cause harassment, alarm or distress (non-housing related anti-social behaviour); and
- That it is just and convenient to grant the injunction to prevent anti-social behaviour

**Criminal Behaviour Orders** are covered under sections 330 to 342 of the Sentencing Code (which is a product of the Sentencing Act 2020 amends sections 22-33 and s.179(3) of the Anti-social Behaviour, Crime and Policing Act 2014). Orders can only be granted if the defendant is found guilty of the offence in which they are attending court for. The legal test is

- That the court is satisfied beyond reasonable doubt that the offender has engaged in behaviour that has caused or is likely to cause harassment, alarm or distress to any person; and
- The court considers that making the order will help prevent the offender from engaging in such behaviour

#### 6.7.2 Breach of a Criminal Behaviour Order is a Criminal Offence, Breach of Civil Injunction is a Civil Offence

Breach of a **Criminal Behaviour Order** is a criminal offence and must be proved to a criminal standard of proof, that is, beyond reasonable doubt.

- For over 18s on summary conviction: up to six months imprisonment or a fine or both.
- For over 18s on conviction on indictment: up to five years imprisonment or a fine or both.

Breach of a **Civil Injunction** is not a criminal offence, but breach must be proved to the criminal standard, that is, beyond a reasonable doubt.

- Over 18s: civil contempt of court with unlimited fine or up to two years in prison

### 7 Considerations given to young people subject to Enforcement Powers under the ASB Crime and Policing Act 2014

- 7.1 The Anti-Social Behaviour Team work closely with Police, the Youth Justice Service, Cheshire East Family Service, and the Cheshire East Safeguarding Partnership in relation to any young person involved in or at risk of anti-social behaviour. A young person can be subject to enforcement of any of the powers listed above, some with different age thresholds – for instance any young person over the age of 10 years, can be subject to a Civil Injunction or Criminal Behaviour Order, any young person over the of 16 could be issued a Fixed Penalty Notice for breach of a Public Spaces Protection Order.
- 7.2 There are Robust systems in place via the Team's Youth Anti-Social Behaviour Alert letter warning process, Acceptable Behaviour Discussion (ABD) and Acceptable Behaviour Contract (ABC) processes to enable them to ensure young people involved in such behaviour have the offer of early help as soon as possible.
- 7.3 Those young people subject to an Acceptable Behaviour Contract will also be nominated onto the Council's Young Person's Contextual Safeguarding Panel so as they can be

monitored, and have available to them the correct level of intervention to try to avoid further actions such as a Criminal Behaviour Order or Civil Injunctions

- 7.4 The Anti-Social Behaviour Team also have process in place, alongside the Youth Justice Service in order to hold “Criminal Behaviour Order professionals meetings” as and when either the team, or Cheshire Constabulary feel that an application for such an order will need to be considered. There is a legal requirement that Police and/or The Council must have a signed certificate of consultation from the Youth Justice Service in the case of an application for a Criminal Behaviour Order being made against any young person between the age of 10 and 17 years. Within this the Council have also written procedures, in line with the consideration of any publicity of a young person subject to a Criminal Behaviour Order.

## **8 Reporting Anti-Social Behaviour**

- 8.1 It is important to note that the anti-social behaviour team are not a team who respond to live anti-social behaviour incidents or log incidents on behalf of the Police. It is important that Cheshire Constabulary are contacted to report any anti-social behaviour that has left you or an individual feeling threatened, intimidated, harassed, caused any form of damage to you, another, or your property. Especially if an officer is required to attend the incident.

Cheshire Constabulary can be contacted via any of the below methods:

### **Telephone:**

- **101** for non-emergency enquiries/incidents
- **999** if a serious offence is in progress or has just been committed, someone is in immediate danger or harm, property is in danger of being damaged or a serious disruption to the public is likely

**Online/Website:** You can also report incidents to the police via their website:

<https://www.cheshire.police.uk/>

- 8.2 The Anti-Social Behaviour Team have a partnership approach to dealing with complaints of anti-social behaviour in our neighbourhoods and communities. This often means that not one specific department or agency would be involved in an anti-social behaviour problem. The team will more than often facilitate partnership working and identification of lead agencies who are best placed to deal with the reported behaviour.

To report concerns in relation to Anti-Social Behaviour, the Anti-Social Behaviour Team can be contacted either by email [safer@cheshireeast.gov.uk](mailto:safere@cheshireeast.gov.uk) or by telephone on **0300 123 5030**. The Anti-Social Behaviour Team's phone lines and mailbox are monitored between normal office hours and are not monitored 24 hours.

- 8.3 The Anti-Social Behaviour Team will investigate all Anti-Social Behaviour incidents/concerns reported to them listed under section 6 of this policy whereby there are reasonable lines of enquiry to be made. This could include one or more of the below;
- Evidence found when conducting a patrol (for legislation under the Anti-Social Behaviour Crime and Policing Act 2014 that the Community Enforcement Team are responsible for)

- Witness statements from individuals that have seen the offence taking place/knows who committed the offence
  - CCTV footage or pictures of the offence/offence taking place.
  - Evidence supplied via initial contact to the team, an Anti-Social Behaviour Logbook, Anti-Social Behaviour Community Questionnaire, or via another involved agency/party.
- 8.3.1 It may be that on receipt of an anti-social behaviour enquiry made to the team, it is apparent that incidents have also been reported to other departments or agencies such as the Council's Environmental Protection Team, a Registered Housing Provider or the Police. In these circumstances the Anti-Social Behaviour Team will liaise with the relevant departments to ascertain how best to tackle the problem (as outlined under section 8.2), feeding back to the customer the best agent/s to report any further incidents of the behaviour to so as to avoid multiple reporting where possible.
- 8.4 It may not be possible for the Council to investigate all reports of alleged offences under section 6 of this policy, especially those where there are no clear evidential leads, lines of enquiry or witnesses to the offence/evidence which would lead to an investigation.
- 8.5 In order to pursue an alleged offence where an investigation is reliant on contact with a reporting person and/or witness, the Anti-Social Behaviour or Community Enforcement Team will make 2 attempts to contact. This will be recorded, with a view to close the case if the reporting person has not made contact back to the relevant team. Where practicable, and where a contact address is supplied, the relevant team may then write to the person to inform them of this.
- 8.6 Some suspected offences under section 6.5 (breach of Public Spaces Protection Orders) of this policy can be reported to the Council by contacting the Community Enforcement Team on 0300 123 5021. Other Public Space Protection Orders may be reportable to the Police, reporting methods will be listed under each relevant order on our website: [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)
- 8.7 **Service Standards** – on receipt of a report/enquiry an initial assessment of the case will be made by the relevant team within 10 working days. Where they are not able to, the customer will be contacted, where possible, to keep them up to date and make sure they are aware of an expected date the matter will be investigated further.
- 8.8 **Anonymous complaints** – It may not be possible to investigate a complaint due to the limited information provided, and as a result of anonymity, the teams are unable to make contact to obtain any additional information that may be necessary in ascertaining reasonable lines of enquiry.
- Anonymous reports will be triaged, if on receipt there is enough information to warrant an investigation then this will be forwarded to the relevant team. If not, the report will be closed or if relevant, retained for intelligence purposes (for instance ASB incidents).

## 9 Investigations

- 9.1 Any investigations relating to enforcement of anti-social behaviour undertaken by either the Anti-Social Behaviour or Community Enforcement Team will be in line with the Council's Enforcement Policy. This covers the Council's approach to enforcement, under

what legislation we investigate matters under and how we gather, store, and use evidence.

- 9.2 It is important that every opportunity is taken to focus time and effort on investigations that will be productive in terms of achieving positive outcomes.
- 9.3 Before an Anti-Social Behaviour Team Coordinator undertakes their role, they will go through a minimum of a 4-week induction period with an experienced team member and relevant Manager. Training regardless of any formal qualification the Council will be able to offer will be provided for all ASB Team Coordinators, as required, to meet changes in legislation and enforcement procedures.
- 9.4 Please see section 7 of the Council's Community Enforcement Policy for information on how the Community Enforcement Team conduct their investigations.
- 9.5 The Anti-Social Behaviour Team will conduct investigations in a number of ways, some of which are outlined in the below list which is not exhaustive but contain the main methods relevant to offences in which they are authorised to investigate. Please refer to the Council's Corporate Enforcement Policy and/or Data Protection Policy in relation to how we store and obtain certain pieces of information gathered and who we might share that information with:
  - Initial contact with reporting person/s – in some circumstances an initial investigation may be opened and closed by means of contacting the reporting person/s. The contact will allow a coordinator to ascertain the nature of the alleged anti-social behaviour and whether this is something they will be able to make reasonable lines of enquiry around. Depending on the outcome of this contact the coordinator will then decide as to whether the matter requires further investigation.
  - Witness statements – Alleged anti-social behaviour may have been witnessed in person by an individual/s or they may have video or photographic evidence of an alleged offence taking place. In these circumstances a coordinator may have to obtain a witness statement if the information supplied is to be relied upon.
  - Requests for information from another person/department/business or partner agency/authority There may be information a coordinator requires in order to further their investigation, for instance an address, land ownership details, a registered keeper of a vehicle, landlord information etc.
  - Door to door enquiries – a coordinator may try to contact nearby residents or businesses to try to gather further information about an alleged offence. This would normally be via an “ASB Community Questionnaire”, but may require joint visits with either the Community Enforcement Team or Police Colleagues. If no contact has been made and there are no further lines of enquiry for the coordinator to consider then the investigation will be closed.
  - Interviewing a suspect under caution/obtaining information under caution

It may be appropriate for some offences to give a suspect opportunity to give a clear account under caution of their version of events to assist with an investigation. Where this is required the Anti-Social Behaviour Team will look for assistance from the Community Enforcement Team to conduct these.

- CCTV – The council may use CCTV at their disposal via its CCTV department to place in a hotspot area that has been identified as being subject to relevant offences taking place. This will be in line with legislation outlined in the Council's Corporate Enforcement Policy and service specific CCTV policy.

9.6 In relation to the above, the Anti-Social Behaviour Team, may seek assistance from the Community Enforcement Team or Police colleagues when considering extra patrols, the issuing of Fixed Penalty Notices and obtaining witness statements.

## **10 Prosecutions**

10.1 The Council will exercise discretion in deciding whether to initiate a prosecution. Other approaches to enforcement may promote compliance with legislation more effectively (as previously detailed within this policy and also the Council's Corporate Enforcement Policy).

However, where the particular circumstances warrant it, prosecution without prior warning and recourse to alternative sanctions may be appropriate.

In addition, consideration will be given to best practice guidance from Government Departments and Agencies, other Local Authorities and advise offered by the Council's Legal Department in accordance with the Code of Crown Prosecutors.

Coordinators will, subject to their statutory duties, act in accordance with the Council's procedures when approaching individual cases of complaints and will initiate the type of enforcement action warranted by the nature and severity of the offence.

Coordinators will seek to help all members of the public and business community to understand their rights and obligations to comply with relevant legislation.

The Council will take legal proceedings if there is sufficient evidence to do so and where it is in the public interest to do so.

When considering legal proceedings or a Fixed Penalty Notice, the immediate consideration is the sufficiency of available, admissible evidence to substantiate the allegation that an offence has been committed.

In determining the sufficiency of evidence, consideration should be given to the following factors:

- Availability of essential and relevant evidence
- Credibility and reliability of witnesses

Where the case depends in part of admissions or confessions, consideration should be made to their admissibility and whether interviews, statements and other evidence have been obtained in compliance with relevant legislation.

In determining the admissibility of evidence regard should be given to the requirements of the Police and Criminal Act 1984 and the Criminal Procedure and Investigations Act 1996, and associated Codes of Practice.

If the case does not pass the evidential test, they may not go ahead. If the case does meet the evidential test, the Council will decide if formal enforcement action is in the public interest and in line with our Enforcement Policy.

Guidance and advise will be taken from the Council's Legal Department where appropriate.

10.2 Public Interest Criteria

When satisfied that sufficient evidence is available, consideration must be given to whether the public interest test requires a prosecution. Suspected offences should not automatically be the subject of prosecution, but that prosecution should follow whenever it appears that the offence or its circumstances is or are of such a character that a prosecution is required in the public interest.

The factors which can properly lead to a decision not to prosecute will vary from case to case but generally, the more serious the offence, the less likelihood there will be that the public interest will be served otherwise than by prosecution.

More information in relation to Public Interest Criteria can be found in section 3.5 of the Council's Corporate Enforcement Policy.

**11 Appeals**

- 11.1 In relation to legislation that involve Fixed Penalty notices or formal legal actions under section 6 of this policy, if the defendant wishes to appeal as they feel they have not committed the offence this would usually be via making a formal representation in a Magistrates Court or equivalent. However, the Council will accept initial informal appeals and details of how to make an appeal will be placed on either the Fixed Penalty Notice issued to them or formal correspondence sent to them in line with the enforcement action taken.
- 11.2 Appeals in relation to any actions the Anti-Social Behaviour Team have considered outside of formal criminal or civil legislation; for instance an informal warning letter, can be made directly to the team via email [safer@cheshireeast.gov.uk](mailto:safers@cheshireeast.gov.uk)
- 11.3 Appeals in relation to powers covered in section 6 of this policy are covered by the relevant legislation within the ASB Crime and Policing Act 2014. Any individual or body subject to any of the warning, notices, orders or injunctions in this section will be informed in writing as to the relevant appeals process some of which is via the relevant courts.
- 11.4 Informal appeals against enforcement action up to and including Fixed Penalty Notices under criminal legislation will only be considered in relation to any representation the defendant makes under the following circumstances:
  - That they believe they are exempt to the enforcement action taken due to exemptions defined under the relevant legislation.
  - That they believe they have been identified falsely
  - That they have information in relation to the offence that may reveal further lines of enquiry cause the matter to be placed on hold pending further investigation
- 11.5 Appeals will be considered via the relevant Senior Officer or Team manager and not the issuing officer or coordinator. On receipt of an appeal any payment dates or requirements under the enforcement action taken will be placed on hold until the appeal has been considered. The relevant Senior Officer/Team manager on receipt of appeal

will inform the individual/defendant as to when they are to expect an outcome. Any new due dates of payments required, actions to be taken, or further legal action will be outlined on the appeal outcome correspondence.

## **12     Verbal/Physical Abuse Towards Coordinators**

- 12.1 The Council is committed to ensuring that its coordinators are able to carry out their work safely and without fear and, where appropriate, will use legal action to prevent abuse, harassment or assaults on coordinators. To obstruct a coordinator in carrying out their duties is an offence and legal action may be taken against any person/s doing so.
- 12.2 Coordinators are entitled to, if subjected to verbal abuse either in person or on the telephone, terminate the meeting or telephone call.

## **13     Reporting**

- 13.1 The Anti-Social Behaviour and Community Enforcement Teams have responsibilities in relation to the reporting of offences listed under section 6 of this policy under the Anti-Social Behaviour Crime and Policing Act 2014. This includes publication and consultation of Public Spaces Protection Orders. More information on these responsibilities can be found at [www.gov.uk](http://www.gov.uk)
- 13.2 A regular report on the performance of the Anti-Social Behaviour Team will be presented to the relevant Service Committee for information.

## **14     Complaints and Compliments about the service**

- 14.1 In accordance with the Council's Compliments and Complaints procedure persons wishing to submit a compliment or make a complaint about the Anti-Social Behaviour Team should do so either by writing to Compliance & Customer Relations Team, 1st Floor Westfields, C/O Municipal Buildings, Earle Street, CREWE, CW1 2BJ or by e-mail to [Letusknow@cheshireeast.gov.uk](mailto:Letusknow@cheshireeast.gov.uk). More information in relation to complaints and compliments can be found on our website at [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)



# **PROCEDURE FOR PUBLIC SPACES PROTECTION ORDERS (PSPO'S)**

## **ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

**Amended January 2022**

## PUBLIC SPACE PROTECTION ORDER (PSPO)

This allows the local authority to stop individuals or groups committing ASB in public places.

The local authority will identify the area that is to be covered by the order – known as the ‘restricted area’.

The PSPO can:

- Prohibit specified things being done in the area
- Require specified things to be done in the area

The prohibitions or requirements can be framed so that they:

- Apply to all persons, or only persons in specified categories, or to all persons except those in specified categories
- Apply at all times, or only at specified times, or at all times except those specified
- Apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified

The following conditions must be met before making the order:

- Activities carried out in a public place within the local authority’s area have a detrimental effect on the quality of life for those living in the locality *or*
- Is likely that activities will be carried out in a public place within the area that will have such an effect

The effect, or likely effect of the activities:

- Is, or is likely to be, of a persistent or continuing nature
- Is, or is likely to be, such as to make the activities unreasonable *and*
- Justifies the restrictions imposed by the order

### The need for a PSPO to be identified

This will come from a variety of routes – including, but not exclusively:

- Partnership problem solving (Multi Agency Action Group – MAAG)
- Complaints from members of the public
- Public consultation/residents meetings/residents groups
- Elected members/Parish Councils
- Neighbourhood groups
- Private land owners
- Registered Social Providers

The process to be followed is below. Responsibility for overseeing this process will lie within the Neighbourhood Services Anti-Social Behaviour Team. Depending on the focus of the PSPO certain elements of the process below may well also be taken on by other departments within the local authority such as Environmental Protection or Trading Standards.

### **Examples of behaviour that a PSPO might be used to tackle**

The following list is intended to be indicative and not exhaustive

Legal highs – sale of/taking of Boy racers Congregating in car parks Cars for sale Vehicle Nuisance Buskers Dog fouling Unruly Dogs/dogs out of control Rough sleeping Street drinking Urinating or defecation Prostitution Dogging	Verge parking Parking outside schools Ball games Swimming in dangerous areas Ball games Grazing of horses Litter Fly tipping Cycling in pedestrian areas Aggressive Charity Collectors (Chuggers) Begging Placing yourself to beg Skateboards
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### **Prior to formal consultation for a PSPO:**

It is important that the PSPO is used proportionately and that it is not seen to be targeting behaviour of the children/young people where there is a lack of tolerance and understanding by local people. Consideration must also be given to the Equality Act when setting out restrictions or requirements.

When making a PSPO Cheshire East Council will bear in mind the impact on other areas and the level to which displacement is likely to occur.

All requests/considerations for a PSPO will be nominated to the Neighbourhood Services Multi-Agency Action Group (MAAG). Initial thoughts and actions will be recorded at the meeting, and the relevant agencies will be nominated to take the request further once it has been agreed via an initial professionals meeting.

### **Professionals/stakeholder meeting:**

This will be arranged by the ASB Team, there may be a requirement to hold more than one professionals/stakeholder meeting dependant on any actions that may be required following the initial meeting. Attendees may include the following:

- ASB Team representative – **Compulsory**
- Neighbourhood Services HOS and/or ASB and Community Enforcement Manager – **Compulsory**

- Local Elected Member/Parish Council member – ***will at least be informed***
- Land owner (If not CEC land) – ***Compulsory***
- Police
- Housing/Registered Social Provider
- Other CEC departments
- Representative from the local community

The following will need to be identified either prior to this meeting or during this meeting:

- How many incidents have been reported and who to?
- What has been attempted in order to resolve this issue already?
- What is the exact area that all present would like a PSPO to cover?
- What sort of prohibitions/requirements would need to be considered?
- Are there any other people that need to be consulted as part of this process?
- What are the implications should a PSPO not be imposed.
- What are the risks if a PSPO is imposed (displacement etc.)?
- Who would be responsible for costs around publicity and signage (if not CEC land)?
- How would this be policed does any training need to take place with delegated local officers who may not have had opportunity to enforce this type of order yet?
- Do the majority agree that a PSPO application should be requested? (*if the answer is no the issue will be referred back to the MAAG*)

### **Liaison with CE Legal Team**

Once initial professionals/stakeholders meeting has taken place and pursuit of a PSPO has been agreed, the ASB Team will draft a PSPO with suggested prohibitions/requirements and produce a plan of the area that the order has been initially agreed to cover.

This will be forwarded to our CE litigation team for allocation to a lawyer who will review the draft, provide a URN and feedback to the ASB Team lead officer of any amendments/queries.

The final draft PSPO, along with a draft of the online consultation, will then be fed back to the key stakeholders for comments either via an additional meeting or electronically with a deadline for feedback (in most cases the deadline for feedback will be no more than 5 working days).

Once this has been completed and all are in agreement with the final draft version the ASB Team will then move to obtaining authorisation to begin a public consultation.

## **Authorisation to begin Consultation**

Authorisation to begin public consultation will be via the relevant Service Director as a general delegation, as per the council's constitution. If authorisation is not given, then the issue will be nominated back to the Stakeholders and the MAAG.

## **Consultation**

The Consultation required will depend on the location and the particular issues to be addressed. The consultation will be proportionate but not excessive. At least 4 weeks will be allowed for the consultation process and as a minimum standard consultation details will be publicised via Cheshire East Council's Website.

Groups to be consulted may include:

Elected members Parish Councils Local residents Members of public using the area/facility via notice placed in area.	Community Groups Town Councils Pub watch SCOOT/shop watch or equivalent Chamber of Commerce
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The general public will be made aware of the plans through any of the following methods:

- Cheshire East Council website – *Compulsory*
- Press release
- Notice in the affected area
- Residents' newsletters
- Leaflets
- Social media

*Cheshire East Council will ensure that the consultation is in line with its own consultation policy.*

Additionally (if not already done so)

- The owner of the land (if not the Council) will be contacted
- Cheshire Police and Police and Crime Commissioner

## **Decision is taken to make a PSPO**

The process for approving PSPO applications will be made via the relevant council committee. This will allow opportunity for elected members outside of the majority group the opportunity to scrutinise the decision.

If this is refused then the matter will be referred back to the MAAG.

## **Public are advised that the PSPO is coming into effect**

Cheshire East Council will ensure that the following principals are followed with reference to publicising a PSPO although some of the processes may vary from case to case:

- The publicity is proportionate and cost effective
- It takes account of the different languages spoken in the area
- Takes into account the need to manage people's expectations once the order is in place
- That at least one week prior to the PSPO coming into effect a multi-agency approach in relation to educating the relevant members of public and agencies on the new order coming into force and the implications of breach of this order
- During at least the first week of the order being in force, members of public will be made aware of the order via an Engage, Educate and Encourage approach. Once this has been undertaken Enforcement action will then begin where required.
- That breaches will be monitored, as will any potential displacement which will all be monitored by Cheshire East Councils ASB Team with a view to the appropriate review processes/amendments taking place on the order.

General publicity may include:

- Press release
- Cheshire East Council website
- Other partner agency websites (i.e. Police, Registered Housing Providers)
- Residents' newsletters
- Leaflets
- Social media
- Parish Councils
- Community Groups
- Signage within the area

In the area affected, signage may be used taking into account the different language spoken – using pictures where possible.

## **Enforcing the PSPO**

The power to enforce the PSPO has been given to:

- Cheshire Constabulary Police Officers
- Cheshire Constabulary Police Community Support Officers
- Designated Cheshire East Council Officers

Cheshire East Council may authorise an officer not on the above list (e.g.: Registered Social Provider or Commissioned agency/company) to issue FPN's where a senior officer within the agency to which that person belongs makes a written request to the Chief Executive of Cheshire East Council for that person to be designated.

A decision will then be made by Cheshire East Council as to whether that person should be authorised as a person who may issue FPN's in Cheshire East.

In each case any person who is so authorised will be required, prior to designation, to complete relevant training identified by Cheshire East Council.

Cheshire East Council reserves the right to vary or cancel any authorisation at any time and for any reason

### **Breaching the PSPO**

Those who are found to be breaching the PSPO may be given the opportunity to discharge the offence by way of a Fixed Penalty Notice (FPN).

- The level of FPN for breach of PSPO within Cheshire East has been set at £100 with no early payment opportunity
- Agreement will be reached with Cheshire Constabulary with reference to police officers and police community support officers reporting of breach of PSPO to the local authority so as FPN's can be issued or if court action is required.
- For more serious breaches or repeat breaches of PSPO the council may opt to take the matter straight to the Magistrates Court for prosecution without an opportunity to pay a Fixed Penalty Notice.
- The council will also pursue those individuals who fail to pay an FPN for breach of PSPO via the Magistrates Court

### **Extension/Variation or Discharge of a PSPO**

The council will follow the legislation under Part 4, Chapter 2 sections 60 and 61 of the Antisocial Behaviour Crime and Policing Act 2014 in relation to the extension, variation or discharge of any of its existing PSPO's.

In any of these cases, the initial proposals will be discussed at MAAG and the relevant processes will be followed as per this procedure.

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## **APPENDIX ITEM \*\* MACCLESFIELD TOWN CENTRE PUBLIC SPACES PROTECTION ORDER PROPOSAL CONSULTATION SUMMARY**

### **1 Consultation Headlines:**

- 1.1 The consultation ran from 12 noon, 31<sup>st</sup> January 2022 until 12 noon 14<sup>th</sup> March 2022. The consultation was based on-line; however, methods were advertised allowing members of public to complete the survey over the phone or request a paper copy. This was advertised via a Press release and social media campaigns via CEC and Police networks. Information (including electronic documents advertising the consultation with QR codes and methods of contact) were sent to the following groups/stakeholders:
- CE Contact Centre and Parking Teams
  - Environment and Communities Committee Members
  - Macclesfield Library, Town Hall and Police Station (for display in reception areas)
  - MP David Rutley
  - Cheshire PCC Office
  - Members of the PSPO stakeholder group (including local businesses, police, Ward and Town Cllrs)
  - Macclesfield Pub Watch Chair (for circulation to its members)
- 1.2 97 responses were received in relation to the consultation, all of which answered every question in relation to the order.
- 1.3 Overall a high percentage of the respondents either agree or strongly agree with the proposal (over 93%).
- 1.4 Of the questions asked about specifics of order, the lowest percentage who agree or strongly agree was recorded in line with viewpoints on the penalties on breach of the order and the proposed area the order will cover. However, both of these still had 86% of the respondents who agreed or strongly agreed with the proposals on both questions. Some of the respondents that were unsure or did not agree made comments about the size of the proposed order or did not agree with the penalties (too low or too high). Responses we will publish in relation to this are in the table under 2.2 of this report.
- 1.5 Of the 96 that chose to respond to the question, just under 95% of the respondents were residents of CE.
- 1.6 The majority of responses were within the “SK” postcode area so reflective of the area the order has been proposed within.
- 1.7 There is a good balance of Male/Female and age band respondents.

## **2 Summary of “open ended” responses/comments on consultation**

- 2.1 A further appendix attachment (redacted) with all responses and open-ended comments/questions can be made available on request.
- 2.2 There were several comments/suggestions made in the open-ended fields of the survey. There are summarised below alongside a response to the questions/points raised. These will be published on our website as part of the survey results section once a decision has been made in relation to the proposed order:

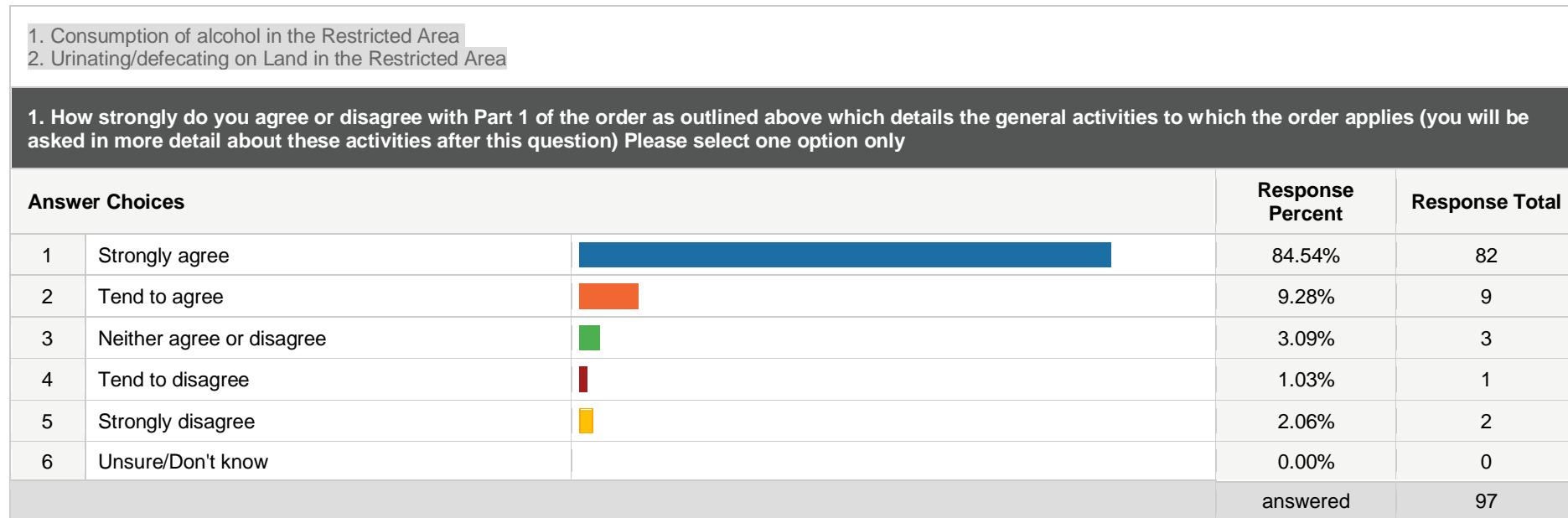
<b>Comment/suggestion/question</b>	<b>Response</b>
Would the order be criminalising those that are street homeless?	<p>The council have paid consideration to ensuring that the individuals the PSPO is proposed to tackle does not specifically target those that are street homeless. We give careful consideration to all elements of a proposed PSPO and take time to make sure that thresholds are met, and alternatives have been considered and attempted before a proposal is made. Macclesfield is a good example of this, with the PSPO consideration being requested back in May 2021, the order has been a long time in the planning, with multiple partner agencies involved in the review of evidence to support the order.</p> <p>As part of this Police Colleagues and the Councils Homelessness relief team have been working together in the area on a regular basis, liaising with those adults that are within the town centre and subways sitting and drinking and have confirmed that the majority of individuals spoken to all have housing provision. The individuals choose to gather during the day and sit in areas to partake in drinking, leading to associated ASB. On the rare occasion that any are identified as street homeless our homelessness team have quickly picked the cases up to ensure provision is offered where applicable. The rest of the target group the order is set to tackle includes individuals or groups of individuals involved in similar behaviour whilst visiting the town to access its night-time/weekend economy.</p>
How will giving out fines to people that cannot afford to pay stop the behaviour?	<p>In relation to the alcohol requirement on the proposed order, it is important to note that in most circumstances, there will not be any requirement to issue a FPN or proceed the matter to court as the order will not be breached unless the individual refuses to hand over the alcohol. The main aim is to prevent the behaviour before it requires further enforcement action. The council do not wish to deter people from using the towns seating areas and visiting the area to relax and enjoy the surroundings responsibly.</p> <p>However, in some circumstances whereby individuals refuse to hand over alcohol or are caught using the public area as a toilet provision it may be necessary to issue a Fixed Penalty Notice (FPN) or opt to take the matter straight to court for prosecution. For those issued with FPN's who fail to pay, then the matter will be progressed to our legal team for consideration for court action.</p>

£100 FPN too much/£100 is not enough	The £100 FPN is the maximum amount that can be used for breach of Public Spaces Protection Order. This has been set in legislation and cannot be changed. The Council set the fine at its highest possible rate with no early payment discounts as they consider breach of PSPO a serious matter. Individuals struggling to pay their fine will be urged to contact the council as soon as possible so as to avoid, where possible court action.
What does “sealed container” of alcohol mean? Does that mean that I cannot carry alcohol in the zone I have purchased to take home?	No, it does not mean that anyone with a sealed container of alcohol will be asked to hand their alcohol over to an authorised officer. If the order is implemented officers will not be in and around the town centre, checking bags and stopping people going about their normal everyday behaviour. Officers will only be approaching those that appear to be already drinking alcohol in the town centre, or where an incident has highlighted a group/person who might have bags/containers of unopened alcohol with them as well, especially groups of people sitting in the town centre on benches/walls, gathered in a group that appear to have been consuming alcohol already and further consumption of the alcohol they have with them might lead to public nuisance/incidents of disorder.
How will I know who an “authorised officer” is?	Currently, the only officers authorised to deal with breaches or requirements of PSPO’s are Police Officers, Police Community Support Officers, and the Councils Community Enforcement Officers. All of which will have full uniform on and have photo ID cards. The Councils Community Enforcement Officers will have Cheshire East Council ID cards displayed, with their authorisation on the back of their card. In relation to this order, in the main the council officers and police will be undertaking joint patrols. It is important to note that it is a criminal offence to refuse to give details to an authorised officer, or give false details, whether that be a police officer or an authorised council officer.
What about events in the town centre and licensed bars that have outdoor areas etc?	Part 4 of this order highlights the exemptions in relation to alcohol. The order does not apply to council-operated licensed premises when the premises are being used for the supply of alcohol. Part 4 of this order also confirms exemption for events that have a temporary events license for this activity, or where permission has been granted under the highways act for the sale and consumption of alcohol in an outdoor area. There are other areas of legislation (such as licensing) that cover misuse of these provisions should there be concerns with poor behaviour related to alcohol, licensed events or premises. The PSPO would not cover these.
How is this going to be resourced/Policed?	Having a PSPO in place will not automatically increase the amount of police or council patrols that will be undertaken in the area. However, the order will give authorised officers additional powers to tackle the behaviour that they come across/or is reported at the earliest opportunity. Officers currently do not have the power to request from an adult over 18 years that alcohol is handed over to them, so cannot act unless other criminal offences are apparent. This PSPO will enable them to do this. It is not a breach of the order to be in possession of alcohol, but a breach not to hand it over when instructed to do so. If the order is agreed then a period of patrols to Engage, Educate and Encourage members of public to be aware of the PSPO will be undertaken before full action is taken. These will be at set times agreed by the Council, Police and stakeholders on implementation of the order.

The area in which the order will apply to is not big enough. What about displacement?	When considering PSPO's the Council work closely with partner agencies and key stakeholders to make sure decisions on requirements of the order and the area the order covers are proportionate and meet the thresholds set within the legislation. In this particular case, the proposed area the order will apply to has been set based on police incident information, of which evidenced incidents involving alcohol fuelled Anti-Social Behaviour. We appreciate that this may displace some of the activity, but other powers can be used to tackle individuals who persist in engaging in this behaviour whether it be within the PSPO area or not. Due to the level of incidents within the area outlined, and the impact the behaviour has been having on visitors, businesses, and residents within the town centre it was considered a proportionate approach to consult on using additional powers to elevate some of the concerns that have been expressed at the earliest opportunity. We are unable to widen areas on a "just in case" basis as this does not fall in line with the purpose or scope of the legislation.
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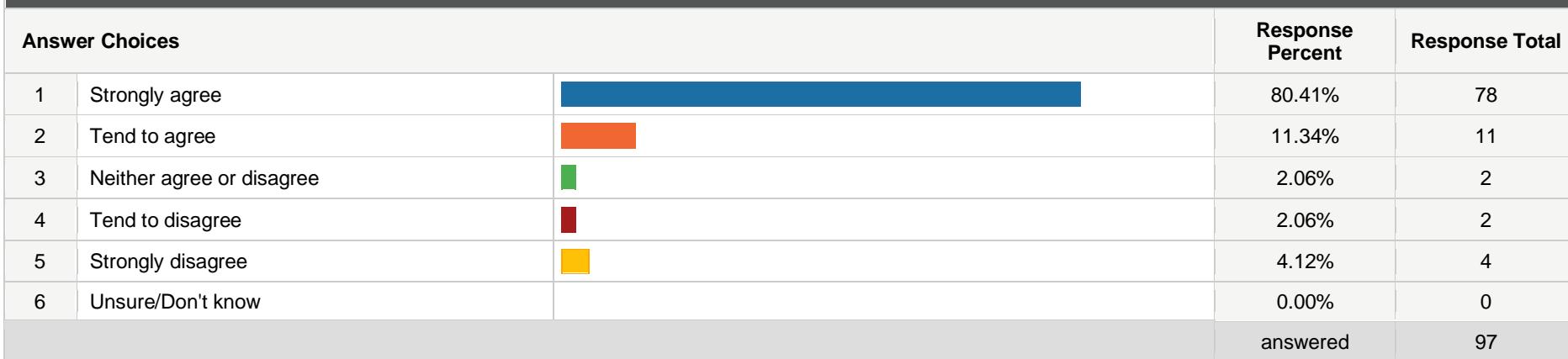
### 3 Survey results

#### Macclesfield Town Centre Public Spaces Protection Order (PSPO) Consultation January 2022



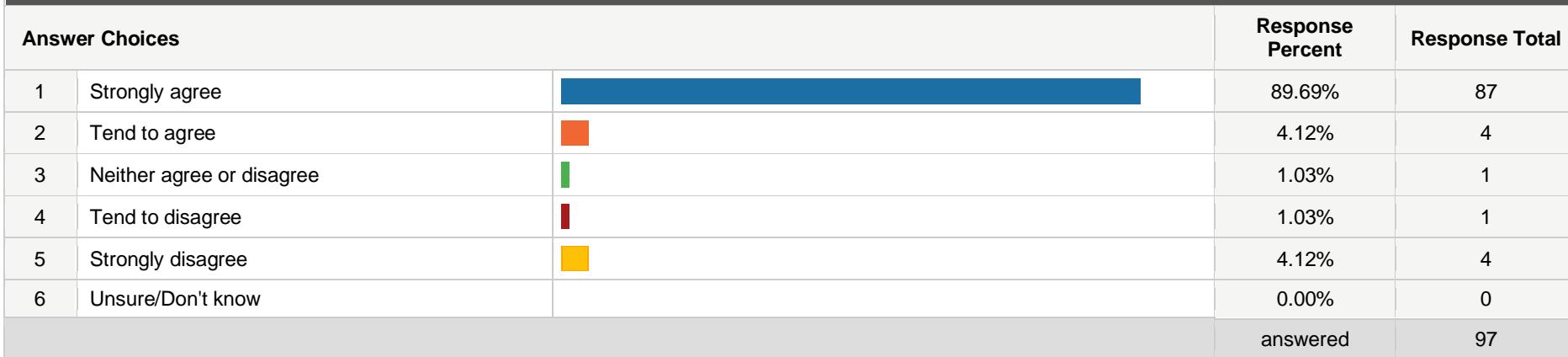
1. A person in the Restricted Area is to hand over any containers (sealed or unsealed) which are believed to contain alcohol when required to do so by a police officer or Authorised Officer to prevent public nuisance or disorder

**2. How strongly do you agree or disagree with Part 2, Point 1 of the order as outlined above which focuses handing to an authorised officer on request containers of alcohol when required to do so? Please select one option only**



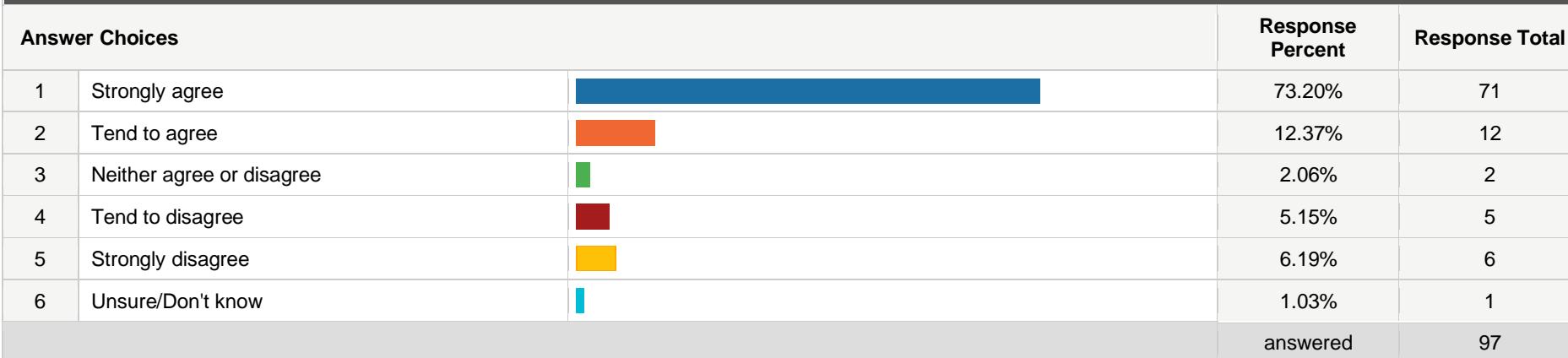
A person in the Restricted Area shall not urinate and/or defecate on or within Land to which this Order applies.

**3. How strongly do you agree or disagree with Part 2 point 2 of the order as outlined above which focuses on a prohibition in relation to urination and defecation on Land within the Restricted Area Please select one option only**

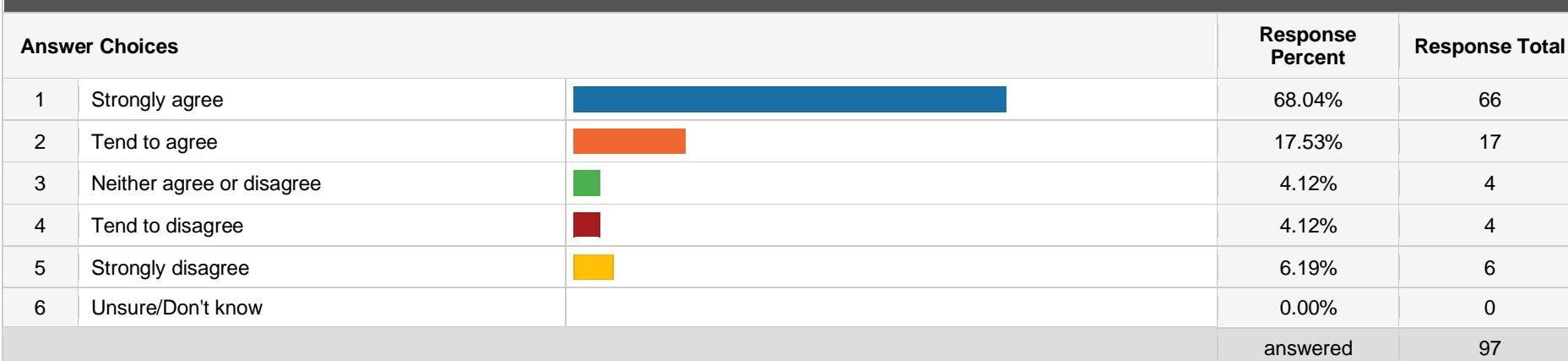


Breach of a Public Spaces Protection Order is a Criminal Offence. On breach of a Public Spaces Protection Order, an Authorised Officer could issue a fixed penalty notice (FPN) of £100. Failure to pay the FPN may lead to prosecution and a potential maximum fine of either £500 for breach of Part 2 (1) or £1,000 for breach of part 2 (2) as would more serious breaches of the PSPO.

**4. With the above statement in mind, how strongly do you agree or disagree with the implementation of the proposed Macclesfield Town Centre Public Spaces Protection order? Please select one option only**



**5. With the plan/map in mind, how strongly do you agree or disagree with the area highlighted in which the proposed Macclesfield Town Centre Public Spaces Protection order will apply? Please select one option only**





## **Environment and Communities Committee**

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**Date of Meeting:** 1 July 2022

**Report Title:** Housing Supplementary Planning Document

**Report of:** Jayne Traverse, Executive Director of Place

**Report Reference No:** EC/08/22-23

**Ward(s) Affected:** All wards

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### **1. Purpose of Report**

1.1. This report seeks approval to adopt the Housing Supplementary Planning Document ("SPD").

### **2. Executive Summary**

2.1. Ensuring the delivery of affordable homes is a priority within the Corporate Plan 2021-2025 which states "enable access to well designed, affordable and safe homes for all our residents". Providing additional guidance on housing, including affordable housing, contributes to the overall Vision for the Council to be:

Open – the SPD provides additional guidance to support the implementation of existing planning policies.

Fair – the SPD supports existing planning policies on affordable housing, to enable residents to access housing to meet the needs of all residents, including vulnerable and older people.

Green – the SPD, in supporting the delivery of affordable homes should support appropriate housing options for residents to reside close to employment opportunities.

2.2. The Housing SPD has been subject to two separate consultation stages, the most recent of which took place in November - December 2021.

2.3. The Housing SPD builds upon existing development plan policies found in the Cheshire East Local Plan Strategy (adopted July 2017) focused on policies LPS 4 (residential mix), SC5 (affordable homes) and SC6 (rural exceptions housing for local needs). The report outlines the process that has been

undertaken, the representations received and how they have informed the Housing SPD. Upon adoption, it would be a material consideration in the determination of planning applications and support the delivery of key policies in the Local Plan Strategy.

### **3. Recommendations**

- 3.1.** That the Committee:
  - 3.1.1.** Considers the key issues raised in representations received to the public consultation that took place between November and December 2021 and the corresponding modifications to the Housing Supplementary Planning Document as set out in the Report of Consultation (Appendix 1)
  - 3.1.2.** Approves the Housing Supplementary Planning Document (Appendix 2) for adoption

### **4. Reasons for Recommendations**

- 4.1.** SPDs are not part of the statutory development plan but are a recognised way of putting in place additional planning guidance. They are capable of being a material consideration in determining applications involving relevant planning proposals.
- 4.2.** The supporting information to policies SC4 (residential mix), SC5 (affordable homes) and SC6 (rural exceptions housing for local needs) in the Local Plan Strategy (“LPS”) anticipate the production of an SPD to provide additional guidance on the implementation of policies on residential mix, including older persons accommodation and supported housing, alongside the provision of affordable housing in the borough.
- 4.3.** The preparation of the Housing SPD has been informed by two rounds of consultation in April – June 2021 and more recently in November – December 2021. The next step is to adopt the final version of the SPD considering the representations received.
- 4.4.** Upon adoption, the Housing SPD would be a material consideration in the determination of planning applications across the borough. Providing clear guidance up front about policy expectations should enable applicants to better understand policy requirements. The SPD should assist applicants when making relevant planning applications, and the Council in determining them.

### **5. Other Options Considered**

- 5.1.** The Council could choose not to prepare an SPD on these matters. Any relevant planning application would continue to be assessed against existing planning policies. However, this would not allow the Council to provide additional practical guidance or give clarity to the approach that should be employed by all parties in a consistent way.

## 6. Background

- 6.1.** The Council's Corporate Plan 2021-25 sets out three aims. These are to be open, fair and green. In striving to be a fair Council, a key objective is to deliver housing to meet needs of all residents, including vulnerable and older people. As such, this SPD sets out guidance on policies contained in the LPS that will support delivery of this ambition.
- 6.2.** One of the key strategic priorities of the LPS is for the Plan to support the establishment and maintenance of sustainable communities. The LPS seeks to support the delivery of an appropriate mix of house types, sizes and tenures including affordable housing to meet the borough's needs. The LPS also seeks to support and enable vulnerable and older people to live independently, and for longer (LPS Strategic Priority 2, points 1 (ii) & (iii)).
- 6.3.** The LPS includes policy SC4 (residential mix) which sets out how residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes. It also includes reference to the housing 'offer' appropriately responding to the needs of residents as they grow older.
- 6.4.** The LPS also establishes the overall need for affordable housing in the borough, that is the need for a minimum of 7,100 homes over the plan period up to 2030, which equates to an average of 355 homes per year.
- 6.5.** The LPS contains two policies of relevance to the delivery of affordable homes. Policy SC5 (affordable homes) sets a threshold for when affordable homes are required to be delivered by sites. Policy SC6 (rural exceptions housing for local needs) provides additional guidance on the delivery of rural exception housing sites.
- 6.6.** The Housing SPD aims to give greater clarity to developers, landowners and communities, focused on the issues of residential mix and affordable housing. The SPD provides additional guidance to applicants on how they should respond to the policy requirements in the LPS. It also 'signposts' sources of information, including relevant documentation and Council services.
- 6.7.** The SPD has been jointly prepared by Strategic Planning and Strategic Housing. It has also been informed by input from Adult Services and Commissioning teams.
- 6.8.** The process for preparing an SPD is similar in many respects to that of a local plan document. However, they are not subject to independent examination by the Planning Inspectorate. There are several stages in their production:

<b>Stages in producing a Supplementary Planning Document</b>	<b>Timing</b>
Publish the initial draft SPD for public consultation	April / June 2021
Consider feedback received and make any changes necessary	Amendments made June - November 2021

<b>Stages in producing a Supplementary Planning Document</b>	<b>Timing</b>
Publish the final draft SPD, along with a consultation statement setting out who has been consulted in its preparation, the main issues raised in feedback and how those issues have been addressed in the final draft SPD;	November / December 2021
Having considered representations, the SPD may then be adopted;	Current Stage
Following adoption, the SPD must be published and made available along with an adoption statement in line with the 2012 Regulations. The adoption of the SPD may be challenged in the High Court by way of judicial review within 3 months of its adoption.	

- 6.9.** Public consultation on the initial draft Housing SPD took place between the 26 April 2021 and Monday 07 June 2021. A total of 119 comments were received from 29 parties. A summary of key issues raised in the initial draft and any changes made were included in a Report of Consultation which accompanied the amended final draft of the Housing SPD.
- 6.10.** Representations were invited on the final draft Housing SPD and Report of consultation between the 24 November and 22 December 2021. A total of 107 comments from 27 parties were received in response to the consultation. Several key issues were raised, including: -
- 6.10.1.** The relationship between the wording of the SPD and the emerging Site Allocations and Development Policies Document (“SADPD”).
  - 6.10.2.** References in the SPD to other relevant policies in the Local Plan Strategy, including Heritage Assets such as Listed Buildings.
  - 6.10.3.** Minor modifications to the section on housing mix to be reflective of the policy approach of the Local Plan Strategy.
  - 6.10.4.** The SPD should make reference to the demolition of buildings and the carbon impact this may have
  - 6.10.5.** Reference to fire risk should be inserted in the SPD
  - 6.10.6.** Reference to the Environment Act and associated regulations should be included in the SPD
  - 6.10.7.** Further information required in the SPD about Registered Providers
  - 6.10.8.** Comments concerning the calculation of vacant building credit and the example used in the draft SPD
- 6.11.** Several modifications have been made to the document in the light of comments made, including:

- 6.11.1.** The SPD has been updated to remove references to the Crewe Hub Area Action Plan
  - 6.11.2.** Minor amendments to abbreviations used in the document, updates to the glossary and the removal of details associated with previous consultation stages on the SPD
  - 6.11.3.** Minor amendments to the section of the document on housing mix to reflect the Local Plan Strategy policy SC4 (residential mix)
  - 6.11.4.** Additional text added to note that there are other policies in the Local Plan Strategy that may be relevant to the consideration of development proposals in the borough, including on heritage matters.
  - 6.11.5.** Reference has been added to LPS policy SD1 (sustainable development principles) to support the use of technologies to reduce carbon emissions and to encourage the re-use of existing buildings on the site.
  - 6.11.6.** Fire risk is predominately a matter considered through building regulations framework. However, references have been added in the SPD to the requirements of the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 ("the 2021 Order") and 'planning gateway one' in respect of fire safety matters for relevant tall buildings
  - 6.11.7.** Updated references to 'building for a healthy life' assessment standard has been added to the document.
  - 6.11.8.** Reference to the Environment Act and associated regulations has been added to the document.
  - 6.11.9.** Further information added on the role of Registered Providers and the relationship to Cheshire Homechoice
  - 6.11.10.** Amendments made to the example calculation of vacant building credit in the SPD
- 
- 6.12.** The SPD has been drafted, primarily in the context of existing policies of the LPS. It is noted that the SADPD is an emerging planning policy document. However, it is considered that the SPD can be read alongside the SADPD, once adopted, and is complementary to many of its policy objectives.
  - 6.13.** Once adopted, the effectiveness of this SPD will be monitored as part of the Authority Monitoring Report, using information from planning applications and decisions. The outcome of this ongoing monitoring work will help inform future decisions about the SPD.

## **7. Consultation and Engagement**

- 7.1.** This is set out earlier in the report and has most recently involved consultation during November / December 2021. Following this, all comments have been considered and modifications proposed to the SPD so that it is ready for

adoption. A Report of Consultation accompanies this report (Appendix 1) which details the key issues raised and any proposed modifications to the final version of the SPD.

## **8. Implications**

### **8.1. Legal**

- 8.1.1.** The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 provide the statutory Framework governing the preparation and adoption of SPDs. Amongst other things, the 2012 regulations require that an SPD contain a reasoned justification of the policies within it and for it not to conflict with adopted development plan policies. The National Planning Policy Framework and the associated Planning Practice Guidance also set out national policy about the circumstances in which SPDs should be prepared.
- 8.1.2.** SPDs provide more detailed guidance on how adopted local plan policies should be applied. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan.
- 8.1.3.** Regulation 35 (availability of documents) requires the placing of documents on the Council's website plus in principal offices and other locations as considered appropriate. This requirement was amended temporarily through the Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc) (England) (Coronavirus) (Amendment) Regulations 2020 to enable consultations to take place without the need to place documents in Council offices or other locations. Reasonable steps have been taken to advertise consultation on the Housing SPD, in its development, as set out in the Report of Consultation (Appendix 1)
- 8.1.4.** The process for preparing Supplementary Planning Document(s) is similar in some respects to that of a local plan document. However, they are not subject to independent examination by the Planning Inspectorate.

### **Strategic Environmental Assessment**

- 8.1.5.** Strategic Environmental Assessment involves evaluation of the environmental impacts of a plan or programme. There is no legal requirement for Supplementary Planning Documents to be accompanied by Sustainability Appraisal, and this is reinforced in Planning Practice Guidance (PPG ref: 11-008- 20140306). However, "in exceptional circumstances" there may be a requirement for SPDs to be subject to SEA where it is considered likely that they may have a significant effect on the environment that has not already been assessed within the SEA of the Local Plan. A screening assessment was undertaken for the final draft SPD which determined that a SEA is not required for the SPD.

- 8.1.6.** The screening assessment also addressed whether the SPD has a significant adverse effect upon any internationally designated site(s) of nature conservation importance and thereby subject to the requirements of the Habitats Regulations and concludes that the SPD could not have any conceivable effect on any European site and that a full appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required.
- 8.1.7.** The final proposed changes to the Housing SPD are limited in their extent and do not give rise to the need to revisit the SEA (or Habitats Regulations Assessment) screening.

## **8.2. Finance**

- 8.2.1.** The costs relating to the production and adoption of the SPD and consultation report, including printing and staff time, are covered from existing planning budgets.

## **8.3. Policy**

- 8.3.1.** The SPD will expand and amplify existing development plan policy. It will also support the corporate plan's priorities of creating thriving and sustainable places by ensuring that development is appropriately controlled, reduces impact on the environment and supports safe and clean neighbourhoods.

## **8.4. Equality**

- 8.4.1.** 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.
- 8.4.2.** The SPD provides further guidance on the provision of affordable homes and additional guidance on policy SC4 (residential mix). The SPD is consistent with the Local Plan Strategy which was itself subject to an Equalities Impact Assessment (EqIA) as part of an integrated Sustainability Appraisal.
- 8.4.3.** An EqIA screening assessment has been carried out and this has not identified any actual or potential negative impact on people with protected characteristics that would warrant a full assessment being carried out. It is available to read at:

[https://www.cheshireeast.gov.uk/council\\_and\\_democracy/council\\_information/equality-and-diversity/equality\\_analysis.aspx](https://www.cheshireeast.gov.uk/council_and_democracy/council_information/equality-and-diversity/equality_analysis.aspx)

- 8.4.4.** The final proposed changes to the Housing SPD are limited in their extent and do not give rise to the need to revisit the EqIA.

## **8.5. Human Resources**

- 8.5.1.** There are no implications for human resources.

## **8.6. Risk Management**

- 8.6.1.** The subject matter of the report does not give rise for any particular risk management measures because the process for the preparation of an SPD is governed by legislative provisions (as set out in the legal section of the report).

## **8.7. Rural Communities**

- 8.7.1.** The Housing SPD seeks to provide further guidance on the provision of rural exception sites for local affordable housing needs in the borough.

## **8.8. Children and Young People/Cared for Children**

- 8.8.1.** The SPD seeks to provide additional guidance on the provision of affordable housing in the borough. The appropriate provision of affordable housing can help support sustainable communities that offer a wide range of housing types and tenures and are socially inclusive.

## **8.9. Public Health**

- 8.9.1.** The SPD highlights the importance of appropriate residential choices to support and enable residents to live independently and match their current and future aspirations and requirements.

## **8.10. Climate Change**

- 8.10.1.** The SPD highlights the importance of applicants for / or including homes to reduce their carbon footprint in the design, construction and occupation of homes (including affordable homes), including through following the energy hierarchy set out in the Local Plan Strategy.

<b>Access to Information</b>	
Contact Officer:	Tom Evans, Neighbourhood Planning Manager Tom.Evans@cheshireeast.gov.uk 07772629846
Appendices:	Appendix 1: Report of Consultation Appendix 2: Housing Supplementary Planning Document
Background Papers:	Portfolio Holder Decision – CE 20/21-36 Draft Housing Supplementary Planning Document – April 2021 - <a href="#">Decision - CE 20/21-36 Draft Housing Supplementary Planning Document   Cheshire East Council</a> approval to consult on the First Draft SPD.  Environment and Communities Committee Thursday 11 November 2021 - <a href="#">Agenda for Environment and Communities Committee on Thursday, 11th November, 2021, 2.00 pm   Cheshire East Council</a> approval to consult on the Final Draft SPD

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Cheshire East Local Plan

# **Report of Consultation: Housing Supplementary Planning Document**

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**June 2022**

**Working for a brighter future together**



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## 1. Introduction

- 1.1 The Housing Supplementary Planning Document provides additional guidance on existing development plan policies found in the Cheshire East Local Plan Strategy (adopted July 2017), particularly focused on policies SC4 ‘residential mix’, SC5 ‘affordable homes’ and SC6 ‘rural exception sites for local needs’.
- 1.2 The initial draft Housing SPD was published for six weeks consultation between the 26 April 2021 and the 07 June 2021. A report of consultation was prepared summarising the feedback that was received to that consultation and how this influenced the final draft version of the SPD.
- 1.3 The final draft of the Housing SPD, alongside a report of consultation prepared for the initial draft SPD, was consulted on from the 24 November until the 22 December 2021.
- 1.4 This final report of consultation sets out how consultation on the final draft of the Housing SPD was carried out and addresses the feedback received, including the final changes made to the SPD in response.
- 1.5 Consultation has been carried out in accordance with the requirements of the Council’s Statement of Community Involvement (October 2020).

## 2. Consultation documents

- 2.1 Comments were invited on the final draft Housing SPD (November 2021) and accompanying report of consultation. A Strategic Environmental and Habitats Regulations Assessment Screening Assessment was also prepared as an appendix to the SPD and published alongside the consultation document for comment. An equalities impact assessment was also published, and this concluded that the final draft Housing SPD would not have a significant adverse impact on persons sharing any of the characteristics protected under the Equality Act 2010. Copies of the published EIA was published on the Council’s website.

## 3. Document availability

- 3.1 Electronic copies of the consultation documents were made available on the council’s consultation portal which could be accessed through the Council’s website.
- 3.2 Printed copies of the consultation document were made available for inspection at public libraries in Cheshire East during opening hours.

## 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. This consisted of 418 printed letters and 2,425 e-mails sent on the 24 November 2021. The stakeholders on the consultation database included residents of Cheshire East, landowners and developers, as well as planning consultants, businesses and organisations, including statutory consultees.
- 4.2 Letters and e-mails were also sent to all town and parish councils in Cheshire East, elected members and MPs.

4.3 Examples of notification emails and letters are included in Appendix 1.

## Other publicity

4.4 A number of pages on the Cheshire East Council website provided information and links to the consultation. These pages included:

- The homepage (in the ‘have your say’ section): [www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)
- The Cheshire East Supplementary Planning Documents webpage:  
[https://www.cheshireeast.gov.uk/planning/spatial\\_planning/cheshire\\_east\\_local\\_plan/supplementary\\_plan\\_documents/supplementary\\_plan\\_documents.aspx](https://www.cheshireeast.gov.uk/planning/spatial_planning/cheshire_east_local_plan/supplementary_plan_documents/supplementary_plan_documents.aspx)
- The Council’s Facebook and LinkedIn pages

4.5 Screenshots of webpages can be viewed at Appendix 2.

4.6 A media statement was issued informing people of 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:

- Using the online consultation portal, linked from the Council’s website:  
[https://cheshireeast-consult.objective.co.uk/portal/planning/spd/draft\\_housing\\_spd](https://cheshireeast-consult.objective.co.uk/portal/planning/spd/draft_housing_spd);
- By email to [planningpolicy@cheshireeast.gov.uk](mailto:planningpolicy@cheshireeast.gov.uk);
- By post to Strategic Planning (Westfields), C/O Municipal Buildings, Earle Street, Crewe CW1 2BJ.

5.2 Printed copies of consultation response forms were available for people to take away from public libraries during opening hours. The form could also be downloaded from the Council’s website. A copy of the response form is shown in Appendix 4.

5.3 Information on how to submit comments was included on the consultation portal; in the printed and PDF versions of the draft SPD; and on the printed comments form.

## 6. Representations received

6.1 In total, 107 comments were received from 27 parties. These comments can be viewed on the consultation portal at: [https://cheshireeast-consult.objective.co.uk/portal/planning/spd/final\\_draft\\_housing\\_spd](https://cheshireeast-consult.objective.co.uk/portal/planning/spd/final_draft_housing_spd)

6.2 The comments received covered a range of topics and issues. The main issues raised during the consultation included: -

- As the draft SADPD is subject to outstanding objections, potentially subject to change and in examination, the SPD should not be adopted or used for development management purposes in advance of the adoption of the SADPD.

- SPDs and as set out within the NPPG, supplement the policies in an “adopted” local plan and not to introduce new planning policies into the development plan.
  - References in the SPD to other relevant policies in the Local Plan Strategy, including Heritage Assets such as Listed Buildings.
  - Minor modifications to the section on housing mix to be reflective of the policy approach of the Local Plan Strategy.
  - The SPD should make reference to the demolition of buildings and the carbon impact this may have
  - Reference to fire risk should be inserted in the SPD
  - Reference to the Environment Act and associated regulations should be included in the SPD
  - Further information required in the SPD about Registered Providers
  - Comments concerning the calculation of vacant building credit and the example used in the draft SPD
- 6.3 A full summary of the key issues raised alongside the Council’s response and how the SPD has been amended as a result is set out in Appendix 5.

## Appendix 1: Example notification letters and emails

### Cheshire East Local Plan - Final Draft Housing Supplementary Planning Document Consultation

 PLANNING POLICY (East)  
To: PLANNING POLICY (East)  
Cc:

Reply | Reply All | Forward | ...  
Wed 24/11/2021 12:44

Good afternoon,

#### Cheshire East planning policy document consultation

You have received this email as you have previously responded to a local plan consultation or you have asked to be kept informed of future local plan consultations. Cheshire East Council has published a planning policy document for consultation, please see below. If you wish to unsubscribe from our consultation mailing list, reply to this email with 'unsubscribe' as the subject.

#### Final Draft Housing Supplementary Planning Document ('Final Draft Housing SPD')

The Final Draft Housing Supplementary Planning Document ("SPD") has been published for consultation and provides further guidance on the implementation of policies in the Local Plan, including SC4 'residential mix', SC5 'affordable homes' and SC6 'rural exceptions housing for local needs' of the Local Plan Strategy. This is the second stage of consultation on the SPD which, once adopted, will be a material consideration in decision taking.

The consultation will run from **12pm on Wednesday the 24<sup>th</sup> November 2021** to **8pm on Wednesday the 22<sup>nd</sup> December 2021**. Further information is available on the council's Final Draft Housing SPD consultation webpage below:

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

Please do not hesitate to contact the Strategic Planning Team at [planningpolicy@cheshireeast.gov.uk](mailto:planningpolicy@cheshireeast.gov.uk) or telephone 01270 685893 (please leave a message) should you require further information.

Kind regards,

Tom Evans  
Neighbourhood Planning Manager





*Working for a brighter future together*

«Name»  
«Address\_1», «Address\_2»  
«Postcode»

**Strategic Planning**  
Westfields, Middlewich Road  
Sandbach  
CW11 1HZ

Tel: 01270 685893 (please leave a message)  
Email: [planningpolicy@cheshireeast.gov.uk](mailto:planningpolicy@cheshireeast.gov.uk)

DATE: 24/11/2021 OUR REF: Final Draft Housing SPD

Dear «Name»,

**Cheshire East planning policy document consultation**

The council has published a planning policy document for consultation:

**Final Draft Housing Supplementary Planning Document (Final Draft Housing SPD)**

The Final Draft Housing Supplementary Planning Document ("SPD") has been published for consultation and provides further guidance on the implementation of policies in the Local Plan, including SC4 'residential mix', SC5 'affordable homes' and SC6 'rural exceptions housing for local needs' of the Local Plan Strategy. This is the second stage of consultation on the SPD which, once adopted, will be a material consideration in decision taking.

The consultation will run from **12pm on Wednesday the 24<sup>th</sup> November 2021 to 8pm on Wednesday the 22<sup>nd</sup> December 2021**. Further information is available on the council's Final Draft Housing SPD consultation webpage: <https://cheshireeast-consult.objective.co.uk/portal/planning/spd/>

Please do not hesitate to contact the Strategic Planning Team using the details at the top of this letter should you require further information on this consultation.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Tom Evans".

Tom Evans  
Neighbourhood Planning Manager

All other enquiries 0300 123 5500

[www.cheshireeast.gov.uk](http://www.cheshireeast.gov.uk)

## Appendix 2: Screen shots from the Council website / Social Media Pages

 Listen and translate A to Z site index

Enter Keywords 

Coronavirus - COVID-19  
Supporting you during the COVID-19 outbreak

I want to find...

Jobs at the Council	►	Library books to renew or reserve	►	Care and support for children and adults	►
Payments to the Council	►	Council Tax	►	Housing	►
Bins and recycling	►	Benefits entitlements	►	Leisure, culture and events	►
Planning and building regulations	►	Business and Business Rates	►	Births, marriages and deaths	►
Schools and education	►	Roads and pavements	►	Rangers and outdoor recreation	►
Council and democracy	►	Car parks and parking	►	Environment	►
		Bus timetables and travel information	►		

**In Focus**

  
**Omicron Variant**  
R<sub>1.1.520</sub>  
Residents asked to 'do the right thing' with new Covid threat  
Wearing masks compulsory in shops and supermarkets

**News**

8/12/21 - New planning document urges developers to consider good housing mix in new schemes ►  
08/12/2021 - Cheshire's Covid-19 Vaccination Programme marks one-year anniversary ►  
08/12/2021 - Cheshire Youth Justice Service rated 'Good' ►  
08/12/2021 - Quality of social work with children and families in Cheshire East has improved says Ofsted ►  
08/12/2021 - Number of empty properties in borough falls significantly ►

Public Notices | Media Hub >

**Have your say**

Consultations

- Final Draft Housing SPD – closes 22 December 2021
- Budget Engagement 2022 to 2026 – closes 4 January 2022
- Cheshire East active travel have a say on your town – ongoing consultation
- Join the digital influence panel

Planning applications

- Comment on a current planning application

More consultations

**Contact** **Social media**

 **Cheshire East Council**  
Working together to  
**REDUCE CARBON**

 **live well**  
**Cheshire East**

Live Well Cheshire East offers a range of services so you can find support, care and social activities for yourself or a loved one.



## Cheshire East Council Consultations

Welcome to Cheshire East Council's Consultation portal - please browse our current consultations below.

- [Read about document accessibility](#)
- [View Equality Impact Assessments for the individual consultations](#)

### Current consultations

#### Final Draft HousingSPD

Consultation took place between the 26 April 2021 and the 7 June 2021 on the initial draft Housing Supplementary Planning Document. The final draft has now been published to provide further guidance on the implementation of policies in the Local Plan, including policies SC4 'residential mix', SC5 'affordable homes' and SC6 'rural exceptions housing for local needs' of the Local Plan Strategy. You can respond by:

- [View or make representations on the Final Draft Housing Supplementary Housing Document and Report of Consultation on the Initial Draft SPD](#)
- Respond by email to [planningpolicy@cheshireeast.gov.uk](mailto:planningpolicy@cheshireeast.gov.uk)
- Writing to Strategic Planning Westfields, C/O Municipal Buildings, Earle Street, Crewe CW1 2BJ.

Alternatively, you can download this [Final Draft Housing Comments Form \(PDF, 205 KB\)](#) and return it by email or by post to the relevant address above.

Representations are invited on the Final Draft Housing [SPD](#) until **22 December 2021**.

### In this section

- Budget Engagement 
- Consultation into Faster Broadband Coverage 
- Consultations Results 
- Consultations in Cheshire East
- Local Transport and Car Parking Engagement 2020 
- Research and Consultation Team - privacy notice 
- The Digital Influence Panel 

### Rate this page

We value your feedback. How do you rate this information?



The screenshot shows a Facebook post from the official Cheshire East Council page (@CheshireEastCouncil). The post features a large image of a row of modern, red-brick terraced houses with white-framed windows and grey roofs. Above the image, the post text reads: "Developers urged to consider elderly, climate change and need for affordable homes in latest planning advisory document just published for comment. Find out more here: <https://crowd.in/hHEaeH>". Below the image, there are engagement metrics: 6 likes, 11 comments, and 1 share. At the bottom of the post, there are standard Facebook interaction buttons for Like, Comment, and Share.

Screenshot of a LinkedIn post from Cheshire East Council:

**Updates**

**Cheshire East Council**  
9,365 followers  
3m

Please take the opportunity to comment on our latest housing planning document. Responses to be received by 22 December. For more details visit: <https://crowd.in/ZUhohs>



**Cheshire East Council**

Search  

Logout  Who Said What?  Help  Print 

Consultation Home >Planning >Supplementary Planning Documents >**Final Draft Housing SPD**

### Final Draft Housing SPD

Consultation took place between the 26 April 2021 and the 7 June 2021 on the initial draft Housing Supplementary Planning Document ("SPD"). The final draft Housing SPD has now been published to provide further guidance on the implementation of policies in the Local Plan, including policies SC4 'residential mix', SC5 'affordable homes' and SC6 'rural exceptions housing for local needs' of the Local Plan Strategy ('LPS'). The accompanying Report of Consultation sets out the responses received to the initial draft Housing SPD and how they have been considered in the final version.

The Final Draft Housing Supplementary Planning Document ("SPD") has been published for consultation, alongside the Report of Consultation, and provides further guidance on the implementation of policies in the Local Plan, including SC4 'residential mix', SC5 'affordable homes' and SC6 'rural exceptions housing for local needs' of the Local Plan Strategy. This is the second stage of consultation on the SPD which, once adopted, will be a material consideration in decision taking.

### Consultation Document

The Final Draft Housing SPD and Report of Consultation are available to download on this consultation portal:

- [Final Draft Housing SPD \(PDF file\)](#)
- [Final Draft Housing SPD - Report of Consultation \(PDF file\)](#)

A screening exercise has been carried out to determine whether the draft document gives rise to the need for further Strategic Environmental Appraisal or Appropriate Assessment (under the Habitats Regulations). This screening concludes that further such assessment is not necessary. The screening report is also available for consultation and this is included at Appendix 3 of the draft SPD.

An Equalities Impact Assessment ("EIA") has also been published and this concludes that the Final Draft Housing Supplementary Planning Document will not have a significant adverse impact on persons sharing any of the characteristics protected under the Equality Act 2010. Copies of published EIAs can be found on the Council's website.

For the duration of the consultation, the document can also be viewed at public libraries in Cheshire East. Opening hours may currently be restricted due to the coronavirus pandemic and you are advised to check the current libraries opening times on our website or telephone the 24-hour library information service on 0300 123 7739.

### Submit your views

To comment online using this consultation portal, please log-in or register and then click the 'Read and comment on document' button below. This is our preferred method of submitting responses, but you can also respond by email ([planningpolicy@cheshireeast.gov.uk](mailto:planningpolicy@cheshireeast.gov.uk)) or in writing (to Strategic Planning Westfields, C/O Municipal Buildings, Earle Street, Crewe CW1 2BJ).

Alternatively, you can download this [SPD Comments Form \(PDF file\)](#) and return it by email or by post to the relevant address above.

Whichever method used, please make sure that your comments reach us by **8pm on Wednesday the 22 December 2021**. 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.

### Further information

We have also published a [formal notice of publication of the Final Draft Housing SPD \(PDF file\)](#)

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

 **Read and comment on document** 

Event Information Supporting Documents All Comments

Access:  Login required

## Appendix 3: Press release

[Home](#) / [Council and Democracy](#) / [Council Information](#) / [Media Hub](#) / [Media releases](#) / 8/12/21 - New planning document urges developers to consider good housing mix in new schemes



### New planning document urges developers to consider good housing mix in new schemes

8 December 2021

8 December 2021

Affordable housing, accommodation for the elderly and climate change are among the key features of the final draft of Cheshire East Council's housing supplementary planning document.

The draft is now available for comments from residents and all interested parties, prior to its adoption. It provides more guidance on three policies within the [Local Plan Strategy](#), which sets out the overall vision and planning framework for development in the borough.

The policies refer to the 'residential mix' of developments. These are intended to ensure supported housing and accommodation for the elderly is available and that there continues to be the right provision for affordable homes, including in rural areas.

Climate change should also be considered when submitting a planning application, says the planning guide. Design, layout, low greenhouse gas emissions and strong energy ratings should all figure prominently in any new scheme.

Councillor Mick Warren, Cheshire East Council's chair of environment and communities, said: "While the supplementary planning document (SPD) is not part of our statutory development plan, it is a recognised way of introducing additional planning guidance, which should be taken into account when determining a planning application, or an appeal against a planning decision."

The final draft housing SPD is accompanied by a report summarising the responses received during an earlier consultation and explains how they have been taken into account in preparing the final document.

Cllr Warren added: "By providing clear guidance up front about our policy expectations, we wish to support developers and property owners when making relevant planning applications, as well as support the council in determining these applications."

[All comments should be received by the council by 22 December](#)

Comments can also be posted to **Strategic Planning (Westfields), c/o Municipal Buildings, Earle Street, Crewe CW1 2BJ.**



## Appendix 4: Consultation response forms



### Cheshire East Local Plan

### Final Draft Housing Supplementary Planning Document - Comments Form

Consultation took place between the 26 April 2021 and the 7 June 2021 on the initial draft Housing Supplementary Planning Document ("SPD"). The final draft Housing SPD has now been published to provide further guidance on the implementation of policies in the Local Plan, including policies SC4 'residential mix', SC5 'affordable homes' and SC6 'rural exceptions housing for local needs' of the Local Plan Strategy ('LPS'). The accompanying Report of Consultation sets out the responses received to the initial draft Housing SPD and how they have been considered in the final version.

Representations are invited to be made on the Final Draft Housing SPD and Report of Consultation between **12pm on Wednesday the 24 November 2021 and 8pm on Wednesday the 22 December 2021**. The SPD, once adopted, will be a material consideration in decision-taking.

#### Consultation documents

The consultation documents can be viewed online at <https://cheshireeast-consult.objective.co.uk/portal/planning/spd/>

A screening exercise has been carried out to determine whether the draft document gives rise to the need for Strategic Environmental Appraisal or Appropriate Assessment (under the Habitats Regulations). This screening concludes that further such assessment is not necessary. The screening report is also available for consultation and this is included at Appendix 3 of the Final Draft Housing SPD.

For the duration of the consultation, the document can also be viewed at public libraries in Cheshire East during opening hours. Opening hours may be restricted due to Covid-19 and you are advised to check the current libraries opening times on the council's website or telephone the 24-hour library information service on 0300 123 7739. If you are unable to inspect copies of the documents during the representations period, please contact us using the details below to make alternative arrangements to inspect the documents.

#### Submit your views

The council's online consultation portal is our preferred method of submitting responses which can be accessed via <https://cheshireeast-consult.objective.co.uk/portal/planning/spd/> but you can also submit responses or return this form by email or post to:

**By e-mail:** [planningpolicy@cheshireeast.gov.uk](mailto: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 **8pm on Wednesday the 22 December 2021**. We are not able to accept anonymous comments and you must provide us with your name and contact details. Your personal data will be processed in line with our Spatial Planning Privacy Notice, which is available on the council's website.

For further assistance in making comments, you can contact the Strategic Planning Team at [planningpolicy@cheshireeast.gov.uk](mailto: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 Housing Supplementary Planning Document  
- Comments Form**

Please return to: Strategic Planning, C/O Municipal Buildings, Earle Street, Crewe CW1 2BJ or by email to [planningpolicy@cheshireeast.gov.uk](mailto:planningpolicy@cheshireeast.gov.uk)

Please return by: Wednesday the 22 December 2021

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)**

*\* 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.*

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)	

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.

OFFICIAL

**Comment Form Part B: Final Draft Housing SPD Comment Form**

Name and  
Organisation: \_\_\_\_\_

Office Use Only:  
PID: \_\_\_\_\_ RID: \_\_\_\_\_

**Q1. Which section of the document are you commenting on?**

Page / Chapter / Paragraph / Figure  
(please delete as appropriate and state which): \_\_\_\_\_

**Q2. What is your overall view on this section? (please tick one box)**

Support       Object       Comment only

**Q3. Please set out your comments or views on this section:**

OFFICIAL

## Appendix 5: Summary of key issues and response

<b>Consultee Ref</b>	<b>Document Section</b>	<b>Summary of key issues</b>	<b>Response to issues raised including any changes proposed</b>
FDHSPD 30 (John Flemming, Gladman)	General	SPDs cannot be used as a fast-track mechanism to set policies and should not be prepared with the aim of avoiding the need for examination or reinventing planning policy. It should only be prepared to provide additional guidance to those bringing forward development proposals in the borough.	The scope, purpose and focus of the SPD is on providing additional guidance on existing planning policies, including Local Plan Strategy policies SC4 'Residential Mix', SC6 'Affordable Homes' and SC7 'Rural Exception Housing for Local Needs'. Specific policy references to the SADPD, outside of the policy background section, have been significantly reduced in the SPD.
FDHSPD 29 (Harriet Worrell, Macclesfield Town Council)	General	Welcome the document, particularly the sections on affordable housing, biodiversity, and meeting national space standards.	Noted.
FDHSPD – 28 (T Bettany-Simmons, Canal and River Trust)	General	No comments to make.	Noted.
FDHSPD 53 (S Tibenham, Pegasus Planning Group Ltd)	General	The SPD's contents are premature. The SPD is still 'jumping the gun' on several topics covered by detailed policies in the SADPD currently at Local Plan examination. The content of this SPD will be further informed by detailed policies in the SADPD – which are still being examined. Until such time that the SADPD has been adopted, a consultation process on this SPD cannot be meaningful because the baseline statutory policy position is yet to be agreed and cannot therefore be fully understood by the	The scope, purpose and focus of the SPD is on providing additional guidance on adopted strategic policies in the Local Plan Strategy, policies SC4 'Residential Mix", SC6 'Affordable Homes' and SC7 'Rural Exception Housing for Local Needs'. Specific policy references to the SADPD, outside of the policy background

<b>Consultee Ref</b>	<b>Document Section</b>	<b>Summary of key issues</b>	<b>Response to issues raised including any changes proposed</b>
		public or any interested party wishing to make comment. As such, the current consultation process fails a basic legal test associated with the production of such documents. We therefore strongly urge the Council to carry out a further full consultation process on the SPD once the SADPD has been adopted and re-invite all interested parties to provide comments.	section, have been significantly reduced in the SPD.
FDHSPD 48 (Melanie Lindsley, Coal Authority)	General	The Coal Authority have no specific comments to make on this document.	Noted.
FDHSPD 14 (L Calvert, Historic England)	General	Encourage you to consider the historic environment in the production of your SPD. We recommend that you seek advice from the local authority conservation officer and from the appropriate archaeological staff. They are best placed to provide information on the historic environment. In the event that a proposal affects a heritage asset, planning applications will also be assessed against other policies in the development plan such as LPS policies SD1 'Sustainable Development in Cheshire East', SD2 'Sustainable Development Principles', SE 7 'The Historic Environment amongst others.	The SPD text has been amended at paragraph 2.6 (in the final version), as follows:-  <del>There is a raft of other policies in the LPS that are also relevant to housing proposals. The list above is not exhaustive, and consideration will also be given to other relevant planning policies, where appropriate to the planning application proposal. This could include proposals that also affect Heritage Assets such as Conservation Areas or Listed Buildings.</del>  The limited scope and purpose of the Housing SPD is to provide additional guidance focused on Local Plan Strategy policies SC4 'Residential Mix', SC5 'Affordable Homes' and SC6 'Rural Exceptions Housing for Local Needs'.
FDHSPD 13 (D Rogers,	General	Natural England has no additional comments to make on the SPD. The lack of comment from Natural England should not be interpreted as a statement that there are no impacts on the	Noted.

<b>Consultee Ref</b>	<b>Document Section</b>	<b>Summary of key issues</b>	<b>Response to issues raised including any changes proposed</b>
Natural England)		natural environment. Other bodies and individuals may wish to make comments that might help the Local Planning Authority (LPA) to fully take account of any environmental risks and opportunities relating to this document.	
FDHSPD 41 (Joe Hobbs, Homes England)	General	Homes England does not wish to make any representations on the above consultation. We will however continue to engage with you as appropriate.	Noted.
FDHSPD 107 (Steve Sayce, The Environment Agency)	General	We note the content of the SPD and have no objection and no further comments to make.	Noted.
FDHSPD 43 (C Waldron, Defence Infrastructure Organisation)	General	The Ministry of Defence have no concerns or suggested amendments to the current draft of the SPD that forms the subject of the current consultation.	Noted.
FDHSPD 54 (Emery Planning on behalf of Bloor Homes)	General	As the draft SADPD is subject to outstanding objections, potentially subject to change and in examination, the SPD should not be adopted or used for development management purposes in advance of the adoption of the SADPD. SPDs and as set out within the NPPG, supplement the policies in an “adopted” local plan and not to introduce new planning policies into the development plan.	The scope, purpose and focus of the SPD is on providing additional guidance on existing planning policies in the Local Plan Strategy, particularly policies SC4 ‘Residential Mix’, SC6 ‘Affordable Homes’ and SC7 ‘Rural Exception Housing for Local Needs’. Specific policy references to the SADPD, outside of the policy background section, have been significantly reduced in the SPD.
FDHSPD 60 (Julie Mason, Bollington	Introduction	Bollington Town Council (BTC) notes that housing policies in the SADPD will be dealt with through the examination process.	Noted.

<b>Consultee Ref</b>	<b>Document Section</b>	<b>Summary of key issues</b>	<b>Response to issues raised including any changes proposed</b>
Town Council)			
FDHSPD 60 (Julie Mason, Bollington Town Council)	Introduction and paragraph 2.4	<p>Bollington Town Council agrees with Historic England that it would have been very helpful to include detailed guidance on the historic environment in the SPD. Including on the following issues: -</p> <ul style="list-style-type: none"> <li>-The construction of modern housing within or nearby Conservation Areas</li> <li>-Development of historic buildings for new uses and in particular the conversion of historically valuable industrial buildings to housing accommodation.</li> <li>-Support for sympathetic development of historic sites.</li> </ul> <p>Currently the Bollington community is facing two very serious issues. The first is St. John's Church in the centre of the industrial Town. The church was made redundant in 2005 and scheduled for development 3 years later. That development has still not taken place. The second is the stalled development of 66 dwellings in Ingersley Vale. This development, which is in an idyllic rural setting, has been required since fire destroyed the Mill in 1999. Based on Planning application 08/791P.</p> <p>The Housing SPD would be improved if it gave clear guidance to developers and looked at its own policies in relation to creating dwellings in these circumstances to ensure progress.</p>	<p>The scope, purpose and focus of the Housing SPD is on providing additional guidance focused on Local Plan Strategy policies SC4 'Residential Mix', SC5 'Affordable Homes' and SC6 'Rural Exceptions Housing for Local Needs'. The SPD text has been amended at paragraph 2.6 (in the final version), as follows:-</p> <p><del>There is a raft of other policies in the LPS that are also relevant to housing proposals. The list above is not exhaustive, and consideration will also be given to other relevant planning policies, where appropriate to the planning application proposal. This could include proposals that also affect Heritage Assets such as Conservation Areas or Listed Buildings.</del></p>
FDHSPD 2 (J Meecham)	2 Introduction	The problem with the LPS is that the Strategic Planning Board (SPB) and its officers ignore it and most local and most affected by the proposed development - namely the local Borough	The scope, purpose and focus of this SPD is to provide additional guidance on the implementation of certain planning policies in

<b>Consultee Ref</b>	<b>Document Section</b>	<b>Summary of key issues</b>	<b>Response to issues raised including any changes proposed</b>
		Council and residents. They have no relationship with the communities affected. There needs to be something that forces those involved to care about local communities and about the standards set out in the LPS.	the Local Plan Strategy - policies SC4 'Residential Mix', SC5 'Affordable Homes' and SC6 'Rural Exceptions Housing for Local Needs' only.
FDHSPD 62 (J Mason, Bollington Town Council)	Paragraph 3.5	Bollington Town Council accepts that there are exceptions to the restrictions to development in the Green Belt and Open Countryside but would request an additional phrase added 'Where there is clear and demonstrable evidence of local community need there is an exception for 'affordable housing"	The purpose of paragraph 3.5 (now 2.5) is to provide a brief summary of existing policies in the Local Plan Strategy. The current wording for this paragraph is considered to be reflective of the policy position in the Local Plan Strategy.
FDHSPD 15 (J Bowden)	4 Applying for planning permission	The document currently does not mention social value contribution from developers. New skills provision and jobs is a key benefit of new development, so this should properly be utilised. Suggested wording provided with the representation.	The scope, purpose and focus of the SPD is limited to provide additional guidance on policy wording on residential mix and affordable housing in the Local Plan Strategy. There is no current planning policy that relates to the wording promoted through the representation.
FDHSPD 63 (J Mason, Bollington Town Council)	Paragraph 4.1	Bollington Town Council requests an amendment to the first sentence. After 'engage with the council, put 'the local town/parish council, the community, etc'. The democratically elected responsible body should have a specific mention, particularly as they are a statutory consultee. Then at the end of paragraph 4.1 please add the sentence: Pre-application documents will be shared with the local Town/Parish Council.	The response is noted. Additional text has been added to paragraph 4.1 (now 3.1 in the final document) as follows (additional text shown as underlined): - Applicants should engage with the council, the local community <u>including town/parish council</u> and relevant statutory consultees at the earliest opportunity in order to make sure that new development responds appropriately to the unique character and quality of place in the borough.
FDHSPD 55 (Emery Planning on behalf of Bloor Homes)	5 Housing Mix	Paragraph 62 of the NPPF requires that the size, type and tenure of housing need for different groups in the community should be assessed and reflected in planning policies. Emery Planning submitted representations to the consultation draft of the Housing SPD on behalf of Bloor Homes which summarised the objections to the Revised Publication Draft	Reference to market factors is made in paragraph 5.1 (now 4.1) of the SPD (amongst other relevant matters). There has been an amendment made to paragraph 5.2 (now 4.2), as follows (additional text shown as underlined and text struckthrough):-

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		<p>SADPD in respect of Policy HOU1 and the matter of housing mix. These are currently being considered through the examination of the SADPD. Within Cheshire East there will be significant differences between the demographic and demand behind housing mix in different locations and settlements. Within the draft SPD, there is a lack of reference to the matter of market demand, which is the ultimate driver of the housing market.</p> <p>The final draft SPD states that “development proposals are not likely to be supported when dominated by large dwellings (four or five bedrooms) which are unlikely to meet the borough’s housing needs”. Such a prescriptive approach does not provide sufficient flexibility to respond to changing demand. There has been a significant shift in demand arising from the COVID-19 pandemic and the way people live. As a result of the pandemic there is now increased demands on living space as a result of pressures such as home working and home-schooling children and access to a garden. It would be inappropriate for the SPD to view larger dwellings negatively, as this is not an accurate reflection of market conditions and the shift in pressures on demands for living space. Furthermore, the LPS is based on delivering jobs growth. Consequently, there is a need to deliver an attractive supply of housing which is sufficient to attract and retain households of working age.</p>	<p>Applicants should then provide information with their planning application on the approach to housing mix and how the proposal responds to the longer-term needs of residents in the borough. <del>The council will require an appropriate range and mix of housing. Housing Mix will be considered on a case by case basis and should maintain, provide or contribute to an appropriate mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. but development proposals are not likely to be supported when dominated by large dwellings (four or five bedrooms) which are unlikely to meet the borough's housing needs.</del></p>
FDHSPD 31 (J Flemming, Gladman)	5 Housing Mix	Gladman stress that any requirements relating to housing mix should support a flexible approach which recognises needs and demands will vary in different locations across the borough and may also change throughout the course of the plan period. It is imperative that development proposals can respond to local circumstances with regards to latest evidence. Further refinement of both the SPD are required to ensure policy requirements relating to housing mix can be applied in a	It is considered that the wording in the final version of the Housing SPD is sufficiently flexible on Housing Mix, noting that mix will be considered on a case by case basis.

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		consistent manner through the development management process.	
FDHSPD 46 (P Welch, Peover Superior Parish Council)	5 Housing Mix	In our Parish we are experiencing several planning applications to either extensively modify or to demolish and rebuild family homes. In most cases these applications propose around a 30% increase in footprint when in the green belt. The 30% increase is often based on just a large replacement house compared to what exists as a house and outbuildings. The net effect is a replacement or enlarged dwelling that is up to twice the size of the original. This has the effect of seriously distorting the housing mix in the area as good-sized family homes are replaced one by one with large mansions that can only be afforded by the ultra-wealthy. This in turn distorts the social mix and the viability of local schools, shops, pubs, clubs and societies as the mansion residents do not participate in or support these activities. In the SPD we would like to see an extension of this section to include a policy of preserving a diverse housing mix that already exists in an area and avoiding the constant creep towards housing that is all of one type. Where applications of this type are approved then there needs to be appropriate CIL payments to offset the damage done to the local community.	There has been an amendment made to paragraph 5.2 (now 4.2), as follows (additional text shown as underlined and text struckthrough):-  Applicants should then provide information with their planning application on the approach to housing mix and how the proposal responds to the longer-term needs of residents in the borough. <del>The council will require an appropriate range and mix of housing. Housing Mix will be considered on a case-by-case basis and should maintain, provide or contribute to an appropriate mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. but development proposals are not likely to be supported when dominated by large dwellings (four or five bedrooms) which are unlikely to meet the borough's housing needs.</del>
FDHSPD 64 (J Mason, Bollington Town Council)	Paragraph 5.1	Bollington Town Council requests if legally allowable this should read 'Applicants are required to provide information on housing mix'. This is perfectly reasonable since applicants will not be aware of viability unless they have tested the market and decided on what 'mix' of housing types they will provide on site.	It is considered that the wording set out in paragraph 5.1 (now 4.1), to encourage information on housing mix at the pre-application stage is suitable and reflective of the applicants choice to seek advice on matters of their choosing, at that stage.
FDHSPD 65 (J Mason, Bollington	Paragraph 5.2	Bollington Town Council asks for a further paragraph to be included which states; how housing need is determined, where the information concerning local housing need can be found and	There has been an amendment made to paragraph 5.2 (now 4.2), as follows (additional

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Town Council)		that it will be regarded as a material consideration in determining the application. If such a paragraph is included the rather negative paragraph 5.2 can be cut out. There may be a need for larger family accommodation to be required in some areas and such houses may be required if two family members are working from home and both require office space for different purposes.	text shown as underlined and text struckthrough):- “Applicants should then provide information with their planning application on the approach to housing mix and how the proposal responds to the longer-term needs of residents in the borough. <del>The council will require an appropriate range and mix of housing. Housing Mix will be considered on a case by case basis and should maintain, provide or contribute to an appropriate mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. but development proposals are not likely to be supported when dominated by large dwellings (four or five bedrooms) which are unlikely to meet the borough's housing needs”.</del>
FDHSPD 5 (A Murdoch)	Paragraph 5.2	The policy on developments dominated by 4 and 5 bedroom houses is very welcome. It will be interesting to monitor this against future consents	As noted above, there has been an amendment made to paragraph 5.2 (now paragraph 4.2). The precise wording change is contained in the preceding row.
FDHSPD 66 (J Mason, Bollington Town Council)	Paragraph 5.3	Bollington Town Council welcomes the reference to ‘Key Worker’ housing and would request it has a separate paragraph.	Support for the reference to Key Worker housing is noted. The wording, reference and definition of a key worker is consistent with the Local Plan Strategy.
FDHSPD 56 (Emery Planning on behalf of	6 Environmental Impacts of Housing	Whilst our client acknowledges that there is a need to reduce carbon footprint where possible through the design of new homes, this section of the draft SPD covers issues in relation to draft policy ENV7 of the SADPD. This policy and the objections to it were considered at the examination hearing session on	It is considered that the section on the environmental impacts of housing in the SPD is reflective of the policy context included in the Local Plan Strategy.

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Bloor Homes)		Tuesday 2nd November 2021. The requirements of the policy are inconsistent with national planning policy and guidance, which makes clear that the only additional technical requirements exceeding the minimum standards required by Building Regulations, which LPAs can impose in respect of residential development can only be up to the equivalent of Level 4 of the Code for Sustainable Homes (Paragraph: 012 Reference ID: 6-012-20190315). The SADPD and SPD seek to introduce additional requirements at significant cost. It is fundamentally flawed to introduce additional standards which have a negative impact upon viability, but not revisit CIL.	The Housing SPD does not refer to technical standards on energy efficiency delivered through the building regulations. This is a matter appropriately reflected in the SADPD, which is subject to examination currently and / or through separate legislation supporting the establishment of the Future Homes standard.
FDHSPD 50 (A Leyssens, United Utilities)	6 Environmental Impacts of Housing	Water Efficiency  Building Regulations Part G includes an optional standard for water efficiency of 110 litres per person per day (l/p/day) for new residential development which can be implemented through local planning policy where there is a clear need based on evidence. In this regard we have enclosed evidence prepared by Water Resources West to support the adoption of the Building Regulations optional requirement for local authorities in North West England and the Midlands. We therefore recommend the inclusion of the following text in the emerging Housing SPD: 'All new residential development must achieve as a minimum the optional requirement set through Building Regulations for water efficiency that requires an estimated water use of no more than 110 litres per person per day.' We wish to highlight that improving water efficiency makes a valuable contribution to water reduction as well as carbon reductions noting that water and energy efficiency are linked. We also wish to note the associated social benefits by helping to reduce customer bills.	Noted. There are no current adopted planning policy (in the Local Plan Strategy) that requires optional water efficiency standards for this SPD to provide additional guidance on.  Paragraph 5.5 (in the final version of SPD) refers to development expecting to consider water efficiency, in more general terms, as part of a suite of other measures.
FDHSPD – 47 (P Welch,	6 Environment	Welcome the additions that have been made. However, the policy focusses on sustainability post construction and does not	Noted. There is currently no planning policy context in the Local Plan Strategy to require a

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Peover Superior Parish Council)	al Impacts of Housing	<p>give sufficient weight to the environmental impacts of the up-front construction. This is particularly relevant when existing viable dwellings are demolished and replaced as a very large percentage of a home's lifetime carbon footprint is embedded in the materials of the existing building. Given that rebuilds are often considerably larger than the original, this makes significant reduction in the annual CO2 emissions much less likely to be achieved and the break-even point even longer. Applications should be accompanied by a carbon calculation taking the existing annual carbon emissions, the annual emissions of the proposed project and the calculation of the embedded carbon in the replacement building. There are many such calculators available, and organisations certified to perform such a calculation. Planning applications for rebuilds that show a net carbon payback of greater than 20 years should be refused. Exceptions to this policy would apply only where existing housing has been identified for replacement in the Cheshire East SADPD. A more sustainable solution is the re-use of the existing structure enhanced where reasonably practical to improve the thermal performance and retrofitted with a low carbon technology heating system such as heat pumps and solar panels. Not only does this approach result in a lower lifetime carbon footprint but it also helps preserve the original character of buildings that make such an important contribution to the neighbourhood and results in less resource use and other forms of pollution.</p>	<p>carbon calculation in the terms described in the representation. An additional paragraph has been added in section 5.4 (in the final version of the SPD) to emphasise the policy requirements of policy SD1 'Sustainable Development Principles' as follows:-</p> <p><u>"In line with policy SD 1 (sustainable development principles) development proposals, should, wherever possible, use appropriate technologies to reduce carbon emissions including using sustainable design and construction methods. The policy also encourages the re-use of existing buildings on site"</u></p>
FDHSPD 35 (M Wheelton, Prestbury Parish Council)	Paragraph 6.1	Although CEC recognises the environmental impacts of housing and quotes the Climate Change Act, the UK government's commitments to reducing emissions and its own declaration of a climate emergency, its actual requirements of house builders in this SPD are not as strong as they should be. Paragraph 6.1 merely encourages applicants to reduce their carbon footprint	The SPD appropriately refers to the relevant policies in the adopted Local Plan Strategy in respect of climate change.

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		"where possible" when in fact the document could detail of the sort of measures that are expected of developers.	
FDHSPD 67 (J Mason, Bollington Town Council)	Paragraph 6.1	<p>Bollington Town Council strongly supports this section of the SPD and endorses the general position of paragraph 6.1.</p> <p>Recommend a paragraph on ensuring that the developers have taken every aspect of fire risk into account and that a safety certificate in relation to fire safety is obtained and submitted by a reputable organisation before and after the development is completed. This is particularly important in any development involving the conversion of previously constructed buildings.</p> <p>A suggested paragraph on fire risk might be:</p> <p>6.2. Fire Risk. Developers will be expected to present a detailed report on the fire risks involved in any development during</p> <ul style="list-style-type: none"> <li>a) the preparation of the site</li> <li>b) the design and build of the dwellings in relation to facilities provided, the materials used and the method of construction.</li> <li>c) the use of the dwellings by the eventual residents. At the point of sale each dwelling should have a detailed fire risk report plus necessary advice to residents on how to avoid the risk of fire.</li> </ul>	<p>Fire safety is a matter primarily considered through the building regulations framework. Additional text has been proposed to be added to paragraph 6.9 (now para 5.10) as follows:-</p> <p>Development should avoid and, where necessary, mitigate against environmental impacts of development. Residential development will be expected to address the requirements of LPS policy SE12 (pollution, land contamination and land instability) in any development proposals. <u>Relevant buildings containing two or more dwellings (or educational accommodation) and those who meet the height condition of 18 metres or higher (or 7 or more storeys) should refer to the requirements of the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 ("the 2021 Order") and 'planning gateway one' in respect of fire safety matters.</u></p>
FDHSPD 67 (J Mason, Bollington Town Council)	Paragraph 6.2	<p>Bollington Town Council strongly supports the reference to the 12 Questions, Developers and Planners should ask themselves contained in the Building for Life document produced and agreed jointly by architects, town planners and developers.</p> <p>Recommend attaching this document as an Appendix to the Housing SPD when published. Paragraph 6.2 makes the clear statement Red Ratings on the traffic light scheme of assessment should be avoided. BTC regards this as an important statement of principle and needs to be highlighted.</p>	<p>A footnote has been included to make an appropriate reference to the Building for a Healthy Life document. The wording in paragraph 6.2 (now 5.2) is considered to be reflective of the wording of the Local Plan Strategy. The SPD makes reference to the use of planning conditions to secure the delivery of matters arising from the Building for a Healthy Life Assessment (paragraph 5.2).</p>

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		BTC asks why 'should' and not 'must'? BTC notes that Building For Life has recommendations to Planning Authorities below; 'We also recommend that local authorities consider expecting developments to demonstrate they are targeting BfL 12 where applications for outline planning permission are granted. A useful way to express this expectation is through either a condition or 'note to applicant'. BTC would suggest a statement to that effect should be included in the Housing SPD.	
FDHSPD 35 (M Wheelton, Prestbury Parish Council)	Paragraph 6.2	Paragraph 6.2 only requires developers to "seek to maximise the number of green ratings" they might achieve under a traffic light system, with no target number stipulated, and it goes on to say, "Red ratings should be avoided" rather than making a stronger statement such as "Red ratings are not acceptable".	It is considered that the wording is reflective of policy SE 1 'Design' in the Local Plan Strategy to ensure the Building for a Healthy Life criteria is considered by applicants and decision takers on a case by case basis.
FDHSPD 16 (J Bowden)	Paragraph 6.2	It is not clear who will judge compliance with Building for Life/Building for a Healthy Life principles, and it seems unrealistic for the planning dept. to assess each development for BHL compliance. External assurance would be too onerous on the applicant so I suggest the applicant must attempt to show it has made a reasonable attempt to meet the principles, or clearly explain why not. Suggested wording below: A robust and documented internal procedure for showing adherence to the Building for Life 12 (now Building for a Healthy Life) will be demonstrated for the development, or state reasons why meeting of any of the principles is impractical.	Additional text has been added to paragraph 6.2 (now 5.2), as follows:- Planning conditions may be attached to a scheme to ensure the delivery of matters arising from the Building for a Healthy Life Assessment. <u>Applicants are encouraged to provide evidence for how the development reasonably addresses the Building for a Healthy Life Standard criteria.</u>
FDHSPD 32 (J Flemming, Gladman)	Paragraph 6.2	Building for Life 12 – now been renamed to Building for a Healthy Life. The SPD should be updated.	Noted. The SPD has been updated to refer to 'Building for a Healthy Life'.
FDHSPD 39 (N Belford, Manchester)	Paragraph 6.3	We acknowledge that you have taken on board our previous comments. Some minor modifications to the text are just required now to strengthen the wording within paragraphs 6.3	Noted. The footnote citing the Aerodrome safeguarding direction and circular has been added to paragraph 6.3 (now 5.3). Text has

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Airports Group)		<p>as follows:</p> <ul style="list-style-type: none"> <li>• Insert [bracket] and delete ( ) text at paragraph 6.3 as follows: The views of the Aerodrome Safeguarding Authority [for Manchester Airport (should) must] be sought in respect of wind turbine or solar photo-voltaic installations, where necessary. These amendments will strengthen the wording and make it clear who the Aerodrome Safeguarding Authority are.</li> <li>• Paragraph 6.3 needs to refer to the footnote citing the Aerodrome Safeguarding Direction and Circular. This is currently included in paragraph 6.10 (footnote no. 15) but would be better located in the paragraph that first refers to the aerodrome safeguarding requirement.</li> </ul>	<p>been added to paragraph 6.3 (now 5.3) as follows: The views of the Aerodrome Safeguarding Authority <u>(Manchester Airport and any other relevant safeguarded interests / bodies identified in regulations)</u> should be sought in respect of wind-turbine or solar photo-voltaic installations, where necessary.</p>
FDHSPD 17 (J Bowden)	Paragraph 6.3	<p>The SPD is currently less ambitious and less specific than the Future Homes Standard. If the SPD is to go align or go beyond proposed Building Regulation changes it should specify a carbon emission reduction percentage which is at least a 31% reduction in Part L and F 2013 being brought in as the first part of the Future Homes Standard. Suggested wording below: Dwellings will achieve a 31% reduction on the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on the 2013 Edition of the 2010 Building Regulations (Part L). A fabric first approach shall be prioritised, ensuring that at a minimum the thermal performance of the whole envelope exceeds that of the notional specification by 5%. The energy use intensity for new homes should be reported on a kWh/m<sup>2</sup>/year gross internal area (GIA) basis.</p>	<p>The SPD cannot introduce new planning policy. The current wording of the SPD is considered to be consistent with the policy intentions set out in the Local Plan Strategy. The SADPD is seeking to introduce energy efficiency standards and is currently at examination. The Future Homes Standard is also likely to introduce energy efficiency standards through building regulations.</p>
FDHSPD 18, 19, 20 & 21 (J Bowden)	Paragraph 6.4	<p>The Residential Design Guide states that Nationally Described Space Standards should be used but this is not clear in the SPD, Suggested wording: Homes should be designed and built with space requirements that at least meet the Nationally Described Space Standards, as stated in The Cheshire East Residential Design Guide volume 2 ii/22.</p>	<p>There is no policy in the current development plan to require adherence to Nationally Described Space Standards. The second part of the Council's Local Plan, the Site Allocations and Development Policies, has included a policy reference to Nationally Described Space</p>

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			Standards. This emerging planning policy document is currently under examination.
FDHSPD 18, 19, 20 & 21 (J Bowden)	Paragraph 6.4	<p>There is not sufficient weight given to the issue of embodied carbon in the SPD (although the Residential Design Guide does cover it). Suggested wording: Materials selection should take account of embodied energy (method of manufacture, source, transportation and recycled content) as well as their thermal/engineering properties) as stated in the CEC Residential Design Guide Volume 2, Section V/42. The SPD is not specific enough on actions that can be taken to reduce construction waste. Waste is arguably construction's biggest environmental impact account – construction, excavation and demolition waste accounted for 62% of all UK waste in 2018 (UK Statistics on Waste, Defra 2021, p.12). Suggested wording below: All reasonable efforts must be taken to reduce above and below ground construction waste according to the waste hierarchy through active consideration of measures including:</p> <ul style="list-style-type: none"> <li>• designing out waste / adequate protection of materials / effective waste segregation / materials management plans</li> </ul> <p>Documentation should clearly show how these have been considered. The SPD is not specific enough on actions that can be taken to reduce carbon emissions on site given the importance of the issue. The measures suggested are not onerous on development costs given a sharp rise in construction diesel duty from April 2022 when red diesel tax</p>	<p>Paragraph 6.4 (now 5.5) makes appropriate references to the relevant section of the Residential Design Guide SPD on embodied carbon.</p> <p>A new paragraph (paragraph 5.4) of the Housing SPD has been added to make reference to sustainable design and construction methods and the re-use of existing buildings on site.</p>

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		<p>breaks are abolished for construction. Suggested wording below: All reasonable efforts must be taken to limit gas oil consumption in the construction phase due to carbon emissions and air quality impacts through measures to be demonstrably considered:</p> <ul style="list-style-type: none"> <li>• early grid connections / suitably sized generators for requirements / efficient mobile plant such e.g. meeting Euro Stage V Standards / efficient generators e.g. Hybrid battery, variable speed and solar assisted generators / low carbon alternative fuels such as HVO</li> </ul>	
FDHSPD 22 (J Bowden)	Paragraph 6.5	The SPD is not specific enough on active travel and public transport to reduce car use. Suggested wording: All major developments will produce a Travel Plan that includes at a minimum professionally designed and printed brochures for residents promoting local active travel and public transport routes. Cycle store vouchers and bus ‘taster’ schemes e.g free bus passes for a 3-month period for new residents will be considered in all travel plans.	A cross reference to policy CO4 ‘Travel Plans and Transport Assessments’ has now been included in paragraph 6.5 (now 5.6).
FDHSPD 68 (J Mason, Bollington Town Council)	Paragraph 6.5	Bollington Town Council welcomes the expectation that developments should provide for ‘appropriate’ open space. Reference is made to the Concept of the 20 Minute Neighbourhood. This concept needs full explanation in an appendix for the guidance of developers and community stakeholders.	Reference to the 20 minute neighbourhood has been added to the Glossary of the SPD.
FDHSPD 35 (M Wheelton, Prestbury Parish Council)	Paragraph 6.7	Paragraph 6.7 needs to be updated in the light of the latest government announcement on charging points (November 23 <sup>rd</sup> ) that the government will be legislating to compel charging points in all new homes, supermarkets and work places from next year (2022).	Paragraph 6.7 (now paragraph 5.8) has been amended to reflect updates to Building Regulations (approved document S), as follows:-

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FDHSPD 69 (J Mason, Bollington Town Council)	Paragraph 6.7	Bollington Town Council asks that all new homes built should automatically be provided with EVC's. Government policy is now to encourage the use of electric vehicles to reduce our overall carbon footprint and to reduce air pollution. The built environment must recognise this as a requirement at the same level as provision for kitchen appliances and digital equipment.	'Major' housing schemes of 10 or more homes (or a site area of 0.5 hectares or more) should provide on-site electric vehicle charging infrastructure in safe, accessible and convenient locations across the site in line with LPS policy CO2 (enabling business growth through transport infrastructure). This should include the provision of in-curtilage plug-in points, subject to feasibility and viability. <u>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.</u>
FDHSPD 34 (J Flemming, Gladman)	Paragraph 6.7	Paragraph 6.7 states that major housing schemes of 10 or more homes should provide on-site electric vehicle charging on-site, subject to feasibility and viability. Whilst Gladman support the reference to viability, Policy INF 3 of the emerging SADPD is currently subject to the rigours of independent examination and it is not clear whether this policy will be retained in its current form. As such, the SPD should set out a more flexible approach relating to vehicle charging measures on site.	
FDHSPD 23 (J Bowden)	Paragraph 6.7	The SPD doesn't go far enough on this question given that combustion engine cars will be banned from sale in just 9 years. Suggested wording: All new dwellings regardless of development size will have a type 2 EV charge point per unit where the unit has suitable off street parking attached. Otherwise communal charge points will be provided at 1 charge point for every two homes. Where space makes this unviable, designated EV car club parking provision may be considered as an alternative.	
FDHSPD 35 (M Wheelton, Prestbury Parish Council)	Paragraphs 6.7 & 6.10	There is a reference in paragraph 6.7 to ecological enhancements and in 6.10 to sustainable water management and avoiding flood risk, but there is no reference in the document to the Environment Act 2021 which became law in November. The Act sets clear statutory targets for biodiversity and water as well as for air quality and waste, but there is no 'cut across' from it to this document. The Act, of course, has introduced the duty on local authorities and others in relation to biodiversity reporting and the whole system for biodiversity net	Reference has been added to the Environment Act in the SPD to paragraph 6.8 (now 5.9) (new text shown as underlined):- Further guidance is contained in the Council's Residential Design Guide SPD in section iv   16 & iv 17. Lighting schemes should take reasonable steps to avoid night-time light pollution. <u>Criterion 5 of LPS policy SE 3 (Biodiversity and Geodiversity) notes how all</u>

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		gain. The latter requires developers to ensure an increase in biodiversity through their projects. This is not referenced in the SPD and should be.	<u>development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. Developers should also be aware of their responsibilities through the Environment Act and associated regulations, particularly in respect of Biodiversity Net Gain.</u>
FDHSPD 3 (R Harding, Cheshire Wildlife Trust)	Paragraph 6.8	We would like to offer comment on Section 6 – Environmental Impacts of Housing, and specifically where this section references ecological enhancement in paragraph 6.8. While we welcome the statement that “new development should also aim to secure ecological enhancements by providing nesting / roosting opportunities for bats and nesting birds”, we would like to see this amended to reference securing measurable net gains for biodiversity in line with current local and national policy requirements (highlighted by square brackets below). We suggest the following: “6.8 New development should [secure a measurable biodiversity net gain alongside other] ecological enhancements [for example] providing nesting / roosting opportunities for bats and nesting birds. This could take the form of integrated opportunities for bats and nesting birds (such as roosting / nesting within part of the roof space). Provision should be informed by a trained ecologist in discussion with the Councils Nature Conservation Officers. Further guidance is contained in the Council’s [Biodiversity Net Gain SPD and] Residential Design Guide SPD in section iv   16 & iv 17. Lighting schemes should take reasonable steps to avoid night-time light pollution.” A measurable biodiversity net gain of at least 10% is mandated for all development carried out under the Town and Country Planning Act 1990, as per Schedule 7a of the Environment Act. The provision of measurable net gains for biodiversity is set out in National Planning Policy Framework paragraphs 174d, 179b and 180d. An overall net gain for biodiversity is also required under Cheshire East forthcoming Local Policy ENV 2 (Draft Site Allocations and Development	

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		Policies Document) with additional guidance provided in the forthcoming Cheshire East Biodiversity Net Gain SPD	
FDHSPD 24 (J Bowden)	Paragraph 6.8	Support for suggestion from Cheshire Wildlife Trust above.	Noted.
FDHSPD 70 (J Mason, Bollington Town Council)	Paragraph 6.8	Bollington Town Council questions the requirement to adapt housing as opposed to the surrounding landscape and environment for nesting and roosting opportunities for birds and bats.	As noted in paragraph 6.8 (now 5.9) there are opportunities in housing developments to incorporate opportunities for bats and nesting birds.
FDHSPD 71 (J Mason, Bollington Town Council)	Paragraph 6.9	Bollington Town Council recommends the word 'must' instead of 'should'. There is no point in a development that produces or allows contamination, instability or pollution to be present.	The word 'should' is considered appropriate in this context as it refers to development avoiding and, where necessary, mitigating against environmental impacts of development. It then goes onto note the requirements of LPS policy SE 12 (pollution, and contamination and land instability).
FDHSPD 50 (A Leyssens, United Utilities)	Paragraph 6.9	We welcome paragraph 6.9 and reference to the need for residential development to address the requirements of LPS policy SE12 (pollution, land contamination and land instability). This will be important to United Utilities where development is proposed near to our wastewater treatment works and wastewater pumping stations which are 24-hour waste management operations. These can result in emissions including noise, odour and vibration. It is also important where development is proposed on land within a groundwater source protection zone which is used for public water supply purposes as well as other land which is used for public water supply catchment purposes. It is important to outline to the LPA the need for our assets to be fully considered in development proposals. We will not normally permit residential development over or in close proximity to our assets. We strongly recommend	Noted.

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		that the LPA advises future applicants of the importance of fully understanding site constraints as soon as possible, ideally before any land transaction is negotiated, so that the implications of our assets on development can be fully understood. Where our assets exist on a site, we ask site promoters to contact United Utilities.	
FDHSPD 25 (J Bowden)	Paragraph 6.9	Impacts of building on carbon stores is currently not considered – to my knowledge – in the planning process but I believe it should be as a major climate issue. Measuring is a first step to managing and would help the council consider the full impacts. Suggested wording: Where the development is to take place on a natural environment which is a major carbon store (mainly peat bogs) the estimated carbon and climate impact of building on the land type will be professionally assessed and clearly communicated to planning authority. If carbon emission impacts are very substantial, planning permission will be refused.	The SPD scope, purpose and context is to provide additional guidance on planning policies, focused on policies SC4 'residential mix', SC5 'affordable homes' and SC6 'rural exception sites for local needs' in the Local Plan Strategy.
FDHSPD 72 (J Mason, Bollington Town Council)	Paragraph 6.10	The creation and maintenance of Sustainable Drainage Systems for surface water is a vital element in development planning. This has relevance in Bollington where we have developments built and planned for our designated flood plain and riverbanks near the River Dean at both ends of our Settlement Area. Again, the word 'must' needs to replace the word 'should' in this context.	Noted. It is considered that the word 'should' is sufficiently robust and reflective of the policy context contained in the Local Plan Strategy.
FDHSPD 50 (A Leyssens, United Utilities)	Paragraphs 6.10	Welcome the inclusion of paragraph 6.10 requiring development proposals to integrate measures for sustainable water management, reduce flood risk and avoid an adverse impact on water quality and quantity in the borough in accordance with LPS Policy SE13. We are supportive of the approaches presented in the Cheshire East Design Guide and Building for a Healthy Life which prioritise multi-functional surface water management and identify drainage as a key consideration that should be integrated early in the design process	Noted.

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FDHSPD 26 (J Bowden)	Paragraph 6.10	Wording on SUDS should be more specific. The below suggestion would be impractical on every development but this would clearly express the most environmentally friendly option as a preference. Currently a SUD can be taken to mean an underground storage solution which is not as environmentally friendly. Suggested wording: The preferred drainage solution is an above-ground landscape-led SUDS such as an attenuation pond or swale incorporating ecological planting.	The reference to SUDs is considered to be reflective of the policy context set out in LPS SE13 (flood risk and water management). A separate SPD is being prepared on the provision of SUDs in the borough.
FDHSPD 40 (N Belford, Manchester Airports Group)	Paragraph 6.10	Some minor modifications to the text are just required now to strengthen the wording within paragraph 6.10 as follows: The views of the Aerodrome Safeguarding Authority for Manchester Airport <del>should</del> must be sought if the SUDS provision is within the 13km bird-strike hazard consultation zone for Manchester Airport or other relevant safeguarded interests identified in regulations. These amendments will strengthen the wording, make it clear who the Aerodrome Safeguarding Authority are, and make it clear that this requirement is specific to Manchester Airport as a safeguarded aerodrome.	Noted. The wording has been amended as follows in paragraph 6.10 (now 5.11):- The views of the Aerodrome Safeguarding Authority ( <u>Manchester Airport</u> ) should be sought if the SUDS provision is within the 13km bird-strike hazard consultation zone for Manchester Airport or other relevant safeguarded interests identified in regulations (15).
FDHSPD 73 (J Mason, Bollington Town Council)	Paragraph 6.11	Bollington Town Council recommends the strengthening of this paragraph. Developments must be prepared to pay the full costs over time of their negative impact on the amenities of the current community and make arrangements for the proper provision of long-term management arrangements for the elements of the development where there are communal responsibilities. This is exactly what sustainability means and requires. An appendix is required with a detailed list of the expenses a development could be reasonable expected to bear in some detail and the mechanisms that would be expected to be in place before occupation commenced to provide those necessary resources.	Developer contributions are governed by Regulation 122 of the CIL regulations (2010), namely:- <ul style="list-style-type: none"><li>• Necessary to make the development acceptable in planning terms;</li><li>• Directly related to the development; and</li><li>• Fairly and reasonably related in scale and kind to the development</li></ul> It is difficult, in this document, to include repeatable guidance as each case will be considered on its own merits. Particularly as

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			the scope and purpose of the SPD is to provide additional guidance, primarily focused on policies relating to affordable homes and housing for older people.
FDHSPD 74 (J Mason, Bollington Town Council)	Section 7: Affordable Housing	Bollington Town Council notes from the Final Draft SPD that the NPPF defines affordable housing as 'housing for sale or rent for those whose housing needs are not met by the market.' Bollington Town Council notes that the whole of Cheshire is regarded by Government as an area of High Affordability Pressure. A high affordability pressure area is where the difference between the average social rents and private rents is £50 per week or more. The Cheshire East Local Plan identifies a need for a minimum of 7,100 affordable homes (an average of 365 homes per annum per year) delivered throughout the 20 year plan period. This is therefore a vital social service to ensure that Cheshire East residents including those in Bollington who require affordable housing are served effectively.	Noted. The intention of the SPD is to provide additional guidance to support the delivery of affordable housing in the borough.
FDHSPD 75 (J Mason, Bollington Town Council)	Paragraph 7.1	Bollington Town Council regards the definition as adequate given there is a fuller explanation (paragraphs 7.14 - 7.39). However, given Cheshire East is not a registered provider for affordable housing and yet controls allocations through the organisation of Homechoice some brief detail of the structure of provision and the distribution and rate of allocation would be helpful background for both developers and community groups and individuals who might reasonably use the Housing SPD.	Noted, the purpose of paragraph 7.1 (now 6.1) is to reflect the planning policy defintion of affordable housing contained in the National Planning Policy Framework.
FDHSPD 27 (J Bowden)	Paragraph 7.2	Currently, there is no preference expressed between social and affordable housing – “affordable” some parts of Cheshire may in fact be challenging to afford in some locations. Suggested wording: The preference for affordable homes is for social rent rather than affordable rent.	The purpose of paragraph 7.2 (now 6.2) is to highlight the objectively assessed requirement for affordable housing, as set out in the Local Plan Strategy.

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FDHSPD 76 (J Mason, Bollington Town Council)	Paragraph 7.3	Bollington Town Council welcomes the statement that in larger developments at least 30% of homes provided will be affordable and notes this allows for as large % as possible. Bollington Town Council also welcomes, as Bollington is a Local Service Centre, the stipulation that all developments are expected to provide at least 30% affordable housing.	Noted. Paragraph 7.3 (now 6.3) includes the thresholds for affordable housing as set out in the Local Plan Strategy.
FDHSPD 6 (A Murdoch)	Paragraph 7.3	In earlier comments, I asked why there was a higher threshold for principal towns and key service centres than all other areas - the response simply repeated the policy without answering the question. With no rationale for the difference, please reconsider and have a consistent policy throughout the Council area.	SPDs set out further guidance on adopted planning policies. Paragraph 7.3 (now 6.3) is reflective of the affordable housing thresholds already established in policy SC5 'affordable homes' of the adopted Local Plan Strategy.
FDHSPD 77 (J Mason, Bollington Town Council)	Paragraph 7.4	Support	Noted. Paragraph 7.4 (now 6.4) has been amended to better reflect the wording of the NPPF, as follows:-  The NPPF (2021), in paragraph 64, states that the provision of affordable homes should only be sought for residential developments that are major developments . <del>However, as the LPS is a recently adopted Plan, Planning decisions should be made in accordance with the thresholds included in policy SC5 (affordable homes) unless material considerations indicate otherwise. The NPPF is a material consideration in decision taking.</del>
FDHSPD 78 (J Mason, Bollington Town Council)	Paragraph 7.6	Support	Noted.

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FDHSPD 79 (J Mason, Bollington Town Council)	Paragraph 7.7	Bollington Town Council notes that affordable homes can be of a variety of tenures, rented, leasehold, freehold with restrictive covenants and equity shared. In every case it is expected the element of affordability will be retained during the use lifetime of the property.	Noted.
FDHSPD 80 (J Mason, Bollington Town Council)	Paragraph 7.9	Bollington Town Council is concerned that this paragraph is not sufficiently explicit with regard to the information base for determining housing needs. We would wish to see a more detailed description of who determines housing need and on what basis those needs are determined to ensure there can be no dispute about the level and type of provision for affordable housing required.	The objectively assessed need for affordable housing is set out in paragraph 7.2 (now paragraph 6.2) and is reflective of the Local Plan Strategy. On housing tenure, paragraph 7.10 (now 6.10) sets out the council's initial preference and paragraph 7.11 (now 6.11) sets out that applicants are to provide justification for an alternative tenure mix. The wording contained in paragraph 7.9 (now 6.9) is also reflective of point 3 of LPS policy SC5 'affordable homes' and policy SC4 'residential mix'.
FDHSPD 81 (J Mason, Bollington Town Council)	Paragraph 7.10	Bollington Town Council notes the desired 65/35% split between affordable houses for rent and intermediate provision but requires justification why 'needs of the site' should be prioritised over 'needs of the community' for affordable housing.	Paragraph 7.10 (now 6.10) notes how a balance of housing will be sought that best meets local needs and the characteristics of the site.
FDHSPD 82 (J Mason, Bollington Town Council)	Paragraph 7.13	Support.	Noted.
FDHSPD 83 (J Mason,	Paragraph 7.15	Further paragraphs are required setting out in detail the current position of Cheshire East with regard to Affordable Housing -	The Council's Authority Monitoring Report reports on indicators on the performance of the

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Bollington Town Council)		Registered Providers, Other providers, Current level of supply of various types of tenure, Current funding sources Plan provision to date (365 per annum required; how many so far?) How many to do? What is in the pipeline?	<p>provision of affordable housing in the borough. If the SPD included this data, it could become dated in the short / medium term. Additional text has been added to paragraph 7.15 (now 6.15), as follows:-</p> <p>Cheshire East does not currently maintain any <u>social council</u> housing of its own. There are several Registered Providers (RP), who operate in the borough including a number of housing associations. Registered Providers support the provision of affordable housing, are independent companies and are controlled by the Regulator of Social Housing. <u>The council has partnered with several Registered Providers, through Cheshire Homechoice to host opportunities to apply for social housing in the borough. Information on Cheshire Homechoice and how each application is assessed through the housing allocations policy can be viewed on the Cheshire East website.</u> Information on registered providers who are not a partner through Cheshire Homechoice, and use their own eligibility criteria, can also be found on the Cheshire East website.</p>
FDHSPD 36 (C Draper, Peaks and Plains Housing Trust)	Paragraph 7.15	Consider a reference to "social housing" as opposed to "council housing" is more appropriate.	Noted, the reference in paragraph 7.15 (now 6.15) has been changed from council housing to social housing.

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FDHSPD 84 (J Mason, Bollington Town Council)	Paragraph 7.16	<p>Bollington Town Council strongly supports the emphasis on affordable housing for rent as for many households this is the most supportive form of housing and makes financial planning and home security relatively straightforward.</p> <p>Bollington Town Council also strongly supports the aspiration in para 7.18, 'there is a clear need to ensure that rented affordable dwellings can be let at rent levels that are truly affordable.'</p> <p>This means there must be some sensible link established between average weekly/monthly remuneration in Cheshire East and monthly rents. Therefore BTC strongly supports Cheshire East Councils aspirations 'to ensure rent levels which do not exceed either the Local Housing allowance for the area or the Regulator for Social Housing target rent allowance whichever is the lowest.' We welcome other subsidised routes to home occupation and in some cases to home ownership.</p>	Noted.
FDHSPD 33 (J Flemming, Gladman)	Section 7: Affordable Housing	<p>Gladman maintain that any requirements relating to affordable housing tenure mix should be sufficiently flexible and be able to respond to the latest evidence on affordable housing tenure.</p> <p>Gladman also welcome the Council's decision to provide further guidance on proposals relating to First Homes. The SPD suggests that if an application which includes First Homes is submitted to the Council prior to a Local Plan Review, then the Council will consider the inclusion of First Homes as a material consideration in decision taking. In the absence of an adopted Local Plan policy relating to First Homes, it is important that the SPD sets out a positive stance to the delivery of First Homes in order to align with Government aspirations and national planning policy and planning practice guidance and to provide a significant opportunity which the Council should support in order to boost affordable home ownership within the borough.</p>	Noted. Planning practice guidance asks local authorities to make the development requirements for First Homes clear in their area. It is considered that the SPD makes clear the Councils position on First Homes, that schemes wil be considered as a material consideration in decision taking until such time that an update is made to the relevant Local Plan / Neighbourhood Plan.

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FDHSPD 57 (Emery Planning on behalf of Bloor Homes)	Section 7: Affordable Housing (para 7.24)	<p>On 24<sup>th</sup> May 2021 a Written Ministerial Statement (WMS) was published on First Homes. The draft SPD has been updated to make comment on the WMS published on 24<sup>th</sup> May 2021 and the guidance provided within the NPPG. However, whilst the SPD states that the Council will consider the inclusion of First Homes as a material consideration in decision taking, it does not include the requirement for 25% of affordable homes to be First Homes or provide developers with guidance on making a policy compliant planning application for First Homes. The SPD does not provide guidance on how the remainder of the 75% of affordable housing can be secured.</p> <p>The draft SPD states that under transitional arrangements the Council does not need to require First Homes as part of the affordable housing mix until the requirement is included within an updated and adopted Local Plan/ made neighbourhood plan. However, the WMS is clear that where local plans do not benefit from specific transitional arrangements, LPAs should make clear how existing policies should be interpreted in the light of the First Homes requirements and this should therefore form part of the SPD.</p>	<p>Noted. Planning practice guidance asks local authorities to make the development requirements for First Homes clear in their area. It is considered that the SPD makes clear the Council's position on First Homes, that schemes will be considered as a material consideration in decision taking until such time that an update is made to the relevant Local Plan / Neighbourhood Plan. The SPD is clear that the position of the emerging SADPD is such that the Council falls within transitional arrangements for First Homes.</p>
FDHSPD 85 (J Mason, Bollington Town Council)	Paragraph 7.24	Bollington Town Council notes that following a Ministerial Statement this is the preferred Government method of providing permanently Discounted Market Housing for Sale.	Noted.
FDHSPD 86 (J Mason, Bollington Town Council)	Paragraph 7.27	Bollington Town Council TC notes the dates and arrangements CE is setting out for the introduction of First Homes into planning applications.	Noted.

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FDHSPD 87 (J Mason, Bollington Town Council)	Paragraph 7.35	Bollington Town Council notes the reduction in equity share from 25% to 10% and the ability to increase equity share for shared owners of 1%.	Noted.
FDHSPD 88 (J Mason, Bollington Town Council)	Paragraph 7.36	Bollington Town Council notes that parts of the Parish of Bollington are now Designated Protected Areas.	Noted.
FDHSPD 89 (J Mason, Bollington Town Council)	Paragraph 7.41	Support	Noted.
FDHSPD 57 (Emery Planning on behalf of Bloor Homes)	Section 7: Affordable Housing (para 7.43)	<p>In terms of the layout of schemes providing affordable homes, paragraph 7.43 suggests that clusters of affordable housing “should consist of a maximum of between 6 and 10 dwellings”. We consider this to be far too prescriptive, as larger clusters can be successfully integrated within a scheme, particularly where affordable housing is to be delivered via smaller units such as apartments. The document needs to be clear that it will be applied flexibly on a case by case basis.</p> <p>In terms of phasing, the draft SPD correctly confirms that on larger schemes the actual percentage of affordable homes for each phase will be decided on a site by site basis. This flexibility</p>	<p>Noted, paragraph 7.43 (now paragraph 6.43) has been amended as follows:-</p> <p>It is acknowledged that Registered Providers favour clusters of units to assist in housing management and repair issues. Clusters should <u>normally</u> consist of between 6 and 10 dwellings; <u>however, there may be limited circumstances where clusters are a different size</u>. In all cases, <u>this</u> it should not be to the detriment of ensuring the scheme has a wide mix of tenures throughout the site.</p>

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		is important and whilst the draft SPD sets out the norm, the SPD should not prescribe the phasing of affordable housing. This should be left to the development management process.	
FDHSPD 90 (J Mason, Bollington Town Council)	Paragraph 7.43	Support	Noted.
FDHSPD 91 (J Mason, Bollington Town Council)	Paragraph 7.44	Bollington Town Council would welcome an insistence on information on the housing mix in the Affordable Housing Statement. Must rather than should on bullet point 5.	The reference to should is considered to be reflective of the policy context in SC4 'residential mix'.
FDHSPD 92 (J Mason, Bollington Town Council)	Paragraph 7.46	Bollington Town Council strongly supports the role set out for Registered Providers.	Noted.
FDHSPD 93 (J Mason, Bollington Town Council)	Paragraph 7.47	Bollington Town Council supports the CE's approach to these issues.	Noted.
FDHSPD 51 (Cllr R Bailey, Cheshire East Councillor)	Paragraph 7.48	Whilst I agree that all monies should be used, I don't agree that rural funding should automatically be channelled to improve affordable housing in Crewe it should be local first in terms of any monies garnered.	Noted. Paragraph 7.48 (now 6.8) of the SPD is reflective of paragraph 12.51 of the LPS. Every case would be considered on a case by case basis. The word 'limited' has been added to the paragraph to note that this is not expected in every case.

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FDHSPD 37 (C Draper, Peaks and Plains Housing Trust)	Paragraph 7.48	<p>Text: "In exceptional circumstances, where suitable sites aren't available, and where it can be justified, as a second alternative, a financial contribution will be accepted." Comment: The proceeding para (7.47) states that "in expectational circumstances... affordable housing will be accepted off-site". It therefore follows that the second solution, described as "a last resort", set out a para 7.48, should be caveated by the words "In extremely exceptional circumstances..."</p>	<p>Noted paragraph 7.48 (now 6.48) has been amended as follows:- In <del>exceptional</del> the circumstances, where suitable sites aren't available, and where it can be justified, as a second alternative, a financial contribution will be accepted. This provision is viewed by the council as a last resort option, as opposed to an alternative method of affordable housing. The council's desire to have all affordable provision on-site is in line with government guidance to encourage the development of mixed and balanced communities. However, there may be physical or other circumstances where an on-site provision would not be practical or deliverable.</p>
FDHSPD 38 (C Draper, Peaks and Plains Housing Trust)	Paragraph 7.49	<p>Whilst paragraph 12.51 in the LPS supports diverting funding for affordable housing into the improvement of existing stock in Crewe, this SPD document provides the opportunity to extend this further so as to not just apply to Crewe but to other urban areas throughout the whole of Cheshire East.</p>	<p>Noted. Paragraph 7.48 (now 6.48) of the SPD is reflective of paragraph 12.51 of the LPS. Every case would be considered on a case by case basis. The word 'limited' as been added to the paragraph to note that this is not expected in every case.</p>
FDHSPD 52 (Cllr R Bailey, Cheshire East Councillor)	Paragraph 7.49	<p>Whilst I agree that all monies should be used, I don't agree that rural funding should automatically be channelled to improve affordable housing in Crewe it should be local first in terms of any monies garnered.</p>	<p>Noted. Paragraph 7.48 (now 6.49) of the SPD is reflective of paragraph 12.51 of the LPS. Every case would be considered on a case by case basis. The word 'limited' as been added to the paragraph to note that this is not expected in every case.</p>
FDHSPD 42 (D Lunch, Churchill Retirement Living)	Paragraph 7.51	<p>A generic tariff approach is often inequitable in respect of specialised housing proposals. The SPD methodology must therefore be updated to include reference to specialist housing where the proposed methodology should not apply. It is commonly agreed that planning obligations are payable as a</p>	<p>Minor amendments have been made to paragraph 7.51 (now 6.51), as follows:- <u>One way of calculating t</u>The basis for calculating the cost to the developer for off-site provision <u>will</u>may be the difference between</p>

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		<p>result of the increase in land value generated through the award of planning approval and intensification of land uses. Indeed, the viability of affordable housing targets, CIL and other S106 is measured against its impact on land value. Were affordable housing capable of being delivered on site, the subsidy required to enable this provision would be reflected within the land value. National policy requires that where cash in lieu payments are acceptable, they must be appropriate, viable (established through testing) as well as meet the requirements elsewhere set out within the NPPF/NPPG i.e. they must be:</p> <ul style="list-style-type: none"> <li>necessary to make the development acceptable in planning terms;</li> <li>directly related to the development; and</li> <li>fairly and reasonably related in scale and kind to the development.</li> </ul> <p>In terms of viability, the plan wide viability testing does not seek to test the viability of proposals apply this commuted sum methodology. Instead, it quite rightfully looks at the impact of policy and infrastructure requirements on land value. The methodology suggested within the SPD has not therefore been shown to be a viable approach through viability testing of the local plan.</p> <p>The correct and consistent way of establishing commuted sums is to look at the difference between a residual appraisal with 0% affordable housing and a separate appraisal with the policy requirement for affordable housing included. This is consistent with policy relating to planning obligations which requires that planning obligations run with the land, are directly related to the development and fairly related in scale and kind.</p> <p>Obligations for affordable housing are therefore fairly assessed against land value and not just a disproportionate assessment of sales values which will unfairly impact on specialist housing</p>	<p>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. <u>In this example, we</u> would require the applicant to submit an affordable housing mix outlining the type, size and tenure of units which meet the housing need for the locality and the policy requirements of the LPS, including constructed to national building regulations requirements and provided at 65% rented and 35% intermediate tenure mix. This should include the open market values of the units and details of offers from a Registered Provider to take the affordable units. In order to establish open market values, a valuation will need to be completed by a RICs qualified valuer, then verified by the Council.</p> <p>Worked example <u>for C3 dwelling houses</u></p>

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		proposals. The SPD must therefore be updated to apply a commuted sum methodology which is consistent with the local plan viability testing and is calculated on the basis of the difference between the land value of a scheme with 0% affordable housing and a separate appraisal with the policy requirement for affordable housing included.	
:FDHSPD 94 (J Mason, Bollington Town Council)	Paragraph 7.53	There will be a need for Professional Staff in adequate numbers and of a high professional standard.	Noted.
FDHSPD 95 (J Mason, Bollington Town Council)	Paragraph 7.54	Bollington Town Council notes the detailed provisions set out and is in broad agreement that they are all necessary but we note that to carry out the level of legal work required as well as the professional financial negotiations requires Cheshire East Council to train and maintain an adequate level of staffing if the planning system is not to either: grind to a halt at this stage of planning permission preparation or allow the possibility of serious mistakes to be made in the allowances given through the negotiation process. We would expect the overall management of the Planning Authority to fully recognise and provide for the needs of the system proposed.	Noted.
FDHSPD 7 (A Murdoch)	Paragraph 7.57	The requirement to include an overage provision in any S106 regarding reduced affordable housing contributions is very welcome - and in particular the provision in para 7.66 they these "will" not "may" be included in the S106 - hopefully this will be brought to the attention of those responsible for drafting and negotiation these agreements and monitoring as the development progresses.	Noted.

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FDHSPD 8 (A Murdoch)	Paragraph 7.63	I agree that the developer should be responsible for the costs of the Council's independent viability assessment - will they also be responsible for the assessment of any overage payment required on reassessment (para 7.56 and 7.66 ?).	Noted. Overage payments and the process of securing it will be considered through Section 106 on a case by case basis.
FDHSPD 1 (Cllr A Farrall)	Paragraph 7.64	As per PPG Paragraph: 018 Reference ID: 10-018-20190509, It should be prepended for clarity with the paragraph - "The cost of fully complying with policy requirements should be accounted for in benchmark land value. Under no circumstances will the price paid for land be relevant justification for failing to accord with relevant policies in the plan."	Noted, additional text has been added to paragraph 7.64 (now 6.64) :- The PPG notes that a lower level of expected profit may be appropriately applied in circumstances where this guarantees an end sale at a known value and reduces risk. <u>The cost of fully complying with policy requirements should be accounted for in benchmark land value. Under no circumstances will the price paid for land be relevant justification for failing to accord with relevant policies in the Plan.</u>
FDHSPD 57 (Emery Planning on behalf of Bloor Homes)	Section 7: Affordable Housing (para 7.64)	Section 7 provides guidance on viability assessments, with specific mention of what level of developer profit is considered to be acceptable (paragraph 7.64). The SPD comprises guidance and not planning policy, and therefore it should not set out policy or guidance on how various inputs within a viability appraisal should be calculated.	Noted, wording has been amended in 7.64 (now 6.64) as follows:- Viability assessments should consider an appropriate level of profit. <del>be undertaken on the basis of an</del> The PPG makes reference to expected profit of between 15-20% as specified in PPG-with profit levels relevant to the scale, complexity and risk of the development.
FDHSPD 9 (A Murdoch)	Paragraph 7.67	Will both the developer's viability and that if the Council's independent assessment be publicly available on the application pages of the website - or will they need to be requested separately? Will any reassessment of the viability for overage assessment also be publicly available?	As noted in paragraph 7.64 (now 6.64) there may be circumstances where commercial sensitivity means that viability studies cannot be published and this would need to be justified on a case by case basis.
FDHSPD 96 (J Mason,	Paragraph 7.70	Bollington Town Council notes the Credit available and would ask Cheshire East Planning authority to consider heritage	Noted.

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Bollington Town Council)		issues when significant heritage buildings are being considered for change of use to dwellings as per proposals set out already.	
FDHSPD 10 (A Murdoch)	Paragraph 7.72	I will look to see how robustly this is applied	Noted.
FDHSPD 4 (C Hutton, Strategic Housing, CEC)	Paragraph 7.74	<p>The calculation proposed to determine VBC needs some slight amending so that it reflects the number of policy-compliant affordable homes, as opposed to the percentage that the AH policy requires. An amended calculation is listed below which would result in the correct level of AH provision, after VBC has been considered.</p> <ul style="list-style-type: none"> <li>• Proposed development of 2,000 sqm (with a floor space of 100 sqm each) results in 20 homes</li> <li>• Policy SC5 (affordable homes) requires 30% affordable homes</li> <li>• 30% of 20 homes = 6 dwellings</li> <li>• There is an existing vacant building on site with a floorspace of 750 sqm</li> <li>• The difference between the gross floorspace of the existing vacant building and the proposed new build floorspace is 1,250 sqm</li> <li>• Therefore, the affordable housing requirement for this site is <math>(1250/2000) \times 6 = 3.75</math> (or 4 dwellings (rounded))</li> </ul>	<p>Noted. The changes outlined have been made to paragraph 7.74 (now 6.74):-</p> <p>One way of calculating vacant building credit, could be to use the following formula</p> <p><math display="block">- (\text{net change in floorspace} / \text{proposed floorspace}) \times \text{affordable housing policy requirement}</math></p> <p>As an illustrative example; -</p> <p>Proposed development of 2,000 sqm (with a floor space of 100sqm each) results in 20 homes.</p> <p>Policy SC5 (affordable homes) requires 30% affordable homes</p> <p>30% of 20 homes = 6 homes</p> <p>There is an existing vacant building on site with a floorspace of 750 sqm</p> <p>The difference between the gross floorspace of the existing vacant building and the proposed new build floorspace is 1,250 sqm</p> <p>Therefore, the affordable housing requirement for this site is <math>(1250/2000) \times 30 = 18.75</math> (or 19 dwellings (rounded)).</p>
FDHSPD 97 (J Mason, Bollington Town Council)	Paragraph 7.75	Bollington Town Council notes the importance to the issue of housing in rural areas including green belt and open countryside of rural housing policies which should according to NPPF Para 78 'Be responsive to local circumstances and support housing developments that reflect local needs. Local	Noted.

<b>Consultee Ref</b>	<b>Document Section</b>	<b>Summary of key issues</b>	<b>Response to issues raised including any changes proposed</b>
		<p>Planning Authorities (CE) should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would facilitate this.'</p> <p>We recognise the deep sensitivity and concern that these words may cause to present dwellers in the rural countryside and we strongly agree with Paragraph 7.76. Bollington Town Council covers a Settlement Area and Designated Protected Areas where exceptions to protection policies might be considered.</p> <p>And note eligibility requirements as set out in para 7.80. The underlying criteria for eligibility for affordable housing is that households must be in unsuitable housing and unable to afford to rent or buy on the open market.</p>	
FDHSPD 98 (J Mason, Bollington Town Council)	Paragraph 7.79	Bollington Town Council strongly supports this paragraph and in particular the statement, 'That a scheme for a 'small number of market units will only be permitted where a clear reason demonstrates that this is the only way that affordable housing to meet local needs can be delivered on the site.' BTC would strongly advise that some indication of what a 'small number' is, is given.	The indication of 'small scale' will be dependent on each case only justified through viability assessments or some other clear reason demonstrates that this is the only way that affordable housing to meet local needs can be delivered on the site.
FDHSPD 58 (Emery Planning on behalf of Bloor Homes)	Section 8 (Self Build and Custom Build)	This section of the draft SPD refers to self and custom build dwellings, which are addressed in policy HOU3 of the draft SADPD. This policy is subject to outstanding objections and was considered at the examination hearing session on Tuesday 19th October 2021. As with our representations on other sections of the draft SPD, the outcome of the examination of the SADPD will determine the final version of policy HOU3 and then if required, the SPD could provide supplementary guidance on this issue rather than being adopted before the SADPD is finalized.	Local Plan Strategy policy SC4 (residential mix) refers to people wishing to build or commission their own home. The guidance included in the SPD builds reflects guidance included in the Self-Build and Custom Build Housebuilding Act 2015.
FDHSPD 45 (T Dowse,	Section 9 (Specialist,	It is noted from reviewing the associated Report of Consultation that this issue was raised by a number of respondents and the	Comment re the removal of references to the SADPD is noted.

<b>Consultee Ref</b>	<b>Document Section</b>	<b>Summary of key issues</b>	<b>Response to issues raised including any changes proposed</b>
Cognatum Developments Ltd)	Supported Living and Older Person Housing)	<p>Council has accordingly removed specific policy references to the emerging SADPD from the SPD as a result. This change is supported and we have no further comments in this respect.</p> <p>However, there is a potential important implication of this change. If the document is not going to refer to the proposed SADPD Policy HOU6 'accessibility and wheelchair standards', then it is our view that the Council's proposed 'homes first' approach to retirement provision, which appears to rely heavily on keeping elderly residents in existing housing (as opposed to focusing more on the provision of specialist accommodation), is then put under further pressure. If there is a reduced provision of wheelchair accessible housing, then the Council cannot rely on this for its provision of suitable 'homes first' retirement accommodation.</p>	<p>The SPD is seeking to provide additional guidance on LPS policy SC4 'residential mix' alongside other policies. LPS policy SC4 'residential mix' already makes reference to developers having to demonstrate how proposals will be capable of meeting, and adapting to, the long term needs of the borough's older residents.</p>
FDHSPD 45 (T Dowse, Cognatum Developments Ltd)	Section 9 (Specialist, Supported Living and Older Person Housing)	<p>The requirement for affordable housing provision from C2/C3 retirement schemes would not support the Council's stated objective of encouraging and supporting the provision of older persons accommodation. Instead, it would likely result in the delivery of less accommodation overall. In this respect, I would refer the Council to the 3 no. recent appeal decisions that we mentioned in our SADPD Hearing Examination statement:</p> <ul style="list-style-type: none"> <li>• APP/K3605/W/20/3263347 / APP/Q3115/W/20/3265861 /</li> <li>• APP/F0114/W/21/3268794</li> </ul> <p>In each of these appeals, the respective Council's had failed to positively plan for the provision of retirement accommodation and, in light of the identified market shortfall, the Inspectors gave the provision of specialist accommodation significant weight, which was deemed sufficient to outweigh substantial planning constraints. If the Council is to insist on on-site affordable housing provision as part of retirement schemes, then any affordable housing requirement should be consistent in design and tenure with the balance of the scheme – i.e. the</p>	<p>Guidance contained in the SPD is reflective of the affordable housing thresholds contained in LPS policy SC5 'affordable homes'. LPS policy SC5 'affordable homes' and the SPD makes clear that consideration will be given to any viability issues that arise from this matter (point 7 of policy SC5 'affordable homes').</p> <p>LPS policy SC4 'residential mix' includes policy criteria for the consideration of older persons housing in the borough.</p>

<b>Consultee Ref</b>	<b>Document Section</b>	<b>Summary of key issues</b>	<b>Response to issues raised including any changes proposed</b>
		provision of social rent accommodation would necessitate another ‘layer’ of management within the scheme, as the involvement of a RSL would be required. As an aside, Cognatum Developments has recently delivered a high-quality scheme with no affordable housing in Dover District Council (Orchard Yard), including the provision of a clubhouse and guest suite. Furthermore, the existing Abbey Mill site in Prestbury has no affordable housing – Cognatum’s proposal being an extension of the existing scheme. We therefore maintain our objection to the Final Draft Housing SPD reasons set out above.	
FDHSPD 59 (Emery Planning on behalf of Bloor Homes)	Section 9 (Specialist, Supported Living and Older Person Housing)	This section of the draft SPD relates to the delivery of specialist, supported living and older person housing. Our client understands that there is a need to provide a choice of accommodation to suit changing needs as people get older and as the Council is aware has delivered homes to support this. However, the SPD should not prescribe a proportion of homes to be bungalows. This should be considered on a case by case basis for the reasons set out above in relation to housing mix.	Noted, references to Bungalows in the SPD are often provided as a an example approach and are not mandated in the SPD.
FDHSPD 99 (J Mason, Bollington Town Council)	Paragraph 9.1	Bollington Town Council strongly supports the three main strategic objectives set out in paragraph 9.1 and welcomes the strategies set out in the documents listed in paragraph 9.2.	Noted.
FDHSPD 100 (J Mason, Bollington Town Council)	Paragraph 9.17	Bollington Town Council welcomes CE’s policy of ‘homes first’ 9.17 which supports residents to maintain their independence and remain in their own home or supported housing offering independent accommodation as long as possible.	Noted.
FDHSPD 44 (T Dowse,	Paragraph 9.17	The revised wording on page 31 is now considered to be acceptable, in that it refers to care agencies being registered	Noted

<b>Consultee Ref</b>	<b>Document Section</b>	<b>Summary of key issues</b>	<b>Response to issues raised including any changes proposed</b>
Cognatum Development s Limited)		with the CQC, as opposed to the developments themselves. On this basis, we have no further comments to raise on this point.	
FDHSPD 101 (J Mason, Bollington Town Council)	Paragraph 9.18	Bollington Town Council welcomes the clear distinctions provided on definitions of different types of housing for older people on pg 31 para.9.18. NB Given the very special nature of residential care homes for people with advanced dementia a more detailed description of the support the planning system would offer to providers of such facilities would be very welcome. The SPD points out the aging nature of our population but fails to note the concomitant increase in older people with severe dementia which requires particular specialist housing provision.	Noted. Reference to inclusive design, including Dementia Friendly communities is included in paragraphs 9.31 (now paragraph 8.31) onwards.
FDHSPD 12 (A Murdoch)	Paragraph 9.19	A blanket age limit of 55 regardless of physical circumstances simply allows developers to circumvent standard parking standards whilst still selling to a market of able-bodied residents who have the same use of cars as people living in developments where there are no age restrictions, but a higher ratio of parking is required. I note the response to my previous comment that the policy reflects the content of the PPG but in that case, there is a case to call for the PPG to reflect that in cases where the developer is seeking to provide a reduced amount of parking on account of expected ages of residents (e.g. over 80) the S106/age limit should reflect their expectations- i.e. there should be consistency between the expected ages and the parking standard.	Noted. Guidance included in the SPD is reflective of the wording in the Planning Practice Guidance. Decisions on car parking standards are taken on a case by case basis in line with the car parking standards included in the Local Plan Strategy.
FDHSPD 102 (J Mason, Bollington Town Council)	Paragraph 9.25	Support	Noted.

<b>Consultee Ref</b>	<b>Document Section</b>	<b>Summary of key issues</b>	<b>Response to issues raised including any changes proposed</b>
FDHSPD 103 (J Mason, Bollington Town Council)	Paragraph 9.26	Bollington Town Council supports these paragraphs in particular the acknowledgement of Dementia Friendly Communities. BTC would have appreciated more detail on specialist adaptation of housing for people with dementia.	Noted.
FDHSPD 104 (J Mason, Bollington Town Council)	Paragraph 9.30	Bollington Town Council welcomes this paragraph but would ask for the addition of a strong statement on fire proofing specialist buildings for residential accommodation. Given the appalling situations revealed in the Grenfell Inquiry and emphasis on fire safety must be included as it appears cost cutting pressures can result in compromising safety.	Noted. Building fire safety is a matter primarily addressed through building regulations.
FDHSPD 11 (A Murdoch)	Paragraph 10.1	Monitoring will be important - will the public have any participation in this process?	Monitoring on the indicators included in the Local Plan Strategy are monitored through the Council's Authority Monitoring Report.
FDHSPD 105 (J Mason, Bollington Town Council)	Paragraph 10.1	Bollington Town Council regards this section as seriously inadequate. This SPD is a vital aid in producing excellent housing in Cheshire East both 'market' and affordable, We need to know what aspects of the review will be monitored, what is the situation when it is adopted in terms of housing stock, affordable housing stock, its distribution and tenure types. How much has been built since the SPD publication? What residential accommodation is available for what purposes and what has been built since the SPD was published? What has happened in relation to rural exception areas? How many market homes have been built to support how many affordable dwellings and where they are? How often monitoring will take place, who is doing it? How is the first Homes policy progressing, what use has been made of the	The Authority Monitoring Report is referenced in the SPD. This is a report, published annually, which includes a number of indicators in relation to housing matters, including:- <ul style="list-style-type: none"><li>• Housing completions</li><li>• Five year housing land supply</li><li>• Percentage of empty homes in the borough</li><li>• Location of completed and committed dwellings</li></ul>

<b>Consultee Ref</b>	<b>Document Section</b>	<b>Summary of key issues</b>	<b>Response to issues raised including any changes proposed</b>
		<p>Building for Life Standard and what were the results of any traffic light assessments made.</p> <p>We need the requirements for that monitoring to take place set out in detail in Section 10.</p>	<ul style="list-style-type: none"> <li>• Gross number of affordable housing units</li> <li>• Type of dwellings completed</li> <li>• Size of dwellings completed</li> </ul>
FDHSPD 106 (J Mason, Bollington Town Council)	Glossary	Bollington Town Council found this a very useful summary of the technical concepts used in the SPD.	Noted.
FDHSPD 57 (Emery Planning on behalf of Bloor Homes)	Section 7: Affordable Housing	The Glossary should also be updated in respect of the definition of affordable housing to include First Homes.	The glossary defintion, included in the SPD, for affordable homes is reflective of the wording contained in the NPPF. A separate entry in the glossary is made for First Homes.
FDHSPD 49 (Dr K Mullan MP)	Appendix 2: Example of Rural Housing Needs Survey 2021	<p>As I understand it, the intention of this document is to collate the results of the consultation of residents wishes and concerns and to be balanced within the provisions of National Planning Policies, Local and Neighbourhood Plans. The first line in appendix 2 of the document states:- "Whether you consider yourself to have a housing need or not, the information you provide in this survey is important in helping us understand the housing need within your community". The residents answers and opinions must be given priority over the wishes of developers who have their own ideas of the properties they consider appropriate to be built. Starter homes, shared ownership and affordable rented properties all play their part in getting people into suitable accommodation, but this must not</p>	<p>Appendix 2 is presented as an example survey that can be utilised by local rural communities to determine the need (or not) for affordable homes in their area.</p> <p>The more general comments are noted. The scope and purpose of the SPD is limited to provide additional guidance on local plan policies SC4 (residential mix), SC5 (affordable homes), and SC6 (rural exceptions housing for local needs).</p>

<b>Consultee Ref</b>	<b>Document Section</b>	<b>Summary of key issues</b>	<b>Response to issues raised including any changes proposed</b>
		<p>be given as justification for building in protected or unsuitable areas. We need to look at brownfield sites within the our towns and suburbs before looking to green gap, to accommodate these developments.</p> <p>What is of concern, from letters I receive, is the provision of retirement provision or for those who are struggling to get on the ladder. Older residents want to stay in the area, but want to downsize. There is little or no provision on new developments meaning Bungalows sell quickly and at a premium. The same can be said for retirement provision for social housing residents. I would also emphasise that housing developments should not take place when there is not the necessary infrastructure and public services to support them for example NHS provision, policing and schools.</p>	

# Cheshire East Local Plan

## Housing Supplementary Planning Document

Adopted xx July 2022



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## 1 Introduction

**1.1** Policies in the Local Plan guide development and provide a framework to determine planning applications in the borough. Supplementary Planning Documents (“SPDs”) add further detail to planning policies contained within the development plan and are used to provide detailed guidance on particular issues. SPDs do not form part of the adopted development plan but once adopted, they are a material planning consideration in decision taking.

**1.2** The Local Plan Strategy (“LPS”) was adopted in 2017. It sets out a vision and strategic priorities for the development of the area along with planning policies and proposals. A key priority of the LPS, is to create and maintain sustainable communities by supporting the delivery of an appropriate mix of house types, sizes and tenures including affordable housing to meet the borough’s needs. It also seeks to support vulnerable and older people to live independently, and for longer. (LPS Strategic Priority 2, point 1 (ii & iii)).

**1.3** The Council’s Corporate Plan (2021-25) sets out three aims. These are to be open, fair and green. In striving to be a fair Council, a key objective is to reduce health inequalities across the borough, addressing issues of poor - quality housing and delivering housing to meet the needs of all residents, including vulnerable and older people. This SPD sets out guidance on policies contained in the Local Plan Strategy (“LPS”) that will support delivery of this ambition.

**1.4** The LPS anticipates the production of an SPD <sup>(1)</sup> to provide additional policy guidance, focused on LPS policies SC4 (residential mix), SC5 (affordable homes) and SC6 (rural exceptions housing for local needs). This SPD aims to give greater clarity to developers, landowners and communities, focused primarily on affordable housing and specialist accommodation, including older persons accommodation.

## 2 Policy Background

**2.1** Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise<sup>(2)</sup>. Material planning considerations can include national planning policy and adopted supplementary planning guidance, where relevant.

### National planning policy

**2.2** The **National Planning Policy Framework (“NPPF”)**<sup>(3)</sup>sets out the Government’s planning policies for England and how these should be applied. The NPPF provides the national policy context for affordable housing and other housing matters.

1 ¶12.32, ¶12.53 & ¶12.61

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

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



**2.3 National Planning Practice Guidance (“PPG”)<sup>(4)</sup>** provides guidance on several housing related issues and includes a section relevant to affordable housing and housing for older and disabled people. There is also a section in the PPG on planning obligations (setting out further details on the approach to contributions and other topics such as Vacant Building Credit), First Homes and on viability, amongst other policy areas.

## Local planning policy

**2.4** Planning policies are set out in the development plan for the area. The development plan for Cheshire East currently comprises the LPS and ‘saved’ policies within previous local plans which remain in effect until such time as they are replaced. Neighbourhood Development Plans which have been made (adopted) also form part of the statutory development plan.

### Cheshire East Local Plan Strategy

**2.5** The LPS is the strategic plan for the borough. The LPS contains policies of relevance to this SPD, including:-

- **Policy PG1: Overall Development Strategy** – sets out the overall development requirements in the borough. The LPS seeks to accommodate a minimum of 36,000 homes between 2010-2030 (at an average of 1,800 per year). The objectively assessed need for affordable housing is for a minimum of 7,100 homes over the Plan period (at an average of 355 dwellings per year).
- **Policy PG3: Green Belt** – sets out the policy approach to Green Belt. The policy includes several listed exceptions to where the construction of new buildings is inappropriate to the Green Belt, the list includes limited affordable housing for local community needs under policies set out in the Local Plan.
- **Policy PG6: Open Countryside** – defines the open countryside and seeks to restrict development to that which is essential for uses appropriate to a rural area. The policy makes several exceptions to this general restriction, including rural exceptions housing for local needs (as set out in policy SC6 (rural exceptions housing for local needs) of the LPS).
- **Policy PG7: Spatial Distribution** – The policy provides an indicative distribution of development by tier of the settlement hierarchy of centres set out in the LPS.
- **Policy SD2: Sustainable Development Principles** - the policy sets out several principles, on matters including design, energy efficiency and other matters that development in the borough is expected to deliver.
- **Policy IN2: Developer Contributions** – the supporting text to the policy makes clear that the provision of affordable housing or other financial contributions will be secured through S106 agreements.
- **Policy SE2: Efficient Use of Land** - the policy encourages the appropriate redevelopment / re-use of previously developed land and buildings. It also lists several factors that windfall development proposals should consider including landscape / townscape impacts.

4 <https://www.gov.uk/government/collections/planning-practice-guidance>



**2.6** The list above is not exhaustive, and consideration will also be given to other relevant planning policies, where appropriate to the planning application proposal. This could include proposals that also affect Heritage Assets such as Conservation Areas or Listed Buildings. The focus of this SPD will be on providing additional guidance on the following LPS policies:-

- **Policy SC4: Residential Mix** – the policy seeks to provide for an appropriate mix of housing tenures, types and sizes in residential developments. It also includes policy requirements relating to specialist and older person housing.
- **Policy SC5: Affordable Homes** – includes the relevant thresholds and policy requirements for affordable housing provision in the borough.
- **Policy SC6: Rural Exceptions Housing for Local Needs** – the policy sets out the circumstances where rural exceptions affordable housing will be permitted as an exception to other policies concerning the open countryside.

### 'Saved' policies from previous Local Plans

**2.7** There are a few 'saved' policies that remain part of the development plan from the Crewe and Nantwich, Congleton and Macclesfield Local Plan. The primary policy position on affordable housing and rural exception sites for affordable housing is now included in the LPS. However, 'saved' policies contained within previous local plans in relation to matters such as design, amenity etc will still be of relevance.

### Neighbourhood Development Plans

**2.8** Cheshire East is one of the most active neighbourhood planning areas in the country. There are several Neighbourhood Development Plans (NDPs) in the borough. NDPs form part of the development plan and may contain local and non-strategic policies and therefore, it is important that these are considered alongside the policies of the LPS and the content of this SPD. Further information on neighbourhood plans in Cheshire East can be found on the [Council website](#).

### Supplementary Planning Documents

**2.9** The Council has adopted several SPDs to provide additional guidance on the implementation of planning policies in the borough. Further details on this SPD and others can be found on the [Council website](#).

### Emerging Plans

**2.10** The Council is currently preparing Local Plan documents which, once adopted, will form part of the adopted development plan. These include the Site Allocations and Development Policies ("SADPD") and the Minerals and Waste Development Plan Document.

### Cheshire East Site Allocations and Development Policies Document

**2.11** The SADPD will form the second part of the Local Plan. It will set non-strategic and detailed planning policies to guide planning decisions and allocate additional sites for development to assist in meeting the overall development requirements set out in the LPS.



**2.12** The SADPD, once adopted, will contain detailed non-strategic planning policies on matters including housing mix and specialist housing for older people to complement policies contained in the LPS.

### **Cheshire East Minerals and Waste Development Plan Document**

**2.13** The Minerals and Waste Development Plan Document is currently in preparation. It will set out the Council's planning policies on minerals and waste.

## **3 Applying for Planning Permission**

**3.1** Applicants should engage with the Council, the local community including town/parish Council and relevant statutory consultees at the earliest opportunity in order to make sure that new development responds appropriately to the unique character and quality of place in the borough. Before making a planning application, applicants are strongly encouraged to use the Council's pre-application service <sup>(5)</sup>, particularly for larger schemes, to discuss aspects of a planning proposal including the affordable housing requirements.

**3.2** For complex, major developments, the Council may also work with applicants to negotiate and enter into a planning performance agreement. Planning performance agreements set out an agreed and realistic timetable for processing and determining an application <sup>(6)</sup>.

**3.3** Where schemes involve the provision of affordable homes, the Council also recommends approaching Registered Providers as early in the process as possible (where relevant) as their input at the design and concept stage can simplify the process of transferring built affordable homes at a later date.

**3.4** Applicants promoting schemes involving specialist (including supported living) or older persons housing are advised to make early contact with the Council's adult social care contract and commissioning team and the strategic housing team. One way of doing this is to indicate that you require their advice at the pre-application service stage.

**3.5** Applicants should also refer to the requirements of the Council's Statement of Community Involvement<sup>(7)</sup> and the publicity on planning application(s) protocol <sup>(8)</sup> to ensure appropriate engagement takes place on schemes prior to their submission through a planning application.

**3.6** The Council's website includes forms and guidance on making a planning application including a validation checklist <sup>(9)</sup>. The validation checklist includes documents that should be completed with an application to ensure all the required information is submitted and the application can be made valid.

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5 [https://www.cheshireeast.gov.uk/planning/view\\_a\\_planning\\_application/pre-application\\_advice/pre-application\\_advice.aspx](https://www.cheshireeast.gov.uk/planning/view_a_planning_application/pre-application_advice/pre-application_advice.aspx)  
 6 [https://www.cheshireeast.gov.uk/planning/view\\_a\\_planning\\_application/pre-application\\_advice/development\\_team\\_service.aspx](https://www.cheshireeast.gov.uk/planning/view_a_planning_application/pre-application_advice/development_team_service.aspx)  
 7 [https://www.cheshireeast.gov.uk/planning/spatial\\_planning/cheshire\\_east\\_local\\_plan/sci.aspx](https://www.cheshireeast.gov.uk/planning/spatial_planning/cheshire_east_local_plan/sci.aspx)  
 8 [https://www.cheshireeast.gov.uk/planning/view\\_a\\_planning\\_application/making\\_a\\_planning\\_application/the\\_decision\\_process.aspx](https://www.cheshireeast.gov.uk/planning/view_a_planning_application/making_a_planning_application/the_decision_process.aspx)  
 9 [https://www.cheshireeast.gov.uk/planning/view\\_a\\_planning\\_application/making\\_a\\_planning\\_application/making\\_a\\_planning\\_application.aspx](https://www.cheshireeast.gov.uk/planning/view_a_planning_application/making_a_planning_application/making_a_planning_application.aspx)



**3.7** The Community Infrastructure Levy (“CIL”) is a planning charge based on the size and type of new development. It is mandatory charge and non-negotiable. CIL charging rates, for use class C3 ‘dwellinghouses’ can be found on the Council website <sup>(10)</sup> alongside information on mandatory and discretionary CIL relief for certain types of affordable housing. It is important that applicants complete the relevant CIL forms, found on the Council’s website at: [www.cheshireeast.gov.uk/cil](http://www.cheshireeast.gov.uk/cil).

## 4 Housing Mix

**4.1** Applicants are encouraged to provide information on housing mix at the pre-application stage, particularly on sites of 10 or more dwellings. The Council will be able to provide feedback on the proposed housing mix, with consideration of a number of site, market and other relevant matters.

**4.2** Applicants should then provide information with their planning application on the approach to housing mix and how the proposal responds to the longer-term needs of residents in the borough. Housing Mix will be considered on a case by case basis and should maintain, provide or contribute to an appropriate mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

**4.3** Schemes should also consider the inclusion of Key Worker Housing <sup>(11)</sup> and people wishing to commission or build their own home in the overall housing mix. Additional guidance on specialist accommodation and Custom and Self Build are provided in this SPD.

**4.4** To meet the needs arising for older persons housing, applicants should demonstrate how their proposal will be capable of meeting, and adapting to, the long-term needs of residents as they grow older. Steps to achieve this could include the appropriate design, space, layout and functionality of homes to allow residents to adapt their living environment to meet their own needs as they grow older, including through assistive technology.

## 5 Environmental Impacts of Housing

**5.1** The Climate Change Act 2008 introduced a legally binding target for the UK to reduce greenhouse gases by 80% by 2050 against a 1990 baseline. The UK government, on the 20 April 2021, set out its intention to set into law a climate change target to cut emissions by 78% by 2035 compared with 1990 levels. The Council has recognised that there is a Climate Emergency and is aiming to be Carbon Neutral by 2025. Applicants are encouraged to reduce their carbon footprint where possible in the design, construction and occupation of homes and follow the energy hierarchy set out in LPS policy SE9 (energy efficient development), namely: -

- Reducing the need for energy and then ensuring the efficient use of energy supply;
- Maximising the potential for energy supply from decentralised, low carbon and renewable energy sources, including community-led initiatives; and then
- Efficiently using fossil fuels from clean technologies, where possible.

<sup>10</sup> [https://www.cheshireeast.gov.uk/planning/view\\_a\\_planning\\_application/making\\_a\\_planning\\_application/community-infrastructure-levy.aspx](https://www.cheshireeast.gov.uk/planning/view_a_planning_application/making_a_planning_application/community-infrastructure-levy.aspx)

<sup>11</sup> A key worker dwelling is defined in the LPS as a public sector employee who is considered to provide an essential service including health; education; emergency services and social workers



**5.2** New housing development should achieve Building for a Healthy Life 12 Standard<sup>(12)</sup>. Using this ‘traffic light’ design led framework, development should seek to maximise the number of green ratings. If amber is achieved for an essential criterion then the design should be revisited to seek to address any issues raised. Red ratings should be avoided. Planning conditions may be attached to a scheme to ensure the delivery of matters arising from the Building for a Healthy Life Assessment. Applicants are encouraged to provide evidence for how the development reasonably addresses the Building for a Healthy Life Standard criteria. Opportunities should be taken to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example, through green infrastructure provision, the maintenance of important hedgerows and Trees (particularly those with a Tree Preservation Order) and access to and contact with nature.

**5.3** The Cheshire East Environment Strategy 2020 – 2024<sup>(13)</sup> notes how homes account for 20% of greenhouse gas emissions in the UK. Alongside responding to LPS SE9 (energy efficient development) schemes are encouraged to consider LPS policy SE 8 (renewable and low carbon energy) which includes the policy context for renewable and low carbon energy schemes in the borough outside of permitted development. The justification text to the policy makes reference to sources of renewable and low carbon energy including solar thermal and photovoltaics (particularly on southern facing roof slopes) alongside other technologies including heat pumps. The views of the Aerodrome Safeguarding Authority (Manchester Airport and any other relevant safeguarded interests / bodies identified in regulations<sup>(14)</sup>) should be sought in respect of wind-turbine or solar photo-voltaic installations, where necessary.

**5.4** In line with LPS policy SD 1 (sustainable development principles) development proposals, should, wherever possible, use appropriate technologies to reduce carbon emissions including using sustainable design and construction methods. The policy also encourages the re-use of existing buildings on site.

**5.5** LPS Policy SD2 (sustainable development principles) sets out several principles that development proposals will be expected to consider. These include appropriate design, construction, insulation, layout and orientation to create developments that are resilient to climate change, minimise energy use, promote the use, recovery and recycling of materials, are water efficient and minimise waste and pollution. Further guidance on many of these factors are included in the Residential Design Guide SPD, volume 2, section v|22 – V|56 , available on the [council's website](#).

**5.6** LPS Policy SD2 (sustainable development principles) also expects residential development to provide for appropriate open space, provide access to public transport, open space and nature, key services and amenities and incorporate measures to encourage travel by sustainable modes. The policy includes recommended distances to services and amenities (having regard to proposed improvements that are to be brought forward as part of the development). LPS Policy CO4 (travel plans and transport assessments) require all major development schemes to be accompanied by a Transport Assessment and, where appropriate, a Travel Plan, which should propose sustainable travel including active travel measures.

12 Building for a Healthy Life (2020), David Birkbeck, Stefan Kruczowski, Phil Jones, David Singleton and Sue McGlynn

13 <https://www.cheshireeast.gov.uk/environment/carbon-neutral-council/environment-strategy.aspx>

14 Town and Country Planning (Safeguarded aerodromes, technical sites and military explosives storage areas) Direction 2002 (DfT/ODPM Circular 01/2003) and safeguarding maps



Applicants are also encouraged to consider concepts including the 20-minute neighbourhood which seek to support access to services and facilities for communities without having to use the car.

**5.7** Access to high quality digital infrastructure should be delivered, in accordance with LPS policy CO3 (digital connections) to accommodate broadband connectivity and allow residents to utilise 'smart' technology in their homes and facilitate home working, where appropriate, to reduce the need to travel and overall carbon footprint.

**5.8** 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.

**5.9** New development should also aim to secure ecological enhancements by providing nesting / roosting opportunities for bats and nesting birds. This could take the form of integrated opportunities for bats and nesting birds (such as roosting / nesting within part of the roof space). Provision should be informed by a trained ecologist in discussion with the Council's Nature Conservation Officers. Further guidance is contained in the Council's Residential Design Guide SPD in section iv | 16 & iv 17. Lighting schemes should take reasonable steps to avoid night-time light pollution. Criterion 5 of LPS policy SE 3 (biodiversity and geodiversity) notes how all development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. Developers should also be aware of their responsibilities through the Environment Act 2021 and associated regulations, particularly in respect of Biodiversity Net Gain.

**5.10** Development should avoid and, where necessary, mitigate against environmental impacts of development. Residential development will be expected to address the requirements of LPS policy SE12 (pollution, land contamination and land instability) in any development proposals. Relevant buildings containing two or more dwellings (or educational accommodation) and those who meet the height condition of 18 metres or higher (or 7 or more storeys) should refer to the requirements of the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021 ("the 2021 Order") and 'planning gateway one' in respect of fire safety matters.

**5.11** Development proposals should also integrate measures for sustainable water management, reduce flood risk and avoid an adverse impact on water quality and quantity in the borough. Residential development proposals should address the requirements of LPS policy SE13 (flood risk and water management). The Residential Design Guide includes additional guidance, on the importance and potential of SUDS to manage surface water in a sustainable manner<sup>(15)</sup>. The views of the Aerodrome Safeguarding Authority (Manchester Airport) should be sought if the SUDS provision is within the 13km bird-strike hazard consultation zone for Manchester Airport or other relevant safeguarded interests / bodies identified in regulations<sup>(16)</sup>.

<sup>15</sup> Volume 2, section 111 iv|64 – iv|75

<sup>16</sup> Town and Country Planning (Safeguarded aerodromes, technical sites and military explosives storage areas) Direction 2002 (DfT/ODPM Circular 01/2003) and safeguarding maps



**5.12** In accordance with policy IN 2 (developer contributions) suitable arrangements will be secured, through mechanisms including a S.106 agreement (including ongoing revenue) towards the management and maintenance of services and facilities. This may include, for example, the ongoing management and maintenance of public open space and landscaped areas.

## 6 Affordable Housing

### Definition

**6.1** The NPPF in Annex 2 ‘Glossary’ (and reproduced in the Glossary of this SPD) defines affordable housing as “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)”. There are four broad types of affordable housing:

- Affordable housing for rent;
- Starter Homes;
- Discounted market sales housing;
- Other affordable routes to home ownership.

### Affordable Housing Thresholds and Targets

**6.2** The LPS identifies a need for a minimum of 7,100 affordable homes (an average of 355 affordable homes each year) across the borough for the twenty-year Plan period (2010 to 2030).

**6.3** LPS policy SC5 (affordable homes) sets out the thresholds for affordable housing provision in the borough. In residential developments, affordable housing will be provided as follows: -

- i. In developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable;
- ii. In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sqm) in Local Service Centres and all other locations at least 30% of all units are to be affordable;

**6.4** The NPPF (2021), in paragraph 64, states that the provision of affordable homes should only be sought for residential developments that are major developments<sup>(17)</sup>. Planning decisions should be made in accordance with the thresholds included in policy SC5 (affordable homes) unless material considerations indicate otherwise. The NPPF is a material consideration in decision taking.

**6.5** On sites below the site size thresholds set out in LPS policy SC5 (affordable homes), affordable housing will not be required by policy, but developers are still invited to consider making provision for an element of such housing as part of the overall scheme.

<sup>17</sup> Major developments are defined in the NPPF as housing sites of 10 or more homes, or where the site has an area of 0.5 hectares or more.



**6.6** In applying the size threshold for affordable housing, site areas will normally be measured to the natural, physical perimeters of the site. It will not be acceptable for sites to be artificially divided into smaller components in order to take a site below the stated affordable housing threshold.

**6.7** There will be occasions where meeting the affordable housing requirement on residential sites would not result in a 'round' number of dwellings. In such cases, the number shall be rounded up to the nearest whole number. This is to ensure that the full 30% requirement for affordable housing is met on-site.

**6.8** Affordable housing can also be provided on rural exception sites where there is a proven need and in accordance with LPS policy SC6 (rural exceptions housing for local needs). Further guidance on the provision of rural exception sites are included in this SPD.

## Tenure of Affordable Homes

**6.9** Affordable homes provided must be of a tenure, size and type to help meet identified housing needs and contribute to the creation of mixed, balanced and inclusive communities (point 3 of LPS policy SC5 affordable homes and also reflected in policy SC4 residential mix).

**6.10** The Council's initial preference, based on current evidence on tenure, is for a mix of 65% affordable (or social) rent housing and 35% (intermediate affordable housing) as mentioned in paragraph 12.48 of the LPS. The Council will, however, seek the balance of housing that best meets local needs and the characteristics of the site.

**6.11** Applicant's should provide justification if they seek a different tenure mix (than 65% affordable (or social rent) and 35% intermediate housing). Applicants are also expected to set out circumstances where different affordable housing products are involved.

**6.12** There will be occasions where meeting the affordable housing tenure on residential sites would not result in a 'round' number of dwellings. In this situation, when determining the 65/35% tenure split, the Council will round up or down the number of units to the nearest whole number.

**6.13** In line with paragraph 65 of the NPPF (2021), where major development involving the provision of housing is proposed, decisions should provide at least 10% of the total number of homes to be available for affordable home ownership , unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:-

- Provides solely Build to Rent homes;
- Provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
- Is proposed to be developed by people who wish to build or commission their own homes: or
- Is exclusively for affordable housing, an entry-level exception site or a rural exception site.



## Affordable Housing Products

**6.14** Affordable housing includes housing for sale or rent, for those whose needs are not met by the market. There are several definitions and types of affordable housing as set out in the following section which build upon the definitions provided by the NPPF.

**6.15** Cheshire East does not currently maintain any social housing of its own. There are several Registered Providers (RP), who operate in the borough including a number of housing associations. Registered Providers support the provision of affordable housing, are independent companies and are controlled by the Regulator of Social Housing. The Council has partnered with several Registered Providers, through Cheshire Homechoice to apply for social housing in the borough. Information on Cheshire Homechoice and how each application is assessed through the housing allocations policy can be viewed on the Cheshire East website. Details of Registered Providers who are not a partner through Cheshire Homechoice, and use their own eligibility criteria, can also be found on the Cheshire East website.

### Affordable housing for rent

**6.16** Affordable housing for rent must meet the NPPF definition - (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).

**6.17** In Cheshire East, rented accommodation for affordable housing should be provided at levels no higher than Regulator for Social Housing target rents. The Council will normally require all social rented housing to be developed and managed by Registered Providers. All nominations for rented affordable housing are provided through the Cheshire East Homechoice Choice Based Lettings<sup>(18)</sup> system via the Common Allocations Policy. Allocations for rented housing will be completed in accordance with a Section 106 agreement produced for the specific scheme, however most agreements specify 100% nominations at first let and 50% thereafter.

**6.18** There is a clear need to ensure that rented affordable dwellings can be let at rent levels which are truly affordable. Whilst housing schemes across the borough have previously been let at social rent or affordable rent (up to 80% of market rent), Cheshire East Council have an ambition and are now seeking to support rent levels which do not exceed either the Local Housing Allowance (LHA) for the area, or Regulator for Social Housing target rent amounts – whichever is lowest. This total rent amount is inclusive of additional service charges which are added to rent schedules. LHA rates are subject to change throughout the lifetime of this document, therefore it is recommended that the most recent figures are obtained and observed when providers are securing housing schemes. The purpose of the change to LHA or target rental rates is to ensure that rented accommodation remains truly

<sup>18</sup> [https://www.cheshireeast.gov.uk/housing/housing\\_options/rented\\_social\\_housing.aspx](https://www.cheshireeast.gov.uk/housing/housing_options/rented_social_housing.aspx)



affordable, across the borough, for those in housing need. A clear viability justification will be required where applicants seek to demonstrate that LHA rates are not deliverable for a scheme, but it is deliverable at 80% of market rent.

## **Build to Rent**

**6.19** Build to rent schemes are defined as those which are purpose built for the provision of rented accommodation, including both affordable and market units. Build to Rent schemes can either be standalone, or form part of a wider multi-tenure site. The affordable provision on a Build to Rent scheme should consist entirely of affordable rented dwellings and in this context is referred to as Affordable Private Rent. The landlord for the affordable housing provision on Build to Rent schemes does not need to be a Registered Provider.

## **Starter Homes**

**6.20** The definition of Starter Homes is as stated in Sections 2 and 3 of the Housing and Planning Act 2016 and any subsequent secondary legislation made under those sections. Starter Homes are new-build homes which are provided for sale to first-time buyers and come with at least a 20% discount from the open market value, up to a cap of £250,000 (post discount). There are additional criteria to access starter homes such as age restrictions and a cap on household incomes to ensure that the properties are sold to those with an identified housing need.

## **Discounted Market Housing for Sale**

**6.21** Discounted market housing for sale is an intermediate product that refers to the provision of subsidised low-cost market accommodation through a re-sale covenant scheme. The principle is that the accommodation is available, at a fixed discount, below the open market value to households in need. The level of discount will be that which is required to achieve the maximum selling price determined by the Council for those in need locally who cannot afford to buy on the open market.

**6.22** The individual circumstances of each planning application and the area will be taken into consideration and will need to be negotiated with the Council prior to the determination of the relevant planning application. Within Cheshire East, the minimum discount rate is 30%. Evidence has shown that in order to achieve an affordable price, the level of discount will normally be required to be a minimum of 30% and up to 50% of the market price. The discount applies on initial and all subsequent re-sales thus ensuring that the accommodation is retained as affordable. Discounted market housing for sale will normally be provided by a private developer, in which case it should be subject to a satisfactory arrangement to ensure that the benefit of below market price housing is available in perpetuity to future occupants.

**6.23** The house price of each property will be based on the open market value prevailing at the time of marketing the property as agreed with the Council, less the appropriate discount to achieve the agreed maximum selling price. Valuations for discounted properties will need to be completed by an Royal Institute of Chartered Surveyors qualified valuer, then verified by the Council, before marketing of the property can commence. A Section 106 Agreement will be required to ensure that the level of discount remains in force for all initial and subsequent re-sales.



## First Homes

**6.24** A written ministerial statement and Planning Practice Guidance <sup>(19)</sup> set out the government intentions for First Homes from the 28 June 2021.

**6.25** First Homes are a specific kind of discounted market sale housing. They are the government preferred discounted market tenure, are considered to meet the definition of 'affordable housing' for planning purposes.

**6.26** Specifically, First Homes are discounted market sale units which:

- a) must be discounted by a minimum of 30% against the market value;
- b) are sold to a person or persons meeting the First Homes eligibility criteria ;
- c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and
- d) after the discount has been applied, the first sale must be at a price no higher than £250,000. First Homes are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations (i.e. S106 agreements).

## Application of 'First Homes' in Cheshire East

**6.27** The LPS was adopted on the 27 July 2017 prior to the written ministerial statement on First Homes. In addition, the second part of the Council's Local Plan, the SADPD does not directly address affordable housing requirements, contains non-strategic policies and falls within the transitional arrangements for First Homes.

**6.28** Although not part of the Cheshire East Local Plan, the written ministerial statement and PPG are a material consideration in decision taking. The PPG encourages local planning authorities to make development requirements for First Homes clear in their area <sup>(20)</sup>.

**6.29** Under transitional arrangements the Council does not need to require First Homes as part of the affordable housing mix until the requirement is included within an updated and adopted Local Plan /made neighbourhood plan.

**6.30** First Homes will also not apply to the following:

- sites with full or outline planning permissions already in place or determined (or where a right to appeal against non-determination has arisen) before 28 December 2021;
- applications for full or outline planning permission where there has been significant pre-application engagement which are determined before 28 March 2022

**6.31** In the event that an application which includes First Homes is submitted to the Council prior to the update to the Local Plan and / or relevant neighbourhood plan then the Council will consider the inclusion of First Homes as a material consideration in decision taking. When determining whether the inclusion of First Homes is acceptable on a scheme, the Council

19 <https://www.gov.uk/guidance/first-homes>

20 Paragraph: 009 Reference ID: 70-009-20210524



will consider the extent to which the proposal complies with national planning policy and whether the introduction of First Homes has any unacceptable impacts, with reference to existing local plan policies in the borough.

**6.32** In addition, to qualify as a First Home, there should be a section 106 agreement securing the necessary restrictions on the use and sale of the property, and a legal restriction on the title of the property to ensure that these restrictions are applied to the property at each future sale. The price cap of £250,000 (or £420,000 in Greater London), however, applies only to the first sale and not to any subsequent sales of any given First Home.

**6.33** The First Homes Written Ministerial Statement and PPG have also introduced a First Homes Exception sites policy. Full details of the First Homes Exception Sites policy can be found in the Written Ministerial Statement and PPG and are not repeated here. From 28 June 2021, the Council will consider planning applications for the development of First Homes Exception Sites in accordance with the Written Ministerial Statement and PPG as a material consideration in decision making as references are not currently included in the development plan. The Council will consider the extent to which the proposal complies with national planning policy and whether the introduction of First Homes has any unacceptable impacts, with reference to existing local plan policies in the borough.

## Other affordable routes to home ownership

### Shared ownership

**6.34** Shared Ownership is an intermediate product and provides a way of helping households to buy a share in their own home when they cannot afford the full market value. The household purchases a share, usually between 25 – 75%, and pays rent on the remaining proportion to the managing Registered Provider. Additional shares can be purchased at 10% at a time (referred to as ‘staircasing’) which will enable a resident to increase their equity share in the property and in many cases buy the final share and own the whole home. Following staircasing to 100% ownership, the affordable element of the property is fully removed, and the property can be resold at 100% of the market value, without restrictions.

**6.35** The Government from the 01 April 2021 has updated the model Shared Ownership lease, which includes several changes to shared ownership properties brought forward by the new Homes England Affordable Homes Programme 2021-26. This has seen a reduction in the initial equity available to buy, reducing from 25% to 10%. Occupiers will also be able to purchase additional equity of their property 1% at a time, reduced from 10% at a time. This aims to support residents to access routes to home ownership with lower deposits. There is an expectation that this new model of Shared Ownership will be incorporated in non-grant funded units as well, following its introduction. This approach is also included in the charter for social housing residents: social housing white paper consultation document published by the government<sup>(21)</sup>.

**6.36** In 2009, the government introduced legislation under which several rural parishes in Cheshire East became ‘Designated Protected Areas’ whereby new affordable shared ownership dwellings in these areas would be subject to requirement that owners are either not able to acquire more than 80% equity in a property or if they acquire 100% equity, it has to be sold back to the managing Registered Provider to retain as affordable housing in

<sup>21</sup> <https://www.gov.uk/government/publications/the-charter-for-social-housing-residents-social-housing-white-paper>



perpetuity. When 'staircasing' has taken place, the additional payments will be recycled and used for affordable housing in Cheshire East. The Council will normally expect all schemes to be transferred to and managed by a Registered Provider. In such cases, legal restrictions on eligibility and rental levels will be necessary. A list of the Designated Protected Areas relevant to Cheshire East can be viewed in the Housing (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009.

**6.37** Where a Registered Provider is involved, the rental element will be set at an affordable level by the Registered Provider itself but will need to be confirmed with the Council. For shared ownership offered by other providers this must be in partnership with Homes England and the rental element will also need to be confirmed with the Council to ensure they are set at an affordable level. In such cases, a Section 106 Agreement will be required. The house price of each property will be based on the open market value prevailing at the time of marketing the property as agreed with the Council, the terms and conditions contained in the shared ownership lease and on the assumption that the leaseholder would acquire a 100% interest in the lease. This is to be assessed by a Royal Institute of Chartered Surveyors qualified independent valuer. As indicated above, in some rural areas of the Borough, the government has applied restrictions on the amount of equity that an owner is able to acquire. The council can apply to Homes England for a waiver for the Designated Protection Area status. However, this is only likely to occur in exceptional circumstances.

### Shared equity

**6.38** Shared Equity is an intermediate product that provides households the opportunity to purchase a share of a property, typically 70%, with the remaining 30% share being retained by the Council. After 5 years, further equity can be bought in the property up to 100% ownership. When the purchaser wants to sell the property, they must do so on the same terms as when they purchased the property. This means they must sell it with the same level of discount they received and to someone who meets the criteria for affordable housing. A legal charge is attached to the property to ensure this happens. If the owner buys the remaining share from the Council the legal charge is removed.

### Rent to buy

**6.39** 'Rent to Buy' is an intermediate home ownership product which allows households to pay an intermediate rent up to 80% of open market rent, giving the occupant the opportunity to save for a deposit which could enable them to purchase the property after a minimum of 5 years following moving in. Rent to Buy properties are not subject to local authority nominations, however, landlords may wish to work with the local authority to identify potential tenants. Applicants for Rent to Buy properties must be working and either first time buyers or starting a new household following a relationship breakdown. The purchase of the property, if taken forward, following this minimum 5-year period is completed at the market value of the property and the 'Right to Buy' is not applicable on Rent to Buy properties.



## Affordable Housing Site Specific Considerations

### Design and layout of schemes involving affordable homes

**6.40** Point U2 (a mix of home tenures, types and sizes) in the National Design Guide<sup>(22)</sup> encourages schemes to be well-integrated and designed to the same high quality across different tenures.

**6.41** This is consistent with the intention of LPS policy SC5 (affordable homes, point 5), that market and affordable homes on sites should be indistinguishable and achieve the same high design quality. The design, including elevation, detail and materials, should be compatible with open market homes and be regarded as 'tenure blind' ensuring that dwellings are unable to be identified as affordable due to their design and aesthetic. Affordable homes should also have comparable access to local green spaces, open spaces, play and amenity areas as open market homes for health and well-being. It is also expected that affordable homes will have the same level and standard of car parking as for open market homes, in line with the Council's car parking standards set out in Appendix C of the LPS.

**6.42** Design standards of funding bodies such as Homes England should also be referred to, where relevant, in order to satisfy any funding grant requirements.

**6.43** The design of new housing developments should ensure that affordable homes are integrated with open-market homes to promote social inclusion. Affordable homes (both rented and intermediate tenure) should therefore be 'pepper potted' throughout a development in line with point 4 of policy SC5 (affordable homes) unless there are specific circumstances or benefits that would warrant a different approach. The affordable housing provided on a scheme should not be segregated from the open market dwellings, nor should it be entirely on the periphery of a development. Approval of affordable housing layouts will take into consideration factors including the number of affordable dwellings, site topography and other site characteristics, and whether affordable units are distributed across the entirety of a site. It is acknowledged that Registered Providers favour clusters of units to assist in housing management and repair issues. Clusters should normally consist of between 6 and 10 dwellings; however, there may be limited circumstances where clusters are a different size. In all cases, it should not be to the detriment of ensuring the scheme has a wide mix of tenures throughout the site.

## Delivering Affordable Housing

### Affordable Housing Statement

**6.44** For planning applications of schemes which have an affordable housing requirement, the planning application validation checklist includes the need for an Affordable Housing Statement, which should specify what is being proposed with regards affordable housing and provide justification for the amount and type of affordable housing proposed.

**6.45** The Affordable Housing Statement will need to include the following elements:

- the number of affordable homes / market homes proposed to be provided on site. Indicative information may be provided at outline planning stage;

22 <https://www.gov.uk/government/publications/national-design-guide>



- any specialist provision which is being provided and who this is for, including the need for such provision in line with the requirements of SC4 (residential mix);
- detail of how the proposed development complies with relevant national (NPPF & NPPG) and local planning policies and guidance (particularly policy SC5 / SC6 (as relevant) in the LPS);
- A plan and supporting information on the timing, location and distribution of the affordable housing within the site, ensuring that the affordable housing is pepper-potted throughout the Site and not segregated from the open market housing (required for full and reserved matters applications only) illustrative plans should be submitted for sites seeking outline planning permission;
- Information should also be provided on the proposed housing mix. This should include sizes, types and tenure of affordable homes proposed (required for full and reserved matters applications only). A guide or illustration of the proposed housing mix should be submitted for sites at outline planning permission stage;
- details of how the proposed design, materials and construction of the affordable housing will ensure that the affordable housing is materially indistinguishable (in terms of design and appearance) from the open market housing of similar size within the development (required for full and reserved matters applications only). A commitment to this approach will be required for sites seeking outline planning permission.

## Role of Registered Providers

**6.46** The Council's preference is for affordable housing to be provided and managed by Registered Providers. The Council regards the involvement of a Registered Provider in any element of affordable housing as a sufficient guarantee of need and affordability without any additional control. In all other cases of affordable housing including Build for Rent, the Council will require the S.106 Agreement to contain an obligation to make the affordable housing available to those in housing need and at less than the market price or rent in perpetuity, so far as the law allows.

## Use of Financial and Other Contributions in-lieu of direct affordable housing provision

**6.47** In line with paragraph 63 of the NPPF, the Council will normally require affordable housing to be delivered without public subsidy and provided on site. In exceptional circumstances and where it can be justified, as a first alternative, affordable housing will be accepted off-site; this must be robustly justified and on a site that is agreed with the Council as being in a suitable location, relative to the housing need to be met.

**6.48** In the circumstances, where suitable sites aren't available, and where it can be justified, as a second alternative, a financial contribution will be accepted. This provision is viewed by the Council as a last resort option, as opposed to an alternative method of affordable housing. The Council's desire to have all affordable provision on-site is in line with government guidance to encourage the development of mixed and balanced communities. However, there may be physical or other circumstances where an on-site provision would not be practical or deliverable. Such circumstances might include where:

- the provision of the affordable housing elsewhere in the locality would provide a better mix of housing types;
- management of the affordable dwellings on site would not be feasible;



- it would be more appropriate to bring back existing vacant housing into use as affordable units;
- the constraints of the site prevent the provision of the size and type of affordable housing required in the area.

**6.49** In line with paragraph 12.51 in the LPS, there may also be limited circumstances in Crewe, where it may be appropriate to divert funding for affordable housing into the improvement of existing stock within the urban area, rather than the provision of new affordable homes.

**6.50** Where a financial contribution is offered, the amount of such contribution will normally be expected to reflect the cost necessary to facilitate an equivalent amount of affordable housing as would have been provided on-site. The amount of any contribution will need to be agreed with the Council. Where off-site provision is made by the developer or as a result of any financial contribution, this should be in a location elsewhere within the borough where there is an identified need.

**6.51** One way of calculating the cost to the developer for off-site provision may 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. In this example, we would require the applicant to submit an affordable housing mix outlining the type, size and tenure of units which meet the housing need for the locality and the policy requirements of the LPS, including constructed to national building regulations requirements and provided at 65% rented and 35% intermediate tenure mix. This should include the open market values of the units and details of offers from a Registered Provider to take the affordable units. In order to establish open market values, a valuation will need to be completed by a Royal Institute of Chartered Surveyors qualified valuer, then verified by the Council.

### Worked example for C3 dwelling houses

- 12 units on site of 1 hectare in a Local Service Centre
- 30% affordable housing requirements:  $12 \times 0.3 = 4$  units
- in this example, there is 3 x 2 bedroom house at social rent and 1 x 3 bedroom house at intermediate tenure. Using some illustrative values as an example presents the following position:-

Table 6.1 Use of financial contributions in-lieu of direct affordable housing provision

Unit Type	Open Market Value	Tenure	RP Offer	Financial Contribution (per unit)	Total
2 bedroom house (65m <sup>2</sup> )	£100,000	Social Rented	£55,000	£45,000	£135,000
3 bedroom house (70m <sup>2</sup> )	£120,000	Intermediate	£80,000	£40,000	£40,000
					£175,000



**6.52** Where viability is cited as a reason for fewer affordable dwellings being delivered, the developer will be required to submit an open book viability assessment. In such cases, the Council will commission an independent review of the viability study, for which the developer will bear the cost. In cases where such affordable housing provision is agreed there may be a requirement for 'overage' payments to be made. This will reflect the fact that the viability of a site will be agreed at a point in time and may need to be reviewed, at set point(s) in the future.

### Phasing of affordable homes

**6.53** In order to ensure the proper integration of affordable housing with open market housing, particularly on larger schemes, conditions and/or legal agreements attached to a planning permission will be required. The actual percentage will be decided on a site by site basis, but the norm will be that affordable units will be provided no later than the sale or let of 50% of the open market homes. However, in schemes that provide for a phased delivery and a high degree of 'pepper potting' of affordable homes distributed across the site, the maximum proportion of open market homes that may be completed before the provision of all affordable units may be increased to 80% following approval from the Strategic Housing Manager.

### Legal Agreements

**6.54** The Council will normally require provision of affordable housing and/or any control of occupancy to be secured by means of planning obligations pursuant to Section 106 of the Town and County Planning Act 1990 (as amended). Section 106 agreements are legal agreements made between the Council and applicants / landowners and can be attached to a planning permission to make acceptable development which otherwise may be unacceptable in planning terms.

**6.55** Section 106 planning obligations can only be taken into account in determining planning applications where they meet the following tests from Regulation 122 of the CIL Regulations:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

**6.56** In respect of affordable homes, Section 106 agreements may cover the following areas:-

- **Tenure:-** Where a development contains an element of affordable housing that is to be available for rent, the Council will require the agreement to contain an obligation that any such housing is to be managed by a Registered Provider. Where a development contains an element of affordable housing that is to be available for sale or shared ownership, then the Council will require the agreement to contain adequate principles approved in advance by the Council or alternatively the agreement may reserve the Council's right to approve a specific scheme prior to implementation.
- **Dwelling Types and Sizes:-** If the relevant planning application is in outline only, then the Council will require the agreement to stipulate an acceptable range for the number, type, tenure and size of all affordable housing units, as appropriate. If the relevant planning application is a detailed application (reserved matters or full application), then



the Council may require that the agreement contains an obligation that the affordable dwellings are to be built in accordance with the details comprised in the approved application as regards number, type, design, tenure and size of each dwelling.

- **Price and Rent Control:-** Where a development contains an element of affordable housing that is to be available for sale, the Council will require that the agreement sets out the formula to be applied to achieve the desired level of discount in perpetuity. Where a development contains an element of affordable housing that is to be available for intermediate rent, the Council will require that the agreement sets out the provisions and safeguards to achieve a rent amount which is affordable in perpetuity.
- **Use of financial and other contributions:-** Where developers offer financial or other contributions towards the provision of affordable housing on an alternative site in the locality, and it is agreed by the Council that this is an acceptable means of providing affordable housing, the Council will expect the agreement to contain obligations relating to the provision of such contribution. In some instances, the agreement may include viability reviews and 'overage' clauses where a reduced or nil element of affordable housing has been agreed. This will include provisions to secure the amount to be paid, the trigger or date to pay the contribution and any other necessary requirements including any 'overage' payment requirements.
- **Phasing:-** Where any element of affordable housing is to be comprised in a larger development which also includes market housing, the Council will expect that provision of the affordable housing element will be phased. The Council will therefore require the Section 106 Agreement to contain an obligation restricting the developer from allowing the sale or letting of an appropriate proportion of the open market housing until the affordable housing element is built and ready for occupation on an agreed basis.
- **Involvement of Registered Provider:-** In all cases where a Registered Provider is to be involved in the provision of any element of affordable housing, then the Council will require that the agreement contains an obligation that such housing is transferred to and managed by a Registered Provider and that it should only be used for the purposes of providing housing accommodation to meet the objectives of a Registered Provider as set out in the Housing Act 1996.

**6.57** Applicants are encouraged to provide the necessary information to assist in the production of a Section 106 agreement including: -

- Proposed 'heads of terms' of the legal agreement setting out in broad terms what the main elements that the Section 106 agreement will cover.
- Up to date copies of any relevant title and ownership deeds from land registry.
- An undertaking to pay the Council's appropriate and reasonable legal and administrative costs in connection with preparation of the legal agreement.
- In the event that the applicant is represented by a member of the legal profession, the relevant contact details and name of the individual and/or organisation dealing with the matter.

## Viability

**6.58** The affordable housing requirement set out in policy SC5 (affordable homes) of the LPS is considered up to date. The policy requirements have been viability tested, most recently in the process of adopting a CIL Charging Schedule for the borough. Reference can also be made to the viability work prepared to support the emerging SADPD document.



**6.59** It is anticipated that as the LPS policy requirements are clearly stated, then these costs can be accurately accounted for in the price paid for the land by the developer. It is expected that applicants will be aware of their policy obligations at the outset and that the financial implications of these will have taken into account prior to negotiations on the purchase of the land.

**6.60** Planning applications that comply with the policy requirements of SC5 (affordable homes) are considered to be viable. However, and as noted in criterion 7 of policy SC5 (affordable homes), in exceptional circumstances, where scheme viability may be affected, developers will be expected to provide viability assessments when seeking to justify alternative affordable housing provision. Alternative affordable housing provision could include lower provision or provision of alternative affordable housing tenures.

**6.61** National planning policy and planning practice guidance <sup>(23)</sup> details the particular circumstances that justify the need for a viability assessment at the application stage. Such circumstances could include (but not limited to), 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.

**6.62** Applicants who consider that a viability case for alternative affordable housing exists, will be required to submit an open book viability assessment. In such cases, the Council will commission an independent review of the viability study, for which the developer will bear the cost. The applicant will be required to provide a written undertaking to cover the cost of the independent review of the viability study prior to the viability specialist being appointed. Outputs from the viability review process will be shared with the applicant.

**6.63** Any viability assessment should reflect the government's recommended approach to defining key inputs and variables to be included in the viability assessment as set out in national guidance – (<https://www.gov.uk/guidance/viability>). Reference should also be made to best practice, for example Royal Institute of Chartered Surveyors guidance and professional standards <sup>(24)</sup>.

**6.64** Viability assessments should consider an appropriate level of profit. The PPG makes reference to profit of between 15-20% with profit levels relevant to the scale, complexity and risk of the development. The PPG notes that a lower level of expected profit may be appropriately applied in circumstances where this guarantees an end sale at a known value and reduces risk. The cost of fully complying with policy requirements should be accounted for in benchmark land value. Under no circumstances will the price paid for land be relevant justification for failing to accord with relevant policies in the plan <sup>(25)</sup>.

**6.65** In accordance with PPG and policy SC5 (affordable homes) economic viability assessments will be made publicly available along with all information relevant to the planning application. Where an exemption from publication is sought on matters of commercial

23 <https://www.gov.uk/guidance/viability> - Paragraph: 007 Reference ID: 10-007-20190509

24 [www.rics.org.uk/](http://www.rics.org.uk/) and including Financial Viability in Planning (2019) or as updated.

25 Planning Practice Guidance: Paragraph: 018 Reference ID: 10-018-20190509



sensitivity then this will have to be justified and any aggregated information should be clearly set out and be able to be published. An executive summary should also be produced for any economic viability assessments prepared.

**6.66** In cases where such alternative affordable housing provision is agreed there may be a requirement for the provision of 'overage' payments to be made. This will reflect the fact that the viability of a site will be agreed at a point in time and may need to be reviewed, at set point(s) in the future. An overage requirement is a clause in a Section 106 agreement that relates to future profits from a development. Where the viability evidence justifies a lower affordable housing requirement than the policy target, and this is accepted by the Council, an overage clause will be inserted into the Section 106 agreement. As viability assessments are relevant to a particular point in time, this would be linked to reviews of the viability assessment, at certain points within the site's lifetime. Such a requirement will be related to the site's size; its characteristics; market conditions and other relevant factors (paragraph 12.52 of the LPS).

**6.67** In the circumstances where a developer makes more profit than expected, a proportion of that 'additional' profit is to be paid to the Council to help fund the provision of affordable housing that should have otherwise been provided by the development itself. The level of 'additional profit' is established through a re-assessment of viability after the completion of the scheme using the actual costs and values in the development. The mechanisms of this assessment would be set out in the Section 106 agreement.

**6.68** In preparing a viability assessment, applicants should provide as full and complete information as possible. This is to assist the independent assessment of the viability appraisal seeking to minimise the time this process could take.

**6.69** Affordable housing and tariff style contributions will not be sought from any development consisting only of the construction of a residential annex or extension to an existing home (in line with point 9 of policy SC5 affordable homes).

### Vacant Building Credit

**6.70** To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, the NPPF (paragraph 64) notes that the affordable housing contribution due should be reduced by a proportionate amount equivalent to the existing gross floorspace of the relevant vacant buildings. Affordable housing contributions may still be required for any increase in floorspace.

**6.71** The vacant building credit does not apply to buildings which have been abandoned. As set out in national planning guidance, in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as: the condition of the property, the period of non-use, whether there is an intervening use; and any other relevant evidence regarding the owner's intention for the site.

**6.72** Each case is a matter for the Council to judge. In considering how the vacant building credit should apply to a particular development, the Council will have regard to the intention of national policy. In doing so, it may be appropriate to consider: whether the building has



been made vacant for the sole purposes of re-development, whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.

**6.73** Any vacant building credit calculation should be submitted to the Council at the point of the application. The Council will expect the building to be measured in accordance with best practice and guidance documents such as the Royal Institute of Chartered Surveyors code of measuring practice.

**6.74** One way of calculating vacant building credit, could be to use the following formula – (net change in floorspace / proposed floorspace) x affordable housing policy requirement. As an illustrative example; -

- Proposed development of 2,000 sqm (with a floor space of 100 sqm each) results in 20 homes.
- Policy SC5 (affordable homes) requires 30% affordable homes
- 30% of 20 homes = 6 homes
- There is an existing vacant building on site with a floorspace of 750 sqm
- The difference between the gross floorspace of the existing vacant building and the proposed new build floorspace is 1,250 sqm
- Therefore, the affordable housing requirement for this site is  $(1250/2000) \times 6 = 3.75$  (or 4 dwellings (rounded)).

## Rural and Entry Level Exception Sites

### Rural Exception Sites

**6.75** The NPPF, in paragraph 78, states that rural housing policies “should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this”.

**6.76** As the release of such sites will be an exception to planning policy related to the countryside, to meet locally identified affordable housing need, then the location, scale, layout, density, access and design of any proposed scheme will be critical in determining whether it is acceptable.

**6.77** The LPS in policy SC 6 (rural exceptions housing for local needs) outlines criteria, relevant to rural exception housing sites. The introduction to policy SC6 (rural exceptions housing for local needs) is clear that all criteria (points 1-8) need to be met for a site to be considered an exception to other planning policies relating to the countryside. Point 8 of policy SC6 (rural exceptions housing for local needs) also provides further guidance concerning the cross subsidy of affordable housing with market housing and again sets out a number of criteria that should be addressed. Taking points 1-8 of policy SC6 (rural exceptions housing for local needs) in turn: -



- Location – sites should adjoin Local Service Centres or other settlements<sup>(26)</sup> and be close to existing employment and existing or proposed services and facilities. Services and facilities are defined as including public transport, education and health facilities and retail services. Table 9.1 (access to services and facilities) in the LPS provides a guide on recommended distances to services and facilities. Sites which adjoin Principal Towns and Key Service Centres are not considered to be rural exception sites and will not be supported as such. The needs of larger settlements at Principal Towns and Key Service Centres are met through the requirements of LPS policy SC5 (affordable homes).
- Scale – schemes should be small in scale (defined as 10 dwellings or fewer by the LPS). They should broadly reflect the affordable housing need appropriate to the parish in which the scheme is situated. If a higher local housing need is demonstrated (greater than 10 dwellings) then it may be considered appropriate for development of more than one site to meet this need.
- Site Options Appraisal - all rural exception site schemes should be supported by a thorough site options appraisal to demonstrate why the site is the most suitable one.
- Housing needs survey – schemes should be supported by an up to date (within the last five years) housing needs survey that identifies the need for such provision within the parish. The Council has published a number of parish level surveys across the borough which can be accessed on the council's website<sup>(27)</sup>. 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 and ensuring appropriate levels of engagement with the parish council where possible. A copy of the model survey is included in Appendix 2 of this SPD.
- Occupation of schemes – points 5, 6 and 7 of policy SC6 (rural exceptions housing for local needs) refer to ensuring occupancy criteria and the method to the ‘cascade’ approach, generally focused on the parish where the rural exception site is being promoted.

**6.78** Point 8 of policy SC6 (rural exceptions housing for local needs) refers to perpetuity, it is expected that proposals for the affordable homes element of a rural exceptions scheme is to be retained as affordable homes in perpetuity (forever).

**6.79** The provision of a small number of ‘market’ units may help maintain communities where development would not otherwise occur. Such schemes will, however, only be permitted where viability assessments or some other clear reason demonstrates that this is the only way that affordable housing to meet local needs can be delivered on the site. In the instances where cross subsidy of schemes (i.e. market units provided to support the financing of affordable units) would be acceptable, points 1-7 of policy SC6 (rural exceptions housing for local needs) have to be addressed, alongside the requirements of point 8, specifically:-

- Such proposals will only be permitted where it can be demonstrated that the site would not be viable, as a rural exception site, without cross subsidy. The developer will be required to submit an open book viability assessment. In such cases, the Council will commission an independent review of the viability study, for which the developer will bear the cost

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26 This concerns the ‘other settlements and rural areas’ tier of the council’s settlement hierarchy as set out in policy PG 2 (settlement hierarchy) of the LPS

27 [https://www.cheshireeast.gov.uk/housing/affordable\\_housing/rural\\_housing/rural\\_housing.aspx](https://www.cheshireeast.gov.uk/housing/affordable_housing/rural_housing/rural_housing.aspx)



- aspirational land value is no justification for allowing a higher proportion of market value units;
- The viability assessment must show that the scale of the market housing component is essential for the successful delivery of the rural exception scheme, based on reasonable land values and must not include an element of profit;
- The majority of the development must be for rural exception affordable housing; and
- No additional subsidy (such as government grant) is required for the schemes.

### **Eligibility requirements for affordable homes**

**6.80** The underlying criteria for eligibility to affordable housing is that households must be in unsuitable housing and unable to afford to rent or buy on the open market. This is the Council's definition of housing need for affordable housing.

**6.81** If a Registered Provider is to manage the affordable housing, either for rent or sale, then the Council is satisfied that this will be sufficient to control both eligibility and future occupancy.

**6.82** If affordable housing is developed by other housing providers the Council will require arrangements in place to ensure that any accommodation is available to those in housing need, as defined by the Council. Priority will also be required to be given to persons with a local connection to the scheme – location being defined as the catchment area for the property as agreed with the Council. In this respect, local connection would be defined in accordance with the Cheshire East Common Allocations Policy (as updated, most recently 2018) as one or more of the following:

- 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.
  - (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.
- Other significant reason

### **Occupancy Criteria for Rural Exception Sites**

**6.83** In the case of rural exceptions sites, a 'community connection' approach to occupancy criteria will be followed which takes account for the parish, then adjoining parish, ward, then wider areas of the borough. Any criteria will be confirmed through a Section 106 agreement.

**6.84** Occupancy will, in perpetuity, be restricted to a person in housing need and resident or working in the relevant parish, or who has other strong links with the relevant locality in line with the community connection criteria as set out by Cheshire Homechoice on an ongoing basis.



## 7 Self Build and Custom Build

**7.1** Policy SC4 (residential mix) of the LPS states 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 home.

**7.2** The Council keeps a register of people and associations who are seeking to acquire a serviced plot of land to build their own home in Cheshire East. The purpose of the register is to help understand the demand for serviced plots in line with the requirements of the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).

**7.3** A ‘serviced plot of land’ is land that has suitable access to the public highway as well as connections for electricity, water and wastewater. In line with policy CO3 (digital connections) of the LPS encouragement will also be given for schemes to deliver the necessary physical ICT infrastructure to accommodate information and digital communications networks (for example broadband access).

**7.4** ‘Self-build’ is housing usually built by its final owners/occupiers. ‘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. It is expected that evidence will be provided to the Council that this will / has taken place. Owners/occupiers can be individuals or associations of individuals. Each term is defined in the Self- Build and Custom Housebuilding Act 2015 and associated regulations. The onus is on the applicant to clearly demonstrate that a proposal meets the relevant definitions set out in the legislation.

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

**7.6** The Council is open to alternative development routes which can contain a self/custom-build element, as well as an affordable housing element, such as community-led housing. The Council will consider the provision of affordable and self/custom build dwellings being delivered via this method.

**7.7** Most self-build plots will come forward on an individual plot basis or as a small group of dwellings. However, the Local Plan Strategy and national planning policy does not differentiate between small scale development and self-build schemes in terms of triggering an affordable housing provision, with no specific exemption for self-build schemes from making an affordable housing contribution. Subsequently, self-build sites may still trigger an affordable housing requirement where the thresholds included in policy SC5 ‘affordable homes’ has been met.



## 8 Specialist, Supported Living and Older Person Housing

**8.1** The Council's vulnerable and older persons strategy (2020 - 2024)<sup>(28)</sup> has identified three main strategic objectives consistent with the 2014 version of the strategy: -

- That people are supported to live in their own homes independently for longer;
- When required, people can receive the support they need in a wide range of specialist, supported accommodation including those members of the community with specific housing needs within the borough;
- People are able to make informed choices about the accommodation, care, and support options within Cheshire East.

**8.2** Alongside this, there are a number of strategies that the Council has put in place relevant to specialist, supported living and older person housing including:

- Cheshire East All Age Autism Strategy (2020 – 2023)<sup>(29)</sup>;
- My Life, My Choice, a strategy for people with learning disabilities in Cheshire East (2019 – 2022)<sup>(30)</sup>;
- Cheshire East All Age Mental Health Strategy (2019 - 2022)<sup>(31)</sup>.

### Definitions

**8.3** For planning purposes, the glossary in the NPPF provides definitions of older people and people with disabilities: -

- Older people for planning purposes are defined as - 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 specialised housing for those with support or care needs.
- People with disabilities for planning purposes are defined as - people have a disability if they have a physical or mental impairment, and that impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. These persons include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs.

**8.4** It is recognised that there is a wider spectrum of needs that exist within the above definitions.

**8.5** The Town and Country Planning (Use Classes) Order 1987 (UCO) (as amended) puts the use of land and buildings into various categories known as 'use classes'. Specialist Housing can fall within the following use-classes:-

### 8.6 C2 Residential Institutions

- Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

28 [https://www.cheshireeast.gov.uk/housing стратегия/vulnerable\\_persons.aspx](https://www.cheshireeast.gov.uk/housing стратегия/vulnerable_persons.aspx)

29 <https://www.cheshireeast.gov.uk/livewell/health-matters/health-conditions/autism/autism.asp>

30 <https://www.cheshireeast.gov.uk/livewell/health-matters/disabilities/learning-disability/learning-disability.aspx>

31 <https://www.cheshireeast.gov.uk/livewell/health-matters/health-conditions/mental-health/mental-health.aspx>



- Use as a hospital or nursing home
- Use as a residential school, college or training centre

**8.7 C3 Dwelling Houses - use as a dwellinghouse (whether or not as a sole or main residence) –**

- A single person or by people to be regarded as forming a single household;
- Not more than six residents living together as a single household where care is provided for residents; or
- Not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

**8.8** As noted in the introduction to this document, the Community Infrastructure Levy came into effect from the 01 March 2019. Schemes involving planning use class C3 ‘dwelling houses’ can be CIL liable in particular ‘zoned’ areas of the borough. Further information can be found on the Cheshire East website at [www.cheshireeast.gov.uk/cil](http://www.cheshireeast.gov.uk/cil)

**8.9** The UCO defines care as personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment. For the purposes of this SPD, a residential care or nursing home for older people or people with a disability is expected to fall within use class C2.

**8.10** With regards to schemes such as retirement housing/villages or supported housing, these can fall within use class C2 or C3 depending on factors such as the need and availability of care and the type of care products, access and other services and facilities provided on site. Planning Practice Guidance states that it is for the local planning authority to consider which class a particular development may fall.

### Affordable housing contributions

**8.11** Recently, some innovative models of private sector housing for older people have been developed. These schemes are characterised by the availability of varying degrees of care, 24-hour staffing and ancillary facilities. The Council recognises that such models can contribute to meeting affordable and special needs housing, thus the Council will seek an affordable housing contribution from these schemes where the dwellings trigger the thresholds set out in LPS SC5 (affordable homes).

**8.12** Importantly, reference to ‘dwellings’ in policy is not only confined to C3 uses (termed ‘dwelling houses’ in the UCO) in applying affordable housing requirements<sup>(32)</sup>. LPS policy SC5 (affordable homes) refers to affordable housing requirements applying to ‘residential developments’ and this reference can include class C2 (residential institutions) and class C3 (dwelling houses) uses.

**8.13** Consideration will be given by the Council to any viability issues which arise from this distinction and will assess these accordingly. Due to the difficulty in providing replicable and repeatable guidance for all housing development sites, each request to the Council to reduce the affordable housing provision will be assessed on an individual case by case basis in line with point 7 of policy SC5 (affordable homes).

<sup>32</sup> Rectory Homes V SSHCLG and South Oxfordshire District Council, 2020



**8.14** In order to support mixed and balanced communities across the borough, the Council will consider proposals for specialist housing provision, including housing for older adults, downsizing opportunities or bungalows. In circumstances, where the type of development (for example, the land take for bungalows) impacts on the viability of schemes, then this may result in a reduction of the overall affordable housing requirements when supported by robust viability evidence which has been independently appraised.

### Housing for older people

**8.15** There is a need to provide a choice of accommodation to suit changing needs as people get older. The population projections, which support the LPS, 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)<sup>(33)</sup>

**8.16** The Cheshire East Residential Mix Assessment (2019) acknowledges that many householders as they get older may prefer to remain in their own homes with appropriate assistance from social care providers, assistive technology and appropriate adaptations or right size (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, for example for specialist accommodation, may be different from current identified needs.

**8.17** The Council adopts a ‘homes first’ policy which supports residents to maintain their independence and remain in their own home (or within alternative settings offering independent accommodation such as extra care housing / retirement living schemes) for as long as possible. The Council will consider applications to adapt or extend homes in a positive and supportive manner as a means of helping more people to remain living independently in their own home, when consistent with policies in the local plan.

**8.18** There are several different types of housing for older people. There are individuals / households who live independently at home. The PPG also includes the following types and development descriptions: -

Table 8.1 Types of older person accommodation

Type	Description
Age-restricted general market housing	This type of housing is generally for people aged 55 and over and the active elderly. It may include some shared amenities such as communal gardens but does not include support or care services.
Retirement living or sheltered housing	This usually consists of purpose-built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room. It does not generally provide care services but provides

33 Cheshire East Residential Mix Assessment (Opinion Research Services, 2019)



Type	Description
	some support to enable residents to live independently. This can include 24-hour on-site assistance (alarm) and a warden or house manager.
Extra care housing or housing with care	This usually consists of purpose-built or adapted flats or bungalows with a medium to high level of care available, if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24-hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these developments are known as retirement communities or villages - the intention is for residents to benefit from varying levels of care as time progresses.
Residential care homes and nursing homes	These have individual rooms within a residential building and provide a high level of care meeting all activities of daily living. They do not usually include support services for independent living. This type of housing can also include dementia care homes.

**8.19** Not all sheltered housing has communal facilities. There may be, for example, a bungalow scheme with an onsite warden and pull cords that would form an example of sheltered accommodation. For extra care or housing with care schemes it may be the case that meals are usually available from an onsite restaurant or bistro.

**8.20** Alongside a number of considerations in bringing forward development for older persons housing, policy SC4 (residential mix) point 3 notes that accommodation designed specifically for older persons will be supported where there is:-

- A proven need – the applicant will be expected to provide an assessment of need for the site. Factors to consider include:
  1. The need for a site in that location, that cannot be addressed anywhere else.
  2. How a site might contribute to the delivery of published Council strategies, including the vulnerable and older persons strategy.
  3. Information on the anticipated local ‘catchment’ area of the proposal including any age and needs based eligibility criteria.
  4. Any other local market factors.
- A scheme is located within a settlement boundary, as defined on the Policies Map
- Accessibility by public transport
- A scheme within a reasonable walking distance of community facilities such as shops, medical services and public open space. Recommended distances to services and facilities are set out in table 9.1 of the LPS. It is expected that there is a level and safe



route of access. Reference will also be given to services and facilities, if proposed to be provided on site.

**8.21** As with other forms of housing, the Council will encourage the completion of Building for a Healthy Life 12 assessments to ensure high quality residential development that meets the needs of all and provides suitable access to open space and nature, where possible.

### **Extra Care Housing or Housing with Care**

**8.22** To be defined as extra care or housing with care scheme, the Council will take account of the following considerations: -

- Occupants are expected to have their own self-contained home with a front door and legal right to occupy the property;
- There should be access to a level of care and support, accessible on site and provided 24 hours a day and 7 days a week, as necessary;
- Schemes should facilitate independent and safe living arrangements. There will be positive weight afforded to schemes that apply accessible and adaptable home standards. Schemes will also be encouraged, where possible, to provide accommodation that meets the national space standards;
- Ideally provide access to meals, communal and social facilities on site or facilitate access in the local community. Communal 'lift' facilities should be provided as necessary;
- Schemes will be encouraged to provide for 'step up / step down' accommodation to allow temporary access to such schemes to facilitate discharge from hospital;
- Access to assistive technology, adaptations and specialist equipment to meet needs as necessary. Alarm systems and remote (secure) door entry should be provided as standard. Other personal assistive technology should be available on an individual basis.

**8.23** Schemes will be encouraged to provide for flexible space for mobile / visiting facilities such as a GP/nurse etc, subject to being able to demonstrate the viability of such schemes with the support of the NHS and other appropriate stakeholders. Staff facilities should be considered also in terms of office, rest room and toilet / shower facilities.

**8.24** There are also instances of larger schemes incorporating enhanced facilities such as shops, gyms etc that also provide access from the local community. The preferred location of extra care schemes would associate with the factors identified with policy SC4 'residential mix' of the LPS, that is located within settlements with access to public transport and appropriate facilities including local health and retail facilities.

### **Supporting Living and Specialist Housing Provision**

**8.25** The provision of appropriate housing for people with disabilities, including specialist and supported housing is important to assist residents in living safe and independent lives.

**8.26** The Council's document 'my life, my choice – a strategy for people with learning disabilities' (2018-2022) highlights a key focus on the promotion of independence for people with learning disabilities.



**8.27** As with older persons accommodation, policy SC 4 (residential mix) point 3 notes that accommodation designed specifically for specialist housing groups will be supported where there is a:-

- a proven need;
- it is located within settlement boundaries, defined on the Local Plan policies map;
- it is accessible by public transport; and
- within a reasonable walking distance of community facilities such as shops, medical services and public open space.

**8.28** Positive weight will be afforded to schemes which meet optional accessibility and wheelchair housing technical standards. Properties will be encouraged to provide assistive technology, as necessary. Where appropriate, schemes should have lift access and communal areas which facilitate social opportunities.

**8.29** Design should reflect the potential needs of occupants including residents with mobility as well as care and support needs. The Council will encourage the completion of Building for a Healthy Life 12 assessments to ensure high quality residential development that meets the needs of all.

**8.30** As schemes for specialist housing provision cover a range of complex needs, schemes are also encouraged to consider:-

- Robust building materials, where possible, to ensure materials are hardwearing;
- To seek to minimise trip hazards, provide handrails and good lighting, where possible, to provide for a safe built environment;
- Provide clear signage, sightlines and routes around the building; clearly defined rooms so that the activities taking place in that room are understood;
- Reduce noise through location of activities and appropriate soundproofing;
- Provide access to open space.

### **Inclusive Design, including Dementia Friendly communities**

**8.31** An inclusive environment is one that can be accessed and used by everyone. It recognises that every individual experience their environment in different ways and accommodates this through design. In line with the planning practice guidance<sup>(34)</sup>, inclusive design and the experience of the end user should be considered from the outset of the development and design process.

**8.32** Inclusive design should include the building and, its setting in the wider built environment. In line with the PPG, development proposals should consider:-

- Ease of movement including with mobility aids;
- Proximity and links to public transport / local amenities;
- Parking spaces and dropping off points;
- The positioning of street furniture and the design of approach routes;
- Entrance features which are clearly identified, and well lit; and
- Availability of facilities, including public toilets.

<sup>34</sup> <https://www.gov.uk/guidance/housing-for-older-and-disabled-people>



**8.33** Design principles such as those set out in the Housing our Ageing Population Panel for Innovation (HAPPI) <sup>(35)</sup> report are also applicable to housing for older people and age-friendly places including:

- integration with the surrounding context;
- social spaces that link with the community;
- space standards that facilitate flexibility;
- enhanced natural light, energy efficiency and sustainable design; and
- priority for pedestrians in outdoor spaces.

**8.34** Planned environments can also have a substantial impact on the quality of life of someone living with dementia. People with dementia need to have access to care and support to enable them to live independently and homes need to be designed with their needs in mind. Characteristics of a dementia-friendly community include, but are not limited to:

- Easy to navigate physical environment;
- Appropriate transport;
- The development of communities shaped around the views of people with dementia and their carers;
- Good orientation and familiarity;
- Reduction in unnecessary clutter; and
- Reduction in disorienting visual and auditory stimuli.

**8.35** There should be a range of housing options and tenures available to people with dementia, including mainstream and specialist housing. Innovative and diverse housing models should be considered where appropriate. The Royal Town Planning Institute has also published guidance on Dementia and Town Planning which can also provide for additional advice and guidance.

## 9 Monitoring and Review

**9.1** The effectiveness of this SPD will be monitored as part of the Authority Monitoring Report process using information from planning applications and decisions.

## 10 Glossary

Affordable Housing	<p>Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:</p> <p>a) Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service</p>
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35 <https://www.housinglin.org.uk/Topics/browse/Design-building/HAPPI/>



	<p>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).</p> <p>b) Starter homes: is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.</p> <p>c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.</p> <p>d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.</p>
Amenity	A positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them.



Building for a Healthy Life 12	The industry standard endorsed by government for designing new homes in England, based on 12 key criteria.
Cheshire Homechoice	A partnership between the Council and registered providers who advertise properties and manage the housing need register and allocation policy.
Community Infrastructure Levy (CIL)	A levy allowing Local Authorities to raise funds from owners or developers of land undertaking new building projects in their area.
Community Land Trust	Non profit community based organisations that develop housing or other assets that meet the needs of the community, are owned and controlled by the community and are made available at permanently affordable levels.
Consultation Statement	A consultation statement is defined in regulation 12(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation statement includes information, in broad terms, of who has been consulted, a summary of the main issues raised by those persons and how those issues have been addressed in the SPD.
Custom and Self-build dwellings	As defined by the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).
Entry Level Exception Sites	As defined in the NPPF, entry level exception sites are suitable for first time buyers or those looking to rent their first home. The NPPF provides more details.
First Homes	First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of 'affordable housing' for planning purposes.
Grant Funding	Public funding used to subsidise the provision of affordable housing, typically from either Homes England or the Council.
Key worker dwelling	A key worker is a public sector employee who is considered to provide an essential service; this includes those involved in health; education; emergency services and social workers.
Habitats Regulations Assessment	A Habitats Regulations Assessment (HRA) refers to the several distinct stages of Assessment which must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the



	Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) to determine if a plan or project may affect the protected features of designated habitats site(s) before deciding whether to undertake, permit or authorise it.
Homes England	The body responsible for providing financial assistance to bodies including registered providers of social housing for the purpose of improving the supply and quality of housing in England now conferred on such body under the Housing and Regeneration Act 2008 (or any successor legislation or body replacing or amending the same).
Local Housing Allowance	The Valuation Office Agency Rent Office determines Local Housing Allowance (LHA) rates used to calculate housing benefit for tenants renting from private landlords. LHA rates are based on private market rents being paid by tenants in the broad rental market area (BRMA). This is the area within which a person might reasonably be expected to live.
National Described Space Standards	The nationally described space standard is not a building regulation and remains solely within the planning system as a new form of technical planning standard if supported by a local plan policy. It deals with internal space standards within new dwellings and is suitable for application across all tenures.
Rural exception sites	Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating householders who are either current residents or have an existing family or employment connection.
Self Build	Housing built by individuals or groups of individuals for their own use, either by building the homes themselves or working with builders.
Staircasing	Owners are able to purchase additional equity in the property when they can afford to. In most circumstances, this means that shared owners have the ability to eventually own 100% of the freehold, if they acquire the remaining unowned shares over time.
The 20 Minute Neighbourhood	A concept describing a neighbourhood, where people can meet their everyday needs within a short walk or cycle journey.



Vacant Building Credit	National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.
Viability Study	A report, including a financial appraisal, to establish the profit or loss arising from a proposed development. It will usually provide an analysis of both the figures inputted and output results together with other matters of relevance. An assessment will normally provide a judgement as to the profitability, or loss, of a development.



## Appendix 1: List of Designated Protection Areas

**11.1** List of Designated Protected Areas taken from the Housing (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009 (No.2098)

**11.2** Acton, Adlington, Agden, Alpraham, Arclid, Ashley, Aston by Budworth, Aston juxta Mondrum, Audlem, Austerson Baddiley, Baddington, Barthomley, Basford, Batherton, Betchton, Bexton, Bickerton, Blakenhall, Bosley, Bradwall, Brereton, Bridgemere, Brindley, Broomhall, Buerton, Bulkeley, Bunbury, Burland, Calveley, Checkley cum Wrinehill, Chelford, Cholmondeley, Cholmondeston, Chorley (formerly Macclesfield Rural District), Chorley (formerly Nantwich Rural District), Chorlton, Church Lawton, Church Minshull, Coole Pilate, Cranage, Crewe by Farndon, Crewe Green, Dodcott cum Wilkesley, Doddington, Eaton, Edleston, Egerton, Faddiley, Gawsworth, Goostrey, Great Warford, Hankelow, Hassall, Hatherton, Haughton, Henbury, Henhull, High Legh, Hough, Hulme Walfield, Hunsterson, Hurleston, Kettleshulme, Lea, Leighton, Little Bollington, Little Warford, Lower Withington, Lyme Handley, Macclesfield Forest and Wildboarclough, Marbury cum Quoisley, Marthall, Marton, Mere, Millington, Minshull Vernon, Mobberley, Moreton cum Alcumlow, Moston, Mottram St Andrew, Nether Alderley, Newbold Astbury, Newhall, Norbury, North Rode, Odd Rode, Ollerton, Over Alderley, Peckforton, Peover Inferior, Peover Superior, Pickmere, Plumley, Poole, Pott Shrigley, Rainow, Ridley, Rostherne, Siddington, Smallwood, Snelson, Somerford, Somerford Booths, Sound, Spurstow, Stapeley, Stoke, Sutton, Swettenham, Tabley Inferior, Tabley Superior, Tatton, Toft, Twemlow, Walgherton, Wardle, Warmingham, Weston, Wettenhall, Winch, Wirswall, Woolstanwood, Worleston, Wrenbury cum Frith, Wybunbury

**11.3** There are also part areas of designated protected areas in Bollington, Haslington, Prestbury, Willaston and Wistaston. These mapped areas can be viewed on the Homes England Website:- <https://digitalservices.homesengland.org.uk/designated-protected-areas/>



## Appendix 2: Example of Rural Housing Needs Survey 2021

### Cheshire East Council

#### Introduction

##### The purpose of this survey

Whether you consider yourself to have a housing need or not, the information you provide in this survey is important in helping us understand the housing need within your community – we would much appreciate you completing this survey and returning it to us in the freepost envelope provided. Please read each question carefully and tick in the box to indicate your answer – all instructions are given in italics after each question. This survey should be completed by the householder only.

##### Your confidentiality is assured

We comply with all laws concerning the protection of personal information, including the General Data Protection Regulation (GDPR). Any personal information you supply will remain strictly confidential and anonymous and will be held and used in line with the Data Protection Act 2018. The information you provide will only be used by Cheshire East Council to analyse the results of surveys and inform decision making. We will not pass on your personal information to any other third parties, without your prior consent. Your response will be stored and kept in line with the Council's retention schedule. To find out how we use your information see our privacy policy at [www.cheshireeast.gov.uk/privacy](http://www.cheshireeast.gov.uk/privacy).

#### Section 1 – Your current accommodation

##### 1. How many years have you lived in x parish? Please tick one box only

Five years or less		More than five years	
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##### 2. Including yourself, how many people live in your household? Please write a number in each box e.g. "2"

Adults (aged 16+ including yourself)		Children (aged under 16)	
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##### 3. In which of these ways does your household occupy your current accommodation? Please tick one box only

Owned outright		Renting from a housing association	
Buying on mortgage		Tied accommodation	
Renting from a private landlord		Other (please write in)	

##### 4. What type of property do you currently live in? Please tick one box only

House		Flat / Apartment	
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Bungalow		Other (please write in)	
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**5. What is your home postcode?** We ask this so we can be sure we have obtained a range of views from across the parish. Please write in below

#### Section 2 – Alternative accommodation

**6. Do you, the householder, currently need alternative accommodation in your local area?** Please tick one box only

Yes		Go to Q7	No		Go to Q8
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**7. Please indicate why you need alternative accommodation:** Please tick all that apply

Need larger accommodation		Need a cheaper home	
Need smaller accommodation		Need permanent accommodation	
Need independent accommodation		Need to be closer to a carer or dependent	
Need level of physically adapted accommodation		Other (please tick and write in below)	
Need to be closer to employment			

#### Section 3 – Affordable housing

**8. Would you be in favour of a small development of affordable housing being built in your parish to meet the needs of those having a local connection to the parish?** Please tick one box only

Yes		No		Not sure	
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**9. If you wish to, please give reasons for your answer to the previous question (Q8):** Please write in below

**10. If you are aware of any sites in your local area, including previously developed sites, that might be suitable for affordable housing, please give details below:** Please write in below

#### Section 4 – New households for current household members

**11. Apart from yourself, do any current members of your household wish to form a new household within x Parish in the next 5 years (for which they will need their own accommodation)?** Please tick one box only



Yes		à Go to Q	No		à Go to Q
<b>12. How many current household members wish to form a new household within x Parish in the next 5 years (for which they will need their own accommodation)? Please tick one box only</b>					
One		Two	Three	Four	Five or more

Questions 13 to 19 now ask about the detail of these new households. In this survey it is possible to give the details of four new households. If you wish to give the details of five or more new households, please contact us for extra forms to complete by emailing [RandC@cheshireeast.gov.uk](mailto:RandC@cheshireeast.gov.uk) or by telephoning 0800 123 55 00.

For questions 13 to 19 there is a different column for each new household that you are giving the details about. If you have only one new household to tell us about, you should only complete the details in the "1st new household" columns. If you have two new households to tell us about, you should complete the details in the "1st new household" and "2nd new household" columns.

**13. Who will be forming the new household(s)? Please tick one box only for each new household**

	1st new household	2nd new household	3rd new household	4th new household
A daughter or son				
Other (please tick and write in below)				

**14. When will the new household(s) be needed? Please tick one box only for each new household**

	1st new household	2nd new household	3rd new household	4th new household
Within 1 year				
In 1 to 3 years				
In 3 to 5 years				

**15. How many adults over the age of 16 will there be in each new household? Please tick one box only for each new household**

	1st new household	2nd new household	3rd new household	4th new household
One				
Two				
Three				
Four or more				



**16. How many children under 16 will there be in each new household?** Please tick one box only for each new household

	1st new household	2nd new household	3rd new household	4th new household
One				
Two				
Three				
Four or more				

**17. What type of accommodation would be preferred for each new household?** Please tick one box only for each new household

	1st new household	2nd new household	3rd new household	4th new household
House				
Flat / Apartment				
Bungalow				
Supported housing				
Other (please tick and write in below)				

**18. Would the new household(s) need any support or have any special requirements?** Please tick one box only for each new household

	1st new household	2nd new household	3rd new household	4th new household
No				
Warden assisted				
Care within the home				
Mobility/Disability				

Questions 19 and 20 now ask about the financial status of the potential new households. We ask these questions as they are an important factor in establishing affordability constraints within x parish. This information will be kept strictly confidential, and will only be used by Cheshire East Council for the purposes of assessing affordable housing needs within x. No financial information will be attributed to individuals in any reports.

**19. What will the approximate total annual income of each new household be?** Please tick one box only for each new household

	1st new household	2nd new household	3rd new household	4th new household



Up to £15,000				
£15,001 to £20,000				
£20,001 to £25,000				
£25,001 to £30,000				
£30,001 to £35,000				
£35,001 to £40,000				
£40,001 to £45,000				
£45,001 to £50,000				
£50,001 plus				

**20. What approximate level of savings would each new household have? Please tick one box only for each new household**

	1st new household	2nd new household	3rd new household	4th new household
None				
Up to £5,000				
£5,001 to £10,000				
£10,001 to £15,000				
£15,001 to £20,000				
£20,001 plus				

#### Section 5 – New households for ex-household members

**21. Are there any ex-members of your household, who have moved out of x parish, who would want to return to live in the parish within 5 years if affordable housing was available? Please tick one box only**

Yes		Go to Q22	No			Survey finished, thank you. Please return it in the freepost return envelope provided with the survey.
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**22. How many ex-members of your household, who have moved out of x parish, would want to return to live in the parish within 5 years if affordable housing were available? Please tick one box only**

One		Two		Three		Four		Five or more	
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Questions now ask about the detail of these households for ex-household members. In this survey it is possible to give the details of four new households. If you wish to give the details of five or more new households, please contact us for extra forms to complete by emailing [RandC@cheshireeast.gov.uk](mailto:RandC@cheshireeast.gov.uk) or by telephoning 0800 123 55 00.

For a number of questions, there is a different column for each new household that you are giving the details about. If you have only one new household to tell us about, you should only complete the details in the "1st new household" columns. If you have two new households to tell us about, you should complete the details in the "1st new household" and "2nd new household" columns.

**23. Who will be forming the new household(s)? Please tick one box only for each new household**

	1st new household	2nd new household	3rd new household	4th new household
A daughter or son				
Other (please tick and write in below)				

**24. When will the new household(s) be needed? Please tick one box only for each new household**

	1st new household	2nd new household	3rd new household	4th new household
Within 1 year				
In 1 to 3 years				
In 3 to 5 years				

**25. How many adults over the age of 16 will there be in each new household? Please tick one box only for each new household**

	1st new household	2nd new household	3rd new household	4th new household
One				
Two				
Three				
Four or more				

**26. How many children under 16 will there be in each new household? Please tick one box only for each new household**

	1st new household	2nd new household	3rd new household	4th new household
One				
Two				



Three				
Four or more				

**27. What type of accommodation would be preferred for each new household? Please tick one box only for each new household**

	1st new household	2nd new household	3rd new household	4th new household
House				
Flat / Apartment				
Bungalow				
Supported housing				
Other (please tick and write in below)				

**28. Would the new household(s) need any support or have any special requirements? Please tick one box only for each new household**

	1st new household	2nd new household	3rd new household	4th new household
No				
Warden assisted				
Care within the home				
Mobility/Disability				

Questions now ask about the financial status of the potential new households. We ask these questions as they are an important factor in establishing affordability constraints within x parish. This information will be kept strictly confidential, and will only be used by Cheshire East Council for the purposes of assessing affordable housing needs within x. No financial information will be attributed to individuals in any reports.

**29. What will the approximate total annual income of each new household be? Please tick one box only for each new household**

	1st new household	2nd new household	3rd new household	4th new household
Up to £15,000				
£15,001 to £20,000				
£20,001 to £25,000				
£25,001 to £30,000				



£30,001 to £35,000				
£35,001 to £40,000				
£40,001 to £45,000				
£45,001 to £50,000				
£50,001 plus				

**30. What approximate level of savings would each new household have? Please tick one box only for each new household**

	1st new household	2nd new household	3rd new household	4th new household
None				
Up to £5,000				
£5,001 to £10,000				
£10,001 to £15,000				
£15,001 to £20,000				
£20,001 plus				

Thank you for taking the time to complete this survey, we very much appreciate you doing so.

Please return it in the freepost return envelope provided by x. This survey is printed mainly in Arial font size 12. If you require a copy in larger print please contact customer services on 0300 123 55 00.



**Cheshire East Council**

Email: [localplan@cheshireeast.gov.uk](mailto:localplan@cheshireeast.gov.uk)  
[www.cheshireeast.gov.uk/localplan](http://www.cheshireeast.gov.uk/localplan)  
Tel: 01270 685893



*Working for a brighter future together*

## **Environment & Communities Committee**

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**Date of Meeting:** 01 July 2022

**Report Title:** Draft Minerals & Waste Plan

**Report of:** Jayne Traverse, Executive Director of Place

**Report Reference No:** EC/10/21-22

**Ward(s) Affected:** All Wards

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### **1. Purpose of Report**

- 1.1. The report seeks approval to publish the draft Minerals and Waste Plan as well as supporting documentation and interactive mapping on the Council's website for public consultation.

### **2. Executive Summary**

- 2.1. The Cheshire East Minerals and Waste Plan (MWP) details the Council's planning policies on minerals and waste matters. It is part of the suite of planning policy documents that once all approved will together form the Council's Local Plan. The other documents being the Local Plan Strategy (LPS) and the Site Allocations and Development Policies Document (SADPD). Unlike the LPS which contains strategic policies and the SADPD non-strategic policies, the MWP contains a mixture of both strategic and non-strategic policies and so will operate to a different Plan period than the other two plans (i.e. 2021-2041).
- 2.2. The MWP focuses on issues that are specific to minerals and waste matters with the overall aim of achieving the sustainable provision of minerals and the sustainable management of waste within the borough. Once adopted it will replace saved policies in the separate Cheshire County Council Minerals and Waste Local Plans, adopted in 1999 and 2007 respectively. This will mean that the Council's statutory development plan used to help determine planning applications in the borough will be made up entirely of policies that have been developed by this Council, with the exception of relevant made Neighbourhood Plans developed by town and parish councils.
- 2.3. The draft MWP meets national planning guidance by containing policies that will help deliver a steady and adequate supply of the minerals found in

Cheshire East over the Plan period. These include silica sand and salt, both of which are considered to be nationally significant minerals due to their relative rarity within the UK. It will also help to fill current gaps in the saved mineral policies inherited from the County Council including around the safeguarding of mineral resources and infrastructure, and the determining of any proposals for unconventional hydrocarbon extraction (i.e. fracking).

- 2.4.** The draft MWP also contains policies that will help manage all the waste generated within the borough over the Plan period to meet national objectives of less waste being produced and wherever possible for waste to be used as a resource. As a guide to the amounts involved, the Council's Waste Needs Assessment (WNA) refresh (2019) estimated that some 1.2 million tonnes of waste arose in Cheshire East in 2017 and that this represents a reasonable value for the Council to plan for through its MWP for the period to 2030. The WNA refresh also found that while there appears to be sufficient existing consented capacity to meet recycling and organic waste treatment management requirements to 2030, there is a predicted shortfall in capacity to manage Residual Waste (black bin) and Inert Waste to 2030. This capacity shortfall will need to be addressed through the MWP. An updated WNA will be required to cover the full plan period to 2041.
- 2.5.** The report seeks Committee approval to publish the draft MWP, as well as supporting documentation and interactive mapping on the Council's website for (Regulation 18) public consultation. This will provide an opportunity for the minerals and waste industry, as well as other interested organisations and individuals to contribute to the development of this area of planning policy and will assist the Council in finalising its MWP prior to further consultation and its subsequent submission to the Secretary of State.

### **3. Recommendations**

- 3.1.** That the Environment and Communities committee:
  - 3.1.1.** Approve the draft version of the Minerals and Waste Plan (Appendix 1) for public consultation together with its associated documents, call for sites exercise and mapping (via the Council's website). This includes the Sustainability Assessment, Habitats Regulation Assessment and the current supporting evidence base for the MWP;
  - 3.1.2.** Authorise the Head of Planning to finalise the Sustainability Appraisal and Habitats Regulation Assessment and to make any necessary changes required to the draft Minerals and Waste Plan as a result of their findings;
  - 3.1.3.** Authorise the Head of Planning to make any other non-material changes to the consultation documents or supporting information ahead of the consultation and prepare any additional explanatory information to support the consultation.

#### **4. Reasons for Recommendations**

- 4.1.** To enable a Preferred Option (Regulation 18) public consultation to take place on the draft version of the MWP. The Council can then consider the responses received and make amendments, where appropriate, before progressing the plan through further public consultation (subject to future Committee approval).

#### **5. Other Options Considered**

- 5.1.** There is no realistic alternative to the proposed course of action. The Council has already expressed its clear intention through its Local Development Scheme that it intends to put in place a comprehensive set of up-to-date planning policies for the borough including those for minerals and waste through a MWP.

#### **6. Background**

##### **6.1. Plan Period**

- 6.2.** The MWP covers the Plan period 2021-2041. This differs from but overlaps with the 2010-2030 Plan period of the LPS (adopted 2017) and SADPD (at main modification stage). This amended Plan period is required as the MWP will contain new strategic policies replacing those on minerals and waste in the LPS e.g. Policies SE 10 (Sustainable Provision of Minerals) and SE 11 (Sustainable Management of Waste). This means the MWP must have at least a 15 year plan period remaining at the time of adoption to satisfy national planning policy requirements. The new plan period will require the updating of key evidence, particularly the WNA, prior to the Council embarking on the more formal subsequent (Regulation 19) stage of public consultation.

##### **6.3. Minerals**

- 6.4.** The existing Minerals Local Plan, which the MWP will replace, contains 54 policies and was prepared by Cheshire County Council and adopted in June 1999.

- 6.5.** As a Minerals Planning Authority (MPA), the Council is responsible for ensuring that policies are in place that will provide for the minerals of local and national importance found in the borough. This requires the protection of the minerals resource through safeguarding and prior extraction, as well as the protection of the related mineral supply infrastructure required to extract, process and transport the resource. It also means that supply options should be prioritised to maximise the sustainable use of existing minerals by promoting alternative or substitute sources, such as recycled and secondary aggregates, in preference to primary material extracted by quarrying on land or dredging at sea. However, there will inevitably be a requirement for primary won resources.

- 6.6.** There are a range of mineral resources in Cheshire East. These can be divided into those which are currently extracted and those which are not. Silica

sand, construction sand and gravel, sandstone, salt and peat are the resources extracted from a number of sites located across the borough. Clay and coal can also be found in the borough but are no longer commercially worked. In addition, it is likely that forms of hydrocarbons (oils and gas) are present but further exploration is required to understand the extent of the resource and whether it can be commercially extracted. In total there are currently 16 permitted mineral extraction sites in Cheshire East comprising 5 sand, 9 rock (sandstone) and 2 peat workings, as well as 1 salt brinefield, although not all sites are currently active<sup>1</sup>.

- 6.7.** High quality non-aggregate (silica) sands are relatively scarce and the Cheshire resource has been identified by the British Geological Survey (BGS) as one of the most important in the country. The Council is required by national guidance to prepare plans that will assist in maintaining stocks of permitted reserves of at least 10 years for individual silica sand sites (based on average sales data over the last 10 years) or at least 15 years where significant new capital is required, such as investment in an on-site processing plant to wash, dry, grade, blend and bag the sand to meet customer requirements.
- 6.8.** The draft MWP estimates that of the four operational sand quarries in the borough only one (Bent Farm near Congleton), at 9.53 years of reserve, fell slightly short of this requirement at the start of the Plan period in January 2021. The proposed strategy of the draft MWP is to prioritise meeting identified non-aggregate (silica) sand needs through extensions to the existing sand quarries. This is done through the allocation of 'Areas of Preferred Extension' or 'Area of Search' designations at or close to these sites. This approach will be sufficient to maintain the overall landbank requirements for non-aggregate (silica) sand at the existing quarries for the remainder of the plan period.
- 6.9.** The draft MWP proposes two non-aggregate (silica) sand allocations (one at Eaton Hall Quarry, Congleton and the other at Arclid Quarry, Sandbach) providing an estimated 13 million tonnes (Mt) in total of new non-aggregate (silica) sand reserve. The Council is also proposing to undertake a Call for Sites exercise alongside the consultation on the draft MWP to provide an opportunity for site operators to put forward other suitably detailed proposals for extensions to existing quarries, particularly Rudheath Lodge (Goostry) and Bent Farm Quarries, where the MWP does not currently show the Council's preference for those areas where any potential extension to these quarries should take place.
- 6.10.** The Council is a member of the North West Regional Aggregates Working Party which reviews the extent to which mineral planning authorities in the North West are meeting their aggregate (construction) sand and gravel supply requirements based on agreed 7 year average sales requirements and other considerations [such as 3 year average sales (a proxy for recent demand), the regional apportionment figure (based on Government aggregate forecasts from 2009) and other local information which may impact on the need for

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<sup>1</sup> White Moss Quarry in Alsager has permission to extract both sand and peat

aggregates in the future (such as planned housing growth and large infrastructure projects like HS2 or new roads)].

- 6.11.** The Council's latest Local Aggregates Assessment (LAA) was published in December 2021 and identifies a total permitted sand reserve for the borough, excluding the area within the Peak District National Park, of 14.30 Mt (million tonnes). This is estimated to comprises 2.60 Mt of aggregate (construction) sand and 11.70 Mt of non-aggregate (silica) sand. The Council has used the 2021 LAA as the basis for calculating aggregate sand resource needs within the draft MWP. This shows that there is forecast to be an aggregate sand shortfall of at least 6.94 Mt by the end of the Plan period. The MWP will need to plan to provide for this shortfall if it is to maintain the required aggregate sand landbanks to the end of the Plan period.
- 6.12.** Aggregate sand extraction in Cheshire East is currently dependent upon (or is an inevitable by-product of) silica sand extraction at all four of the active sand quarries in the borough. The Council does not consider it is possible to meet all the aggregate sand needs (of at least 6.94Mt) over the Plan period from the existing quarries. Therefore, the proposed strategy of the draft MWP is to prioritise meeting the identified aggregate sand needs through the allocation of new aggregate extraction sites and/or through the use of 'Preferred Area' / 'Area of Search' designations, where this will bring forward quarries where aggregate sand is produced as the main output. The draft MWP proposes the allocation of a new site at Astle Farm East (near Chelford) that is estimated to deliver some 5.2 Mt of aggregate sand. The proposal for a further call for sites exercise to be undertaken alongside the consultation on the draft MWP will provide an opportunity for further aggregate sand sites to be put forward for consideration to assist with meeting the remaining shortfall.
- 6.13.** Only 6 of the 9 permitted sandstone (hard rock) quarries are currently active. The active quarries almost entirely supply the building stone rather than crushed rock market. There are sufficient permitted reserves to meet current building stone requirements for the Plan period. However, the Cheshire sub-region consumes a large quantity of crushed rock (limestone), almost all of which is imported from elsewhere in the UK (principally Derbyshire). The draft MWP is supportive of proposals that will provide a more sustainable approach to meeting aggregate crushed rock needs within the borough, where this will not result in any unacceptable adverse impacts on the wider area. This will require significant investment either to establish a new quarry or to refocus operations at an existing hard rock quarry.
- 6.14.** Salt is a nationally significant resource that occurs in its solid form as rock salt or in solution as brine, both are present in extensive areas underlying the borough. The Cheshire salt resource is one of the most significant resources in the country and accounts for some 85% of UK production. Whilst rock salt is extracted in neighbouring Cheshire West and Chester (and used for gritting roads), controlled solution brine mining takes place at the Warmingham Brinefields below Cheshire East and is piped directly to the British Salt works

at Cledford Lane, Middlewich. This salt is used as an essential raw material in both chemical manufacturing and food production and is supplied to end users nationwide. The needs of this industry are addressed by policies in the plan including considerations around the after use of salt cavities.

- 6.15.** No sites in Cheshire East have planning permission to explore, appraise or extract hydrocarbons. However, the issuing of PEDLS (Petroleum Exploration and Development Licences) in December 2015 through the 14th Onshore Licensing round resulted in the issuing of 6 PEDL areas covering 10 grids of land within or partly within Cheshire East. The licences convey no permission for operations on land but give exclusivity for exploration operations against other oil and gas exploration companies within a defined area. The PEDLs issued in Cheshire East all have extant status, meaning that they are not time limited. No applications have been made to date within the borough as a result of the issuing of these licences and no sites in Cheshire East have planning permission to explore, appraise or extract unconventional hydrocarbons such as shale gas. Cheshire East is likely to have reserves of shale gas and coalbed methane, with the former being extracted by a technique commonly referred to as "fracking". The draft Plan includes a policy showing how the Council will determine any applications it receives for hydrocarbon exploration, appraisal and extraction. The policy ensures that any such applications consider the impact on the environment (including climate change) and the amenity of local communities.
- 6.16.** Peat deposits can be found in areas across Cheshire East. There are currently two long standing sites located in the borough that have extracted peat, although their production is relatively small in scale. The government has publicised its intention to phase out peat production in the UK by 2030. National planning practice indicates that no new sites or extensions to existing sites should be identified for peat extraction. Therefore, there is a policy to this affect in the draft MWP. Applications for time extensions to existing peat extraction sites will be considered on a case-by-case basis and should demonstrate that the proposal is necessary to enable the proper restoration of the land or to secure biodiversity, climate change or other appropriate objectives of the Plan.
- 6.17.** While coal and clay extraction no longer take place in the borough, the draft Plan shows how any applications for such extraction will be dealt with by the Council. The draft Plan also contains policies on other mineral activities such as borrow pits, mineral processing and blasting.
- 6.18.** A significant omission from the current Minerals Local Plan is the failure to designate geographical areas of the borough where the mineral resource is "safeguarded" from other forms of development which could sterilise it from being used in the future. Safeguarding covers not just the resource in the ground but a buffer area around it (to enable potential extraction without impacting on the amenity or operation of any proposed new uses in the buffer area) and any mineral processing infrastructure present in the borough, such

as asphalt and concrete batching plants and railways sidings used for its transportation. The draft MWP contains two policies relating to safeguarding.

**6.19. Waste**

- 6.20.** The existing Waste Local Plan, which the MWP will replace, contains 36 policies and was prepared by Cheshire County Council and adopted in July 2007.
- 6.21.** The draft MWP contains a suite of strategic policies that are intended to help the government achieve its overall objectives of less waste being produced and wherever possible for waste to be used as a resource. This means prioritising the management of waste in accordance with the waste hierarchy identified in national planning guidance. This gives the highest priority to reducing the amount of waste that is produced in the first place through prevention and minimisation. When waste is created, priority for its managements is as follows: preparing it for re-use, then recycling (including composting), then recovery (including energy generation), and last of all disposal (for example to landfill).
- 6.22.** The draft Plan aims for Cheshire East to be net self-sufficient in managing its own waste. This does not mean that every tonne of waste produced in the borough must be managed within it, rather that the borough has sufficient waste management capacity overall to meet the forecasted volume of waste arisings during the plan period. The assumption is that waste will be imported to and exported from the borough but that this will be in general balance when considered in the round. The reason for this is that different types of facility are required to manage different types of waste streams and some facilities, due to their specialist nature (such as hazardous waste facilities), require inputs from a wide geographical area to be economically viable. Also, some areas already have more waste management capacity for handling individual waste streams than is generated within their area and so require imports from other areas to maintain these facilities.
- 6.23.** The draft MWP estimates the amount and type of waste that will be generated in Cheshire East over the plan period, the existing waste management capacity and the extent to which further facilities are required to manage this waste (taking account of available capacity outside of the borough). The Waste Needs Assessment (WNA) is a key evidence document that the Council has prepared to enable such considerations to take place.
- 6.24.** The current WNA was originally published in 2017 and then refreshed in 2019 (principally using 2017 data from the Environment Agency). It was prepared for the Council by BPP Consulting and covered the period to 2030. It considered the following waste streams:
- Local Authority collected Waste (Municipal / household);
  - Commercial & Industrial;

- Construction, demolition & excavation;
- Hazardous;
- Low Level Radioactive;
- Agricultural; and
- Waste water

- 6.25.** The 2019 WNA found that just over 1.2 million tonnes of waste arose within Cheshire East in 2017 and that this represents a reasonable value for the Council to plan for through its MWP for the period to 2030. Also, while there appears to be sufficient capacity to meet recycling and organic waste treatment management requirements, there is a predicted shortfall in capacity to manage residual waste (black bin) and inert waste over the period to 2030. However, these findings will need to be reviewed in due course to cover an extended plan period to 2041. This may result in the need to provide for greater waste management capacity in the MWP.
- 6.26.** The 2019 WNA findings mean that the MWP should seek to make provision for a landfill site and an energy from waste (EFW) facility (either a single, larger facility or a number of smaller community facilities), unless appropriate additional capacity can be identified for the plan period in nearby areas outside of Cheshire East with the agreement of the relevant planning authorities through Duty to Co-operate discussions. This draft Plan will act as a starting point for such discussions but the findings of the updated WNA will be required before the Council is in a position to determine the appropriate strategy for managing waste in the MWP to 2041.
- 6.27.** There is also a need to safeguard waste management facilities from other forms of development. The draft Plan includes a policy to protect existing facilities from other forms of development. This includes the redevelopment of existing waste management sites to a non-waste use and the introduction of non-waste development in the vicinity of waste management sites that may prejudice their operation.
- 6.28.** Other strategic policy areas covered by the draft MWP include a spatial strategy for waste and how waste management facilities, in both the Green Belt and open countryside, will be considered by the Council as the waste planning authority. The plan also includes some specific policy areas on: wastewater and sewage treatment facilities; on-farm anaerobic digestion plants; sites for energy recovery; ancillary development at landfill, land raise and open organic waste management sites; and the deposit of inert waste to land for restoration and land improvement.
- 6.29. Other Matters**
- 6.30.** The draft MWP also contains 18 Development Management policies to help deliver the vision, strategic policies and objectives of the plan by providing the criteria against which future minerals and waste management development proposals will be assessed.

- 6.31.** Duty to Co-operate (DtC) is an important requirement in plan making generally but this is particularly so with minerals and waste, as it generates cross boundary strategic issues on a national basis rather than just with neighbouring authorities as is normally the case with other parts of the Local Plan. This is because of the presence of nationally important minerals (silica sand and salt) and the need to use waste facilities elsewhere, that can be some distance away, to manage some of the waste generated in Cheshire East. As already indicated, the Council will resume DtC discussions on the basis of the draft policies contained in the MWP with the eventual aim of agreeing statements of common ground with relevant planning authorities across the country, on mineral supply and waste management capacity, so that it is able to satisfy an Inspector at Examination that the MWP has been “soundly” prepared.
- 6.32.** The preparation of the draft MWP for public consultation represents an early stage in the Plan’s development to final adoption. The table below outlines the remaining stages and gives an indicative timetable to adoption.

Stage / Task	Date
Committee sign off for consultation on Draft M&W Plan	Q3 2022
Public consultation on Draft MWP including call for sites exercise	Q3 2022
Review of comments received and amendments, where appropriate, to the policies and proposals in the MWP. Decision on whether to consult on a second draft or to proceed to publication version.	Q4 2022
Update evidence base for new plan period (WNA) including updated new site assessments following call for sites exercise and update SA/HRA	Q4 2022
Completion of Publication version of MWDPD and internal sign off	Q2 2023
Public consultation on Publication version of MWDPD and accompanying SA and HRA. Review of the comments received and decision on whether to proceed to submission or make amendments and reconsult.	Q3 2023
Submission of MWP to Secretary of State	Q2 2024
Examination of MWP	Q3 2024
Modifications and Inspector’s report	Q4 2024
Adoption of MWP	Q1 2025

## 7. Consultation and Engagement

- 7.1.** Consultation on a Minerals and Waste DPD Issues Paper was undertaken in April 2017 to understand what the key issues were for minerals and waste in the borough. In total, 240 responses were received to the questions in the

issues paper during the consultation period. These were from 77 different individuals or organisations. Further details can be found in the report of consultation which can be viewed on the Council's website.

- 7.2.** A 'call for sites' exercise was also undertaken at the same time as the issues consultation. This enabled interested parties to submit sites or areas for potential allocation for minerals and waste uses. A total of 26 minerals and 20 waste sites or areas were submitted for consideration. An initial assessment of these sites has been undertaken, together with the other sites that have been considered for allocation in the MWP, and the report of findings forms part of the evidence base and can also be found on the Council's website.

## **8. Implications**

### **8.1. Legal**

- 8.1.1.** In accordance with Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended), the Council has a statutory duty to prepare planning policies and maintain an up-to-date development plan.
- 8.1.2.** Secondary legislation relating to the preparation of development plan documents is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. The proposed consultation on the draft MWP will be carried out in the stage of the plan making process governed by Regulation 18. Regulation 18 requires councils to notify particular bodies and groups on the published Plan, and to ensure they are able to make representations on it. The Council must also take into account any representations received.

### **8.2. Finance**

- 8.2.1.** The preparation of the Draft Plan, including public consultation on it, is included in existing budgets of the Planning Service. The particular resources involved in carrying out public consultation comprise officer time and some internal printing costs.

### **8.3. Policy**

- 8.3.1.** The MWP forms part of the Council's Local Plan which is a key policy document, central to the achievement of sustainable development in Cheshire East. It will therefore assist the Council in meeting its green agenda priorities as set out in the Council's Corporate Plan.

### **8.4. Equality**

- 8.4.1.** 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.

- 8.4.2.** An Equality Impact Assessment is incorporated into the integrated Sustainability Appraisal of the Draft MWP. This will consider how development proposals and planning policies will impact on different groups within the community.

**8.5. Human Resources**

- 8.5.1.** There are no implications for human resources arising from this report.

**8.6. Risk Management**

- 8.6.1.** The Draft MWP has been prepared taking account of the need to demonstrate the Plan's legal compliance and soundness at examination. Critical friend and legal advice has been sought resulting in a number of changes to the plan, most notably the amendment to the Plan period and for the plan to contain its own strategic policies that will replace some policies in the LPS once adopted.

- 8.6.2.** Publication of the draft Plan is at an early stage in the progression of the MWP to adoption. Currently the Council still relies for many planning decisions on detailed mineral and waste planning policies adopted by the former Cheshire County Council. There is hence a significant advantage in securing the timely progression of the Plan.

- 8.6.3.** In a similar vein, the MWP addresses a number of contemporary policy agendas not covered within the older plans – and such policies can only be applied with full weight once the plan is adopted. With these considerations in mind, there is a sound rationale for progressing the MWP without delay. The progress and detail of Government's announced planning reforms will need to be closely monitored to gauge their impact on the MWP.

**8.7. Rural Communities**

- 8.7.1.** The Local Plan has implications for rural communities across a range of policies. The Draft Plan has been informed by a Rural Proofing Assessment as part of an integrated Sustainability Appraisal.

**8.8. Children and Young People/Cared for Children**

- 8.8.1.** There are no implications for children, young people and cared for children arising from this report.

**8.9. Public Health**

- 8.9.1.** A Health Impact Assessment is incorporated into the integrated Sustainability Appraisal of the MWP. Any health issues raised through the consultation will be considered and the HIA updated accordingly if required.

**8.10. Climate Change**

- 8.10.1.** The draft MWP includes detailed policies to manage the impact of minerals and waste development with the overall aim of achieving the sustainable provision of minerals and the sustainable management of waste within the borough.

<b>Access to Information</b>	
Contact Officer:	Stuart Penny, Planning Policy & CIL Manager Stuart.penny@ cheshireeast.gov.uk Tel: 07794429711
Appendices:	Appendix 1 – The draft Cheshire East Minerals and Waste Plan
Background Papers:	The draft Minerals and Waste Plan consultation will be supported by a Sustainability Appraisal, Habitats Regulation Assessment and a range of other background evidence documents.

# Cheshire East Local Plan

## Draft Minerals and Waste Plan

June 2022

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# 1. Introduction

## Cheshire East Local Plan

- 1.1 This document is the first draft of the Cheshire East Minerals and Waste Plan (MWP) and is published for (Regulation 18<sup>1</sup>) consultation to seek your views on its content. It has two main purposes. The first is to allocate sites and areas so that the Council can sustainably meet identified requirements for the provision of minerals and the management of waste. The other is to set out detailed policies to guide decisions on planning applications within the Borough. Once it is adopted the MWP will replace the saved policies contained within the separate Mineral and Waste Local Plans prepared by Cheshire County Council. They were adopted in June 1999 and July 2007 respectively.
- 1.2 The MWP is the third planning policy document produced by the Council since its formation in 2009. The other documents being the Local Plan Strategy (LPS) and the emerging Site Allocations and Development Policies Document (SADPD). This suite of policy documents (once all approved) will together constitute the Council's Local Plan and when combined with relevant made Neighbourhood Plans, produced by town and parish councils in Cheshire East, will form the statutory development plan for the area covered by the Local Plan. This excludes the part of the Borough that falls within the Peak District National Park (PDNP), since this is the responsibility of a separate planning authority that covers the whole PDNP area. Proposals requiring planning permission in the Council's Local Plan area will need to satisfy all relevant policies within the statutory development plan as a whole if they are to be permitted.

## Plan Period

- 1.3 The MWP covers the Plan period 2021 to 2041. This differs from but overlaps with the 2010 to 2030 Plan period of the LPS (adopted 2017) and SADPD (at main modification stage). This amended Plan period is required as the MWP will contain new strategic policies, replacing those on minerals and waste in the LPS; Policies SE 10 'Sustainable Provision of Minerals' and SE 11 'Sustainable Management of Waste'. This means the MWP must have at least a 15-year plan period remaining at the time of adoption to satisfy national planning policy requirements. Appendix A identifies all the saved and other policies that are being replaced by policies within the MWP.
- 1.4 The new plan period will require the updating of any relevant key evidence that does not currently cover the full Plan period to 2041. The findings from this evidence will need to be incorporated into the MWP before the Council can embark on the more formal subsequent (Regulation 19) stage of public

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<sup>1</sup> Town and Country Planning (Local Planning) (England) Regulations 2012.  
<https://www.legislation.gov.uk/uksi/2012/767/contents/made>

consultation. This applies particularly to the current Waste Needs Assessment (WNA), which only covers the period to 2030.

## Strategic Policies

- 1.5 The MWP contains a mixture of both strategic and non-strategic policies. To conform with national planning policy requirements, the MWP needs to make explicit which policies are strategic policies. Table 1.1 below identifies all the MWP policies that the Council considers are strategic policies. The remaining MWP policies are considered non-strategic.

<b>Policy Number</b>	<b>Policy Title</b>
MIN 1	Mineral Safeguarding Areas
MIN 2	Safeguarding Mineral Supply Sites and Infrastructure
MIN 3	Managing the Sand Resource
MIN 4	New Sand Resource Allocations and Areas of Search
MIN 5	Prioritising the use of Substitute, Secondary and Recycled Aggregates
MIN 6	Aggregate Crushed Rock
MIN 7	Non-Aggregate Sandstone
MIN 8	Provision for Salt Extraction
MIN 11	Peat
WAS 1	Waste Management Strategy
WAS 2	Waste Management Capacity and Needs
WAS 3	Spatial Strategy for Locating Waste Management Facilities
WAS 4	Waste Management Facilities in the Green Belt
WAS 5	Waste Management Facilities in the Open Countryside
WAS 6	Safeguarding of Waste Management Facilities

**Table 1.1: Identified Strategic Policies within the MWP**

## Consultation and Engagement

- 1.6 Consultation on a Minerals and Waste Issues Paper was undertaken in April 2017 to understand what the key issues were for minerals and waste in the borough. In total, 240 responses were received to the questions in the issues paper during the consultation period. These were from 77 different individuals or organisations. Further details can be found in the report of consultation, which can be viewed on the Council's website.<sup>2</sup>
- 1.7 A 'Call for Sites' exercise was also undertaken at the same time as the issues consultation. This enabled interested parties to submit sites or areas for

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<sup>2</sup><https://www.cheshireeast.gov.uk/pdf/planning/spatial-planning/mwdpd-issues-paper-report-of-consultation-oct2017.pdf>

potential allocation for minerals and waste uses. A total of 26 minerals and 20 waste sites or areas were submitted for consideration. An initial assessment of these sites has been undertaken, together with the other sites that have been considered for allocation in the MWP, and the draft reports of findings forms part of the evidence base and can also be found on the Council's website<sup>3</sup>.

- 1.8 The Council is running a further Call for Sites exercise alongside the consultation on the draft MWP. This recognises that the last call for sites exercise was some time ago and operators within the minerals and waste industry may wish to pursue alternative proposals, particularly in light of the needs identified in this Plan. Any sites and areas submitted as part of the new Call for Sites exercise will be screened using the Council's Draft Minerals and Waste Site Selection Methodology and considered alongside the existing pool of sites/areas included in the initial draft site assessment work. A final version of the Minerals and Waste Site Selection Reports will be published at the Publication Draft Stage to support the Council's choices around site allocations or area designations in the MWP.
- 1.9 The consultation on the draft MWP and accompanying Call for Sites exercise will run for a 6 week period. The Council's preference is for responses to be made electronically via its consultation portal as this will enable the Council to make the comments publicly available more quickly and better ensure that all the required details have been completed. Other electronic and paper responses will be accepted within the consultation period. Full details on the consultation and how responses should be made will be provided on the Council's website<sup>4</sup>.

## Duty to Cooperate

- 1.10 Duty to Co-operate (DtC) is an important requirement in plan making generally but this is particularly so with minerals and waste, as it generates cross boundary strategic issues on a national basis rather than just with neighbouring authorities as is normally the case with other parts of the Local Plan. This is because of the presence of nationally important minerals (silica sand and salt) and the need to use waste facilities elsewhere, which can be some distance away, to manage some of the waste generated in Cheshire East. The Council will resume DtC discussions on the basis of the draft policies contained in the MWP with the eventual aim of agreeing statements of common ground with relevant planning authorities across the country, on mineral supply and waste management capacity, so that it is able to satisfy an Inspector at Examination that the MWP has been "soundly" prepared.

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<sup>3</sup> Link to be provided. The findings are split between a Minerals Site Selection Report and a Waste Site Selection Report

<sup>4</sup> Link to be provided

- 1.11 The Council is aware that the Government's recently published planning reforms<sup>5</sup> propose to replace DtC with a new policy alignment test. The Council await further details on how this is to work in practice and will undertake the necessary work in relation to the MWP to comply with these requirements once they are known and come into force.

## Evidence Base

- 1.12 The MWP is being developed in association with an up-to-date, relevant and proportionate evidence base. This includes baseline information from the British Geological Survey (BGS) on the nature and extent of mineral resources in Cheshire East, Environment Agency information on the quantities of waste produced and managed in the Borough, as well as bespoke Council commissioned studies relating to Cheshire East's sand resource and waste management needs.
- 1.13 The Council also produces a yearly Local Aggregates Assessment (LAA), which provides information on the supply and demand for aggregates in the Borough. This helps the Council, as the Minerals Planning Authority (MPA), to meet its obligations to deliver a steady and adequate supply of minerals as part of the plan making process. In addition, the Council has a municipal waste management strategy that details how it intends to reduce, reuse, recycle, recover and dispose of municipal waste up to 2030. This sets out the key aims and objectives for the management of municipal waste and is reviewed every 5 years.
- 1.14 The evidence base can be viewed on the Council's [website](#)<sup>6</sup> and is referred to at relevant points within the MWP.

## Sustainability Appraisal and Habitats Regulation Assessment

- 1.15 In tandem with the preparation of the MWP, the Council is preparing a sustainability appraisal (SA) and habitats regulation assessment (HRA). The role of the SA 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.
- 1.16 A HRA has also been prepared to support the development of the MWP. This assesses the impact of the MWP on internationally designated nature conservation sites. The impact of the MWP has been assessed both on its own and in combination with other plans and projects. The HRA is an iterative

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<sup>5</sup> Part of the Levelling-up and Regeneration Bill as introduced in the House of Commons on 11 May 2022

<sup>6</sup>

[https://www.cheshireeast.gov.uk/planning/spatial\\_planning/research\\_and\\_evidence/research\\_and\\_evidence.aspx](https://www.cheshireeast.gov.uk/planning/spatial_planning/research_and_evidence/research_and_evidence.aspx)

process and plays an important role in refining the contents of the plan, both in terms of policies and site allocations.

- 1.17 Both the Interim SA and the HRA have been published for consultation alongside this draft MWP.

## Other Policy Considerations

- 1.18 The draft MWP has been prepared within the wider strategic policy context provided by Government guidance, with the National Planning Policy Framework ([NPPF<sup>7</sup>](#)), the National Planning Policy for Waste ([NPPW<sup>8</sup>](#)) and the Planning Practice Guidance ([PPG<sup>9</sup>](#)) being particularly relevant to the MWP. In taking account of relevant legislation and policies, the MWP seeks to provide further guidance and local interpretation of their requirements.
- 1.19 In addition to plans prepared by the Council, consideration is also given to any relevant policies contained within made Neighbourhood Plans when plan making or determining planning applications, as these form part of the Statutory Development Plan. Further details on neighbourhood planning and the extent of made neighbourhood plans in Cheshire East can be found on the Council's [website.<sup>10</sup>](#)

## HS2

- 1.20 HS2 is a significant rail infrastructure project that is planned to be constructed through the Borough during the Plan period. It is likely to have implications for both mineral aggregate need and waste management capacity. The Council will be undertaking further discussions with HS2 so that the minerals and waste implications of the project for Cheshire East can be fully understood and accounted for within the MWP.

## Adopted Policies Map

- 1.21 The Council's website contains an interactive adopted policies map that identifies the spatial extent of adopted and saved policies. Draft policies relating to the Revised Publication Draft SADPD and this draft MWP have also been added as layers to this map to illustrate the proposed geographical extent of relevant policies and assist with their interpretation.

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<sup>7</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

<sup>8</sup> <https://www.gov.uk/government/publications/national-planning-policy-for-waste>

<sup>9</sup> <https://www.gov.uk/government/collections/planning-practice-guidance>

<sup>10</sup> <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-planning.aspx>

## Next Steps

- 1.22 The preparation of the draft MWP for public consultation represents an early stage in the Plan's development to final adoption. Table 1.2 below outlines the remaining stages and gives an indicative timetable to adoption.

Stage/Task	Date
Committee sign off for consultation on Draft M&W Plan	Q3 2022
Public consultation on Draft MWP including call for sites exercise	Q3 2022
Review of comments received and amendments, where appropriate, to the policies and proposals in the MWP. Decision on whether to consult on a second draft or to proceed to publication version.	Q4 2022
Update evidence base for new plan period (WNA) including updated new site assessments following call for sites exercise and update SA/HRA	Q4 2022
Completion of Publication version of MWDPD and internal sign off	Q2 2023
Public consultation on Publication version of MWDPD and accompanying SA and HRA. Review of the comments received and decision on whether to proceed to submission or make amendments and reconsult.	Q3 2023
Submission of MWP to Secretary of State	Q2 2024
Examination of MWP	Q3 2024
Modifications and Inspector's report	Q4 2024
Adoption of MWP	Q1 2025

**Table 1.2: MWP Remaining Stages and Indicative Timetable to Adoption**

## MWP Structure and Contents

- 1.23 The remainder of the MWP has been structured to bring together information and policies into five Chapters covering the following matters: Vision and Objectives; Minerals; Waste; Development Management Policies for Minerals and Waste; and Monitoring and Information. In total, the draft MWP proposes 43 policies (comprising 14 Minerals, 11 Waste and 18 DM policies) and identifies 15 new core monitoring indicators.
- 1.24 More detailed supporting information and maps are provided in the Appendices. These cover a range of details including on: the spatial extent of resources/geology; the identified safeguarded areas, sites and infrastructure; the boundary of allocated sites; and a list of the saved and other policies being replaced by proposed policies in the draft MWP.

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## 2. Vision and Objectives for Minerals and Waste

2.1 The MWP sets out a vision for minerals and waste matters in Cheshire East for the Plan period and this will, once adopted, replace the Vision and Strategic Priorities identified for minerals and waste in the LPS. The MWP's Vision is accompanied by a set of Strategic Objectives that identify how the Vision will be achieved. These objectives are used as a basis for developing the suite of planning policies outlined in the MWP. The elements that comprise the Vision and Strategic Objectives, as detailed below, are not listed in any order of priority. They should instead be considered in their entirety.

### The Vision

2.2 During the plan period to 2041 and beyond, Cheshire East will have developed a sustainable approach to minerals and waste that:

- only approves new or extended sites/facilities for mineral extraction and waste management that are located and operated to minimise harmful impacts on climate change, the transport network, local communities and the local environment;
- provides sufficient capacity for mineral supply and waste management to meet identified needs within the Borough and, where appropriate, to help contribute to meeting wider needs;
- prioritises the use of secondary and recycled aggregates over primary aggregates, and the reuse and recycling of waste before other waste management options. This will move waste up the 'Waste Hierarchy' to increase the amount re-used, recycled, composted or treated rather than used for energy recovery or sent to landfill;
- safeguards for future generations those minerals that can be economically won, together with the facilities and infrastructure required for mineral processing and transportation, from proposals for non-mineral development;
- seeks to manage waste as close to its source of production as possible and to safeguard the waste management facilities or capacity required to meet identified needs, both current and proposed, from proposals for non-waste development; and
- restores former mineral and waste management sites to a high standard to benefit local communities through the enhancement of amenity and the environment.

### The Objectives

2.3 The minerals and waste Vision will be delivered through the following overlapping Objectives:

## General

### OB1 – Tackling Climate Change

- To minimise the causes of climate change by taking appropriate mitigation measures to reduce greenhouse gas and carbon emissions through energy efficient design and operation, including minimising the use of non-renewable energy sources and vehicle movements, for example by using appropriate technology, co-locating waste facilities or by processing minerals at extraction sites.
- To minimise the impacts of climate change by taking mitigation measures such as avoiding inappropriate development in areas at high risk of flooding.

### OB2 – Reducing Transport Impacts

- To explore realistic opportunities to minimise the transport impacts on climate change, local communities and the environment from the movement of minerals and waste by road, through the greater use of more sustainable transport alternatives (such as rail, waterways or pipelines) and the preferred use of non-minor roads for lorry movements.

### OB3 – Making Development Acceptable within its Wider Locality

- To minimise the impacts and maximise the benefits of minerals and waste development on local communities and the environment, both natural and historic, by requiring appropriate measures of mitigation and enhancement to make development acceptable.

### OB4 – Maximising Biodiversity Net Gain

- To maximise opportunities to deliver measurable improvements for biodiversity net gain by creating or enhancing habitats in association with proposed minerals and waste development. This will be achieved on site, off site or as a combination of measures.

## Minerals

### OB5 – Promoting the Prudent and Efficient Use of Mineral Resources

- To promote the prudent and efficient use of the Borough's mineral resources by encouraging the maximum practical recovery of aggregate from secondary and recycled material in preference to the use of primary aggregates, as well as using substitute aggregates.
- To make sure that applications for new primary mineral reserves are considered appropriate and sustainable in resource use terms when compared with estimated unmet need requirements and the NPPF requirement to make "best use" of mineral resources to secure their long-term conservation.

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#### OB6 – Ensuring an Adequate and Steady Minerals Supply

- To seek to deliver an adequate and steady supply of aggregate sand and gravel, silica sand, salt, crushed rock and building stone to help meet the planned growth needs of Cheshire East and to make an appropriate contribution to meeting wider needs outside of the Borough, particularly for strategically important minerals such as silica sand and salt.

#### OB7 - Enabling Appropriate Oil and Gas Development

- To protect local communities and the environment within Cheshire East from any unacceptable impacts associated with potential oil and gas development, whilst acknowledging the contribution that an acceptable proposal for such development can make to help achieve the national need for energy security.

#### OB8 – Ensuring High Quality Restoration and Aftercare

- To restore mineral sites at the earliest opportunity and to the highest possible standards with an appropriate afteruse that positively contributes to the area through a range of factors including landscape character, nature conservation and enhancement, enhanced ecological networks, countryside access and recreation, local amenity and the local economy.

#### OB9 – Safeguarding Mineral Resources, Facilities and Infrastructure

- To safeguard important mineral resources from unnecessary sterilisation by non-mineral development so they remain available for potential future use, as well as safeguarding mineral facilities (including those used to process and recycle secondary aggregate) and infrastructure that support the supply of minerals in the Borough.

## Waste

#### OB10 – Achieving Net Self-sufficiency

- To seek to achieve net self-sufficiency for managing waste generated within the Borough in the long term, through supporting appropriate proposals for waste management that help meet identified capacity gaps, move waste up the ‘Waste Hierarchy’ and minimise disposal to landfill.

#### OB11 – Implementing the Proximity Principle

- To seek to minimise the distance that mixed municipal waste generated in Cheshire East is moved by road through the development of a network of facilities, which deliver the Borough’s identified waste management capacity requirements, in locations as close as possible to the main sources of waste or to the place where the output is to be used, such as the digestate from anaerobic digestion.

OB12 – Prioritising Brownfield Land Use

- To prioritise the use of previously developed land or allocated employment land over undeveloped land outside of settlement boundaries for providing sites for waste management purposes, while recognising that a rural location close to a farm, for example, may be preferable for amenity reasons in some limited instances such as the provision of compost sites or anaerobic digestion facilities where odour or bioaerosols may be an issue.

OB13 – Reusing or Restoring Waste Sites

- To restore to a high standard those waste management sites that are no longer required or acceptable in a particular location, so they can be sustainably used for other appropriate purposes to the benefit of the local community.

OB14 – Safeguarding Waste Management Capacity and Facilities

- To safeguard waste management capacity in the Borough to meet identified needs, both current and proposed, from proposals for non-waste development. This includes the protection of permitted waste management facilities required to meet locational needs and the prevention of non-waste proposals close to waste management facilities that will prejudice their full operation.

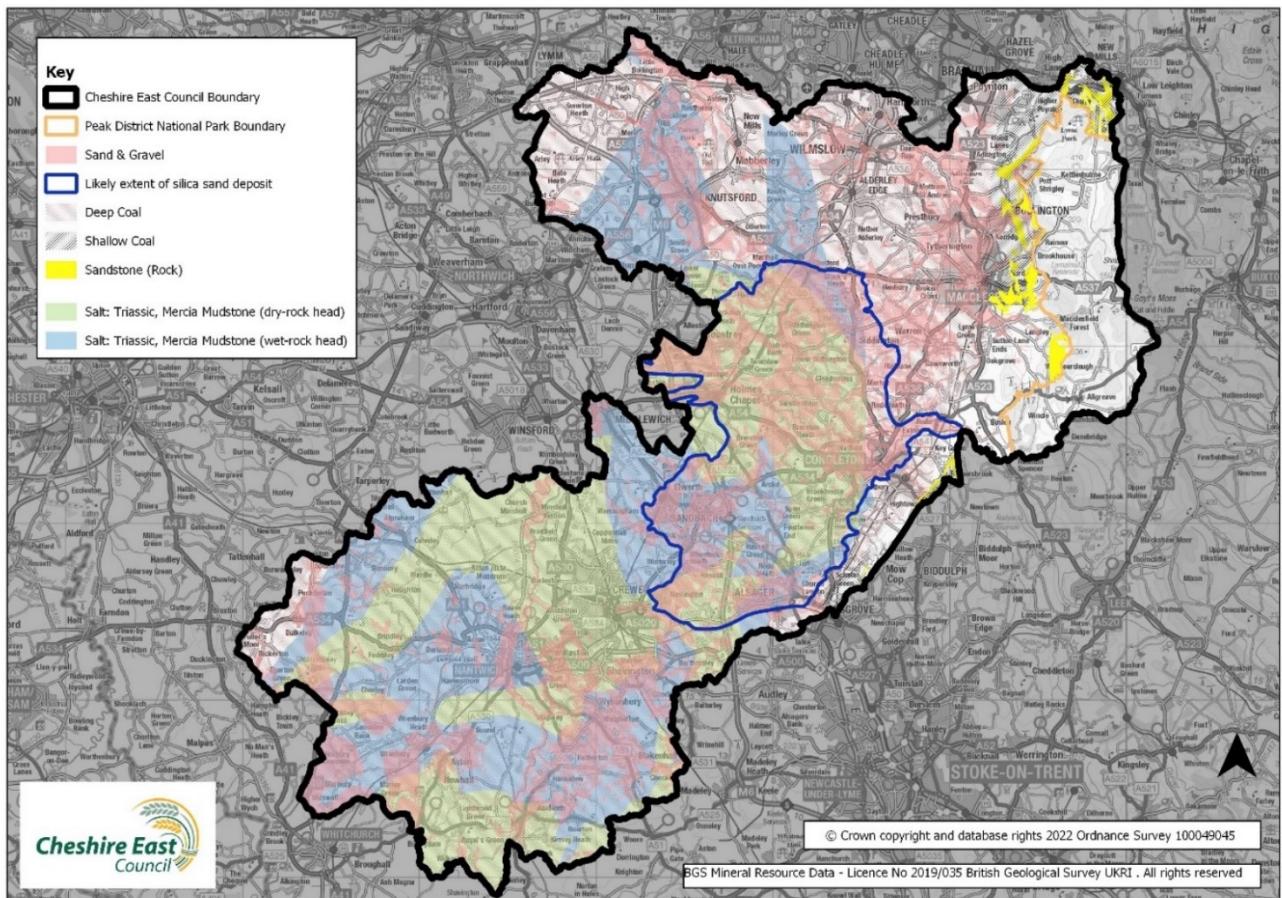
### 3. Sustainable Provision of Minerals

#### Introduction

- 3.1 Minerals are an essential component in the creation of both a successful economy and a good quality of life, since they are the raw materials that help provide the infrastructure, buildings, energy and goods that the country needs. However, as minerals are a finite natural resource and can only be worked where they are found, it is important that best use is made of them to secure their long-term future.
- 3.2 The BGS report<sup>11</sup> on mineral resource in Cheshire and its accompanying map identifies the type and location of the economic minerals present in the Borough, that is to say, those resources that due to their geology and quantity are considered able to be economically extracted. This shows that the geology underlying Cheshire East is diverse and provides a range of mineral resources (See Figure 3.1 for overview). The most extensive resources being salt (see Appendix B) and sand (see Appendix C). The remaining resources identified by BGS are shown in Appendix D (Sandstone (Rock) and Coal) and Appendix E (Peat and Clay).
- 3.3 The Cheshire salt resource is one of the most significant nationally and accounts for some 85% of UK production. Whilst rock salt is extracted from below ground via a mine-head located in Winsford in the neighbouring council area of Cheshire West and Chester (CWaC) (and used largely for gritting roads), controlled solution brine mining takes place at the Warmingham Brinefields below Cheshire East and is piped directly to the British Salt works in Middlewich. This salt is used as an essential raw material in both chemical manufacturing and food production. It is supplied to end users nationwide.
- 3.4 The Borough also contains high quality silica sands, which are nationally relatively scarce. The BGS have identified the Cheshire resource as one of the most important in the country providing almost 44% of the total production in England in 2018.<sup>12</sup> Silica sand is used primarily for specialist purposes due to its physical and chemical composition. It is referred to as an industrial mineral since it is an essential raw material in a range of industrial applications, most notably glass manufacturing and foundry casting. It also has horticultural, and leisure uses, such as sports pitch enhancement, as well as numerous other applications including ceramics, chemicals manufacture and water filtration. Some silica sands, where suitable, can also be used as a construction aggregate in mortar. The silica sand in Cheshire East is also supplied to end users nationwide.

<sup>11</sup> <https://www2.bgs.ac.uk/mineralsuk/download/england/cheshire.pdf>

<sup>12</sup> Silica Sand Mineral Planning Factsheet, British Geological Survey, January 2020  
[https://www2.bgs.ac.uk/mineralsuk/download/planning\\_factsheets/mpf\\_silica\\_sand.pdf](https://www2.bgs.ac.uk/mineralsuk/download/planning_factsheets/mpf_silica_sand.pdf)



**Figure 3.1: Cheshire East Mineral Resource Overview**

- 3.5 In addition to the important extraction of silica sand and salt already mentioned, the other mineral resources that are present and currently extracted in the Borough include aggregate (construction sand and gravel), sandstone (mostly for use as building stone but also as crushed rock) and peat. Appendix F identifies all the 16 permitted mineral extraction sites in Cheshire East at December 2021 and the mineral being extracted, although it should be noted that not all sites are currently active. While clay and coal can also be found in the Borough, they are no longer commercially worked. In addition, it is likely that other forms of hydrocarbon (oils and gas) are present but further exploration is required to understand the extent of the resource and whether it can be commercially extracted.
- 3.6 Cheshire East Council is a member of the North West Aggregate Working Party (NW AWP). The working party is comprised of mineral planning authorities within the North West region and representatives from the minerals industry. Its role is to produce fit-for-purpose and comprehensive data on aggregates covering the region. It operates within the national Managed Aggregate Supply System to deliver a steady and adequate supply of aggregates. This “requires mineral planning authorities which have adequate resources of aggregates to make an appropriate contribution to national as well as local supply, while making due allowance for the need to control any environmental damage to an acceptable level. It also ensures that areas with smaller amounts of aggregate

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make some contribution towards meeting local and national need, where that can be done sustainably".<sup>13</sup> The Government aids this process by publishing "National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates".<sup>14</sup> The Council consults the NW AWP on its draft LAA each year and considers the comments received before finalising the document.

- 3.7 As a MPA, the Council is responsible for ensuring that policies are in place that will provide for the minerals of local and national importance found in the Borough. This requires the protection of the resource through safeguarding and prior extraction, as well as the protection of the related mineral supply infrastructure required to extract, process and transport the resource. It also means that supply options should be prioritised to maximise the sustainable use of existing minerals by alternative or substitute sources, such as recycled and secondary aggregates, in preference to land-won resources. However, there will inevitably be a requirement for new land-won resources.
- 3.8 This Chapter sets out the policies the Council will use to determine planning applications that relate to or impact upon the extraction and management of aggregates, as well as industrial and energy minerals.

## Safeguarding Mineral Resources and Infrastructure

- 3.9 To conform with Government policy and guidance and to meet the requirements of objective OB9 of this plan, policies are required to make sure that minerals are not needlessly sterilised by non-mineral development and that the mineral supply infrastructure required to store, process and sustainably transport minerals is safeguarded. Facilities to process and recycle secondary aggregates also require protection and this matter is dealt with by Policy MIN 5 'Prioritising the use of Substitute, Secondary, and Recycled Aggregates'.
- 3.10 The long term protection of mineral resources for future generations is achieved through the identification of Mineral Safeguarding Areas (MSAs). For clarification, these are not proposed areas for mineral extraction, nor are they an indication that mineral extraction proposals will be permitted within these areas. Instead, they are intended to make sure that any proposed non-mineral development in the identified areas has, as part of the process of determining the application, fully considered the potential impact of the development on the mineral resources present (through sterilisation) and their possible extraction or processing.
- 3.11 The Council has used mineral resource information provided by the BGS as the basis for defining the extent of the MSA boundaries. This was supplemented by

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<sup>13</sup> Reference ID: 27-060-20140306, Minerals PPG, Ministry of Housing, Communities & Local Government, 2014 <https://www.gov.uk/guidance/minerals>

<sup>14</sup> ¶213 d), NPPF, Ministry of Housing, Communities & Local Government, 2021 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/105759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/105759/NPPF_July_2021.pdf)

the findings of the Cheshire East Council Sand Study 2019-20<sup>15</sup> in respect of the aggregate and silica sand resource. A separate MSA has been identified for salt, sand (comprising silica sand and sand & gravel), sandstone and shallow coal. While their broad extent is illustrated by the resource maps shown in Appendices B to E, the boundaries can be identified in greater detail on the Council's adopted policies map. These boundaries represent the extent of the known resource. They do not include a buffer area around the resource, although Policy MIN 1 'Mineral Safeguarding Areas' requires applications for development close to the edge of a MSA boundary to consider its potential impact on the safeguarding of the mineral resource and its potential future extraction.

- 3.12 The Council has decided not to produce a MSA for hydrocarbons, peat or clay. There is currently insufficient information on the extent of the hydrocarbon resource to be able to define a MSA for it, although its extraction is less likely to be threatened by surface development due to the depth of the resource and its method of extraction.
- 3.13 National policy prevents the extraction of the peat resource through new permissions, either via new sites or the extension of existing sites. There are currently two sites in the Borough that have extant permission for peat extraction, although these operate on a small scale. Consequently, the Council has not produced a MSA for peat but has instead developed policies that prevent new peat extraction and recognise the value of peat habitats, both as a biodiversity resource and carbon store, and seeks to protect the peat resource from inappropriate development for this reason, namely Policy MIN 11 'Peat'.
- 3.14 While a clay resource is present in Cheshire East, the full extent is unknown as BGS only identify some of this resource (as shown in Appendix E) due to its variable quality and thickness. Therefore, the Council considers there to be insufficient available information to prepare a MSA to safeguard the clay resource.

### **Policy MIN 1 Mineral Safeguarding Areas**

- 1. Mineral resources comprising salt, sand (silica sand and sand & gravel), sandstone and shallow coal located within the defined Mineral Safeguarding Area (MSA) boundaries shown on the adopted policies map will be protected from permanent sterilisation or potential constraint by non-mineral development occurring on or close by (at least within 250m of) the resource.**
- 2. Development that is incompatible with the safeguarding of these mineral resources will only be granted planning permission if at least one of the following criteria is satisfied:**
  - i. the applicant can demonstrate that the mineral being safeguarded has:**

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<sup>15</sup> <https://www.cheshireeast.gov.uk/pdf/planning/spatial-planning/cheshire-east-sand-study-2019-20-final-report.pdf>

- a. no current or potential future value; or
  - b. would not be needlessly sterilised; or
  - c. would be inappropriate/not viable to extract at this location;
  - ii. the safeguarded mineral impacted by the development will be extracted prior to the proposed development taking place without causing unacceptable adverse impacts on the environment or local community;
  - iii. the proposed development is of a temporary nature and allows the site to be restored in a timely manner so that the safeguarded mineral can be subsequently extracted when needed;
  - iv. there is an overriding and exceptional strategic need for the incompatible development outweighing the need for mineral safeguarding when balanced against all material planning considerations; and
  - v. it is a type of development exempt from safeguarding as identified in the supporting information to Policy MIN 1.
3. Planning applications for non-mineral development that may impact on the safeguarding of mineral resources within a MSA must include a Mineral Resource Assessment (MRA) as part of their supporting information unless the application is considered exempt under criterion 2.v. of Policy MIN 1. This should detail, to the satisfaction of the Minerals Planning Authority (MPA), the merits of the proposed development and its effects on minerals safeguarding and sterilisation. It should include and comply with the details identified in the supporting information to Policy MIN 1.

#### Supporting information

- 3.15 The Council will seek to protect finite mineral reserves in MSAs from non-mineral development, both within the MSAs or close by, where this has the potential to sterilise or unduly constrain these resources from being extracted. Planning applications for such development must be accompanied by a Mineral Resource Assessment (MRA) that demonstrates that mineral interests have been appropriately considered. Generally, the MPA considers “close by” to be within at least 250m of the outside of a MSA boundary, but development it considers may have a constraining or sterilising effect on a mineral resource that is more distant than this will, at the discretion of the MPA, be considered to fall within the requirements of Policy MIN 1 ‘Mineral Safeguarding Areas’.
- 3.16 The Council will use the Minerals Safeguarding Guidance<sup>16</sup>, published in April 2019 by the Mineral Products Association and Planning Officers Society, as a starting point for determining the information required to be included in a MRA.
- 3.17 The MRA should normally be undertaken by a person with appropriate qualifications/professional background in minerals (such as a mineral surveyor) and include suitable information on the presence, quantity and quality of the mineral that may be sterilised, as well as the potential opportunities and

<sup>16</sup>

[https://mineralproducts.org/MPA/media/root/Publications/2019/MPA\\_POS\\_Minerals\\_Safeguarding\\_Guidance\\_Document.pdf](https://mineralproducts.org/MPA/media/root/Publications/2019/MPA_POS_Minerals_Safeguarding_Guidance_Document.pdf)

constraints for its prior extraction. It should set out clear conclusions on the viability of extracting the mineral from the proposed development site, taking account of the presence or absence of constraints, the amount (tonnage) and economic/heritage value of the mineral that will be sterilised.

- 3.18 The Council will advise on the comprehensiveness of the MRA that is required based on its location, the nature of the proposed development and its judgement of the likely potential risks/opportunities for mineral sterilisation and prior extraction. Sometimes it may allow a lighter touch mineral assessment to be undertaken instead. For example, small scale development within existing urban areas is less likely to require a fully detailed MRA than similar development outside urban areas, where the potential for wider sterilisation is greater and the resource is more able to be viably extracted without causing unacceptable adverse impacts to the environment or local community. This flexible and proportionate approach will make sure that the Council has sufficient information to understand the mineral safeguarding implications of a development without putting an undue burden on the applicant to undertake unnecessarily detailed work.
- 3.19 Where a MRA has demonstrated the need for mineral safeguarding, the onus will be on the applicant to demonstrate the exceptional strategic circumstances that would over-ride the normal assumption that mineral safeguarding will apply. This could involve a national infrastructure project such as HS2 but would not cover proposals, such as for additional housing or employment, where needs and priorities are addressed through a plan-led planning system in accordance with ¶15 of the NPPF (2021).
- 3.20 The Council recognises that some types of development by their nature are unlikely to require mineral safeguarding or present viable opportunities for prior extraction. These are referred to in criterion 2.v. of Policy Min 1 'Mineral Safeguarding Areas' and identified below. They are exempt from safeguarding and the need for an accompanying MRA:
- a) applications for householder development;
  - b) applications for alterations and extensions to existing buildings and for change of use of existing development, unless intensifying activity on site;
  - c) applications for advertisement, listed building or conservation area consent;
  - d) applications for reserved matters including subsequent applications after outline consent has been granted;
  - e) prior notifications such as telecoms, forestry, agriculture and demolition;
  - f) Certificates of Lawfulness of Existing Use or Development and Certificates of Lawfulness of Proposed Use or Development ; or
  - g) applications for works to trees

## Policy MIN 2 Safeguarding Mineral Supply Sites and Infrastructure

- 1. In addition to safeguarding the mineral resource itself, the Council will safeguard existing, planned, and potential sites for:**
  - i. mineral extraction;
  - ii. the bulk transport, handling and processing of minerals; and
  - iii. the handing, processing and distribution of substitute, recycled and secondary aggregate material;

from proposed non-mineral development located at a distance (at least within 250m) that is likely to prevent or unduly restrict their operation for these purposes.
- 2. Planning applications for non-mineral development that may impact on the protection of mineral sites and transport or processing infrastructure should be accompanied by a Mineral Infrastructure Assessment. This assessment should be undertaken to the satisfaction of the MPA and include the following information:**
  - i. how significant the potential impact may be on the operation of the mineral site and/or infrastructure based on the potential sensitivity of the proposed development;
  - ii. any measures proposed to mitigate this impact; and
  - iii. details on the extent of mitigation that would be provided
- 3. Proposed development that is considered by the MPA to be incompatible with the safeguarding of sites identified in criterion 1 of Policy MIN 2 will not be permitted.**

### Supporting Information

- 3.21 The Council has identified a list of safeguarded sites relevant to the application of this policy in Appendix G and their location is identified on the interactive adopted policies map. This list will be reviewed and updated on a regular basis as part of the Authority Monitoring Report (AMR). Mineral processing referred to in this policy can include a range of activities including the manufacturing of coated materials, concrete and concrete products.
- 3.22 The Council recognises that not all types of development are likely to impact on mineral supply sites and infrastructure. The Council will advise on whether a Mineral Infrastructure Assessment (MIA) is required. The types of development likely to be exempt from requiring a MIA include those identified as exempt from safeguarding in the supporting information to Policy MIN 1 (¶3.20).
- 3.23 The Council will use the Minerals Safeguarding Guidance<sup>17</sup>, published in April 2019 by the Mineral Products Association and Planning Officers Society, as a starting point for determining the information required to be included in a MIA.

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<sup>17</sup>

[https://mineralproducts.org/MPA/media/root/Publications/2019/MPA\\_POS\\_Minerals\\_Safeguarding\\_Guidance\\_Document.pdf](https://mineralproducts.org/MPA/media/root/Publications/2019/MPA_POS_Minerals_Safeguarding_Guidance_Document.pdf)

- 3.24 When a MIA is required, it should provide sufficient evidence to enable the Council to assess whether the proposed development is likely to have an adverse effect on the mineral facility including its capacity. In particular, it should identify the potential sensitivity of the proposed development to the operation of the safeguarded infrastructure, the potential impact this may have on its operation and whether satisfactory mitigation measures can be provided as part of the proposed development to prevent capacity reduction at the facility or constrain its operation more generally.<sup>18</sup>

## The Sand Resource

### Introduction

- 3.25 The sand resource in Cheshire East consists of both aggregate sand, which is used for construction purposes, and non-aggregate (industrial) sand (also referred to as silica sand) that is used for applications other than as construction aggregate due to the high proportion of silica that it contains (normally, but not exclusively, more than 95% silicon dioxide). “Unlike construction sands, which are used for their physical properties alone, silica sands are valued for a combination of chemical and physical properties. These include a high silica content in the form of quartz and, more importantly, very low levels of deleterious impurities, particularly clay, iron oxides and refractory minerals, such as chromite. They typically have a narrow grain-size distribution (generally in the range 0.1 to 2mm). For most applications, silica sands must conform to very closely defined specifications, and consistency in quality is of crucial importance. Particular uses routinely require different combinations of properties and attributes. Consequently, different grades of silica sand are usually not interchangeable in use. Silica sands command higher prices than construction sands and serve a wider geographical market, including exports”.<sup>19</sup>
- 3.26 Although BGS mapping indicates that the Borough contains large amounts of both aggregate and non-aggregate sands, the focus of current sand extraction activity is on the production of non-aggregate silica sands. Background information on the geology of the sand resource in Cheshire East, the end uses to which it can be put, and the sand sites (active in 2019) and markets they serve can be found in the Cheshire East Council Sand Study 2019-20.<sup>20</sup> The report, prepared by Cuesta Consulting Ltd, also assesses some related strategic issues and their implications for plan making in the Borough. This includes the fact that the silica sand resource in Cheshire East is unconstrained by national landscape designations (such as National Parks and Areas of Outstanding Natural Beauty) compared with other parts of the country (such as West Sussex) where potential silica resources are located in a National Park. However, there are other silica sand resource constraints in the Borough

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<sup>18</sup> To conform with the “agent of change” requirement detailed in ¶187 of the NPPF (2021)

<sup>19</sup> Extract from the Silica Sand Mineral Planning Factsheet, British Geological Survey, 2020  
[https://www2.bgs.ac.uk/mineralsuk/download/planning\\_factsheets/mpf\\_silica\\_sand.pdf](https://www2.bgs.ac.uk/mineralsuk/download/planning_factsheets/mpf_silica_sand.pdf)

<sup>20</sup> <https://www.cheshireeast.gov.uk/pdf/planning/spatial-planning/cheshire-east-sand-study-2019-20-final-report.pdf>

relating to important environmental designations (such as Ramsar sites and Sites of Special Scientific Interest) that must be weighed against the important landscape designations elsewhere when determining the appropriate contribution that silica quarrying in Cheshire East should make nationally. This strategic issue will be a matter for ongoing duty to cooperate discussions with other relevant MPAs, both individually and through the national Industrial Sands Working Group. The Cheshire East Council Sand Study 2019-20 has assisted the Council in developing suitable policies in the MWP for managing its sand resource so that it meets the NPPF requirements around planning for a steady and adequate supply of both aggregate (construction) and non-aggregate (silica) sands.

- 3.27 Managing the Borough's sand resource to meet these requirements is made more difficult by the fact that these two elements of the sand resource are currently derived largely, if not entirely, from the same geological deposit at the active sand quarries in the Borough. This makes it more difficult for the Council to forecast the extent of the contribution that the existing sand quarries will make, once they have been operating for a while, in meeting both aggregate and non-aggregate needs.
- 3.28 This is down to a lack of comprehensive data on the extent and composition of the remaining reserve as it is being extracted, since the MPA only has site information on the estimated split between the aggregate and non-aggregate sand reserve at the time an application for new reserves is submitted. While quarry operators provide site information on the extent of aggregate sand sales through the yearly LAA, it is difficult to obtain ongoing consistent information on the split between aggregate and non-aggregate sand sales and the likely remaining site reserves for each of these products as operators are not required to provide this (non-aggregate sand) information to the MPA. Non-aggregate sand production represents a significant part of the overall sand resource output in the Borough. The Council have estimated this to be around 76% of all sand sales in the last 10 years (2011-20).

### **Extent of the Permitted Sand Resource**

- 3.29 At the start of the Plan period on 1 January 2021 there were five permitted sand quarries in the Cheshire East MPA area comprising Arclid (Sandbach), Bent Farm (Congleton), Eaton Hall (Congleton), Rudheath Lodge (Goostrey) and White Moss Quarry (Alsager). However, it should be noted that the Council discounts White Moss Quarry from its calculation of permitted aggregate sand reserves based on the low quality of the remaining reserve and the site's partial allocation for housing in the adopted LPS. Further details can be found in the Council's LAA. In addition, the site at Rudheath Lodge crosses local authority boundaries with around 44% of the site area lying within the adjoining MPA area of CWaC. The Council has agreed with CWaC on how best to represent the aggregate sand output from this quarry (which was approved in July 2019 and will primarily produce non-aggregate sand) in the yearly LAA of each MPA. This involves splitting overall sales on a 56/44% basis in line with the percentage of site area that lies within each MPA area. This will make sure that there is no

double counting of sand sales from Rudheath Lodge quarry. Where no indication is given by the operator on the split between aggregate and non-aggregate sand, it will be assumed that sand sales represent a 75/25% split between non-aggregate and aggregate sand based on the proportion of forecast reserves identified at the time of the relevant planning applications. This will be adjusted in line with any updated information that may subsequently become available.

- 3.30 The Council's latest published LAA (December 2021)<sup>21</sup> identifies a total permitted sand reserve for the Borough, excluding the area within the Peak District National Park, of 14.30 million tonnes (Mt). This is estimated to comprises 2.60Mt of aggregate (construction) sand and 11.70Mt of non-aggregate (silica) sand. The Council has used the 2021 LAA as the basis for calculating aggregate sand resource needs within the MWP, both in terms of the figures it contains and the overall approach to the calculation of aggregate need forecasts it adopts. This approach does not use the Government's latest national guidelines on aggregate provision, published in June 2009 and covering the period 2005 to 2020, which were subsequently apportioned out to the MPAs in the NW AWP sub-region (as sub-national guidelines<sup>22</sup> <sup>23</sup>) due to concerns regarding the robustness of the data. Further details are provided in the 2021 LAA, which was ratified by the North-West Aggregates Working Party in December 2021.

## Sand Requirements

- 3.31 The Government advises the use of landbanks as an indicator for ensuring that an adequate and steady supply of aggregate sand is planned for and maintained. This is a particularly important consideration during plan preparation and as an ongoing monitoring tool for review purposes. A landbank is the sum (in tonnes) of all the reserves with valid planning permission and is usually assessed on the basis of average sales over the past 10 years, although the past 3-year sales could also be used as a better reflection of current market trends if considered appropriate. In addition to average past sales, the Council must also consider other relevant local information that may impact on future aggregate demand. The NPPF requires planning authorities to maintain landbank reserves of at least 7 years for aggregate sand & gravel.
- 3.32 There is no landbank requirement for industrial minerals, such as silica sand, in the NPPF. Instead, the Government advises MPAs to plan for a steady and adequate supply of industrial minerals by "maintaining a stock of permitted reserves to support the level of actual and proposed investment required for

<sup>21</sup> [https://www.cheshireeast.gov.uk/planning/spatial-planning/research\\_and\\_evidence/minerals-background-evidence.aspx](https://www.cheshireeast.gov.uk/planning/spatial-planning/research_and_evidence/minerals-background-evidence.aspx)

<sup>22</sup> National and regional guidelines for aggregates provision in England 2005-2020, CLG, June 2009 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7763/aggregatesprovision2020.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7763/aggregatesprovision2020.pdf)

<sup>23</sup> The Future of Sub-Regional Apportionment in the Cheshire Sub-region, Cheshire East and Cheshire West & Chester Councils, 2010 <https://www.cheshireeast.gov.uk/pdf/planning/spatial-planning/cwac-future-of-sub-regional-apportionment.pdf>

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new or existing plant, and equipment".<sup>24</sup> These reserves should be at least 10 years for individual silica sand sites and at least 15 years for silica sand sites where significant new capital is required.

### Aggregate Sand Requirement

- 3.33 The 2021 LAA identifies that on average some 0.406Mt of aggregate sand has been sold yearly from Cheshire East quarries over the last 10 years (2011 to 2020). However, rather than rely solely on past sales data, the LAA has also considered other local information to identify a potential annual average figure for future aggregate demand over the next 15 years (2021 to 2035) of some 0.477Mt. This is 2% greater than the 10-year average sales figure (0.406Mt). This uplift figure accords with national guidance and is considered a more robust approach than the use of apportionment as shown in the justification to LPS Policy SE 10 'Sustainable Provision of Minerals'. Therefore, this aspect of the MWP will supersede that approach once adopted.
- 3.34 Applying the 0.477Mt annual demand implies there was an aggregate landbank in the MPA area of 5.45 years on 31 December 2020. This is below the at least 7-year landbank requirement in the NPPF.
- 3.35 Table 3.1 below provides aggregate demand and supply information including a calculation of potential aggregate sand requirements within Cheshire East based on the average 2% uplifted sales figure. This shows that there is forecast to be an aggregate sand shortfall of at least 6.94Mt by the end of the Plan period in 2041. The MWP will need to plan to provide for this shortfall if it is to maintain the required aggregate sand landbanks to the end of the Plan period.

Row Identifier	Aggregate Sand Information and Forecast Requirements	Amount
A	The past 10-year average annual sales demand figure (2011 to 2020) [from 2021 LAA]	0.406Mt
B	The 15-year forecast of future average annual sales demand including an annual 2% uplift for economic growth (2021 to 2035) [from 2021 LAA]	0.477Mt
C	The estimated remaining permitted aggregate reserve at 31/12/20 [from 2021 LAA]	2.60Mt
D	The permitted aggregate reserves landbank at 31/12/20 shown in years [Row C/Row B]	5.45
E	A forecast for future demand for the whole 20 year Plan period (2021 to 2041) [Row B x 20]	9.54Mt
F	The new aggregate provision to be identified in the MWP (2021 to 2041) to meet at least requirements identified in the NPPF [Row E – Row C]	6.94Mt

**Table 3.1: Aggregate Sand Demand/Supply Information and Forecast Requirements for the MWP**

<sup>24</sup> ¶214 c), NPPF, Ministry of Housing, Communities & Local Government, 2021

### **Non-Aggregate (Silica) Sand Requirement**

- 3.36 While planning guidance requires the MPA to identify aggregate sand requirements at a Borough-wide level through the collected calculation of landbanks based on past sales, there is no similar need to identify a Borough-wide requirement for non-aggregate sand in the MWP. Instead, stocks of permitted reserves are used as a monitoring tool to aid decision making on planning applications at existing industrial minerals sites. Guidance advises that these “should be used as an indicator to assess when further permitted reserves are required at an industrial mineral site” (PPG, Reference ID: 27-087-20140306).
- 3.37 As already highlighted, planning policy and guidance requires MPAs to plan to maintain stocks of permitted reserves of at least 10 years for individual non-aggregate (silica) sand sites and at least 15 years for silica sand sites where significant new capital is required. In addition, guidance requires that “each application for minerals extraction must be considered on its own merits, regardless of the current stock of permitted reserves. However low stocks of permitted reserves to justify capital investment may be seen as a strong indicator of urgent need” (PPG, Reference ID: 27-089-20140306). Also, that “the required stock of permitted reserves for each silica sand site should be based on the average of the previous 10-year sales. The calculations should have regard to the quality of sand and the use to which the material is put” (PPG, Reference ID: 27-090-20140306).
- 3.38 The Council has estimated both past 10-year non-aggregate sand sales and the remaining stock of permitted non-aggregate sand reserves at the four operational sand quarries in the Borough on 31 December 2021. This is based on information obtained from a survey of operators undertaken by the Council in 2017, details submitted as part of planning applications for new reserves and LAA monitoring return information. It represents the best available information given the difficulties in obtaining up-to-date and accurate information for sales and the ongoing aggregate/non-aggregate split in the remaining sand reserves for each site as already highlighted. In addition, as highlighted in the Cheshire East Council Sand Study 2019-20<sup>25</sup>, it is not possible to provide a detailed breakdown of the proportion of sand sales to each market from each site due to the incomplete data provided by operators.
- 3.39 As it is also not possible to publish the specific site sales and reserve figures for commercial confidentiality reasons, Table 3.2 identifies the overall estimated stock of permitted non-aggregate sand reserves for each quarry at the start of the Plan period on 1 January 2021. This has been calculated by dividing the estimated reserve on 31 December 2020 by an average of the estimated non-aggregate sand sales figure for that quarry for the previous 10 year period (2011 to 2020).

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<sup>25</sup> <https://www.cheshireeast.gov.uk/pdf/planning/spatial-planning/cheshire-east-sand-study-2019-20-final-report.pdf>

Quarry	Estimated Stock of Permitted Non-Aggregate Sand Reserve (Years)
Arclid (Sandbach)*	9.56
Bent Farm (Congleton)	9.53
Eaton Hall (Congleton)	14.90
Rudheath Lodge (Goostrey)**	12.00

**Table 3.2: Estimated Stock of Permitted Non-Aggregate Sand Reserves Based on Estimated Average 10 Year Non-Aggregate Sand Sales (2011-20) for each Quarry on 31/12/20**

\*Excludes the additional permitted reserve of 4.5Mt at Arclid approved in January 2021

\*\*Landbank for whole site and based on approved years of operation as there is limited past sales information due to extraction beginning in 2020

- 3.40 As Table 3.2 identifies, the Council estimates that at the start of the Plan period Eaton Hall and Rudheath Lodge quarries were meeting the at least 10 year stock of permitted reserves required by the NPPF. However, Arclid and Bent Farm quarries fell slightly short of this requirement, although the requirement is exceeded at Arclid (19.34 years) once the subsequent permission of 4.5Mt in January 2021 is included. The Council approved in February 2022, subject to the signing of a S106 agreement, an application to increase the sand reserves (primarily non-aggregate) at Bent Farm by some 0.41Mt.
- 3.41 It should be noted that the stock of reserves position is constantly changing as further reserves are granted, existing reserves reassessed, and further sand sales occur. In line with PPG, the Council will consider the individual stock of non-aggregate reserves position at the time an application to extract additional reserves is made. This will help assess if an increase in the stock of permitted reserves is needed to maintain NPPF requirements so that a steady and adequate supply of non-aggregate sand can be maintained.

## Call for Sites Exercise

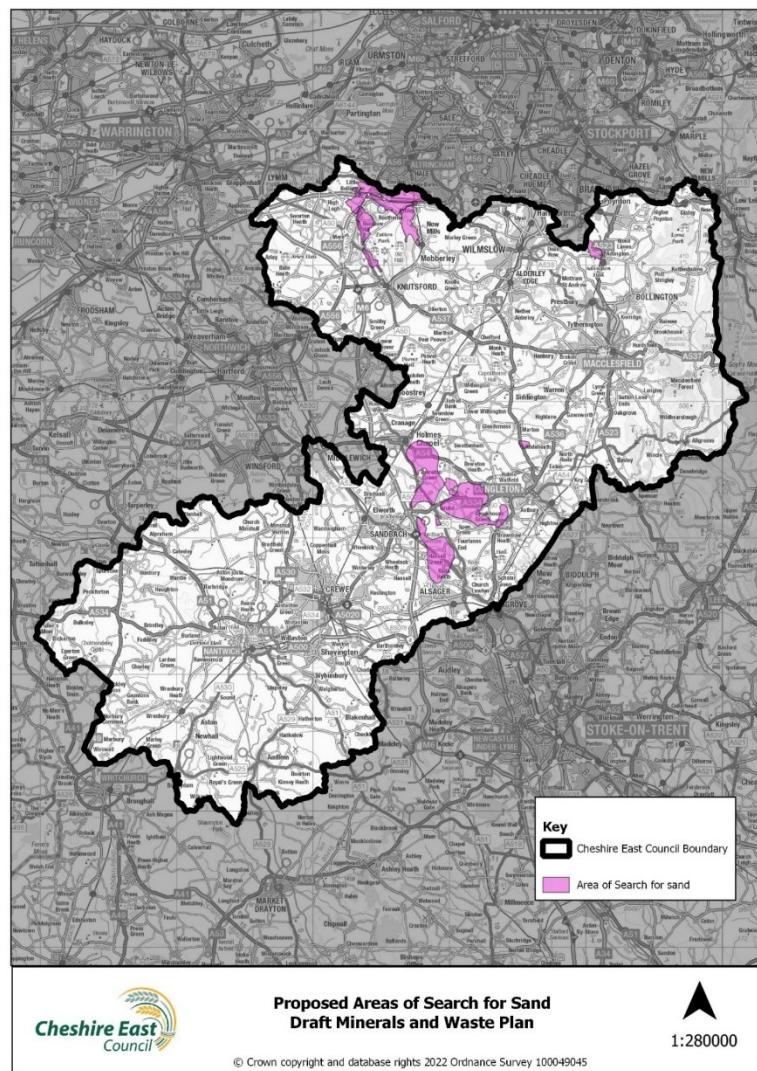
- 3.42 The Council undertook a Call for Sites exercise in 2017 to enable landowners and mineral operators to put forward land or areas for inclusion in the MWP, as a way of assisting the Council in meeting national requirements around ensuring a steady and adequate supply of minerals is delivered during the Plan period. Most of the sites and areas put forward (as either proposed site allocations, Preferred Areas or Areas of Search) related to the supply of sand, that is to say 25 of the 27 submitted sites/areas.<sup>26</sup> The Council has assessed all the proposals put forward following the Call for Sites exercise and the draft findings report can be found on the Council's website<sup>27</sup>.

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<sup>26</sup> The other two submitted sites were for controlled solution brine mining

<sup>27</sup> [https://www.cheshireeast.gov.uk/planning/spatial-planning/research\\_and\\_evidence/minerals-background-evidence.aspx](https://www.cheshireeast.gov.uk/planning/spatial-planning/research_and_evidence/minerals-background-evidence.aspx)

3.43 The report concluded, based on the need requirements identified above, that there is only sufficient detail for the Council to identify a Preferred Area of Extension at two of the existing active (non-aggregate) quarries and a new quarry allocation to meet aggregate need. To provide flexibility in meeting future sand needs, the Council has also identified 14 Areas of Search (AOS) in the draft MWP based on the Call for Site 2017 submissions, as shown in Appendix H. An overview map showing the general extent of these AOS is provided in Figure 3.2. This represents the first stage in defining the potential geographical area of the AOS and will be subject to further refinement once the Council has considered the advice received from statutory consultees (including Natural England, the Environment Agency and Historic England) following the draft MWP consultation. In addition, as the route of HS2 through the borough and its associated safeguarded land has been refined since the 2017 Call for Sites exercise was undertaken, further consultation with HS2 Ltd is required to reassess the implications of the proposed AOS. The SA and HRA process will provide further opportunity to inform and refine the boundaries of proposed sites/areas and to identify any appropriate mitigation measures.



**Figure 3.2: Overview of the General Extent of the Proposed Area of Search**

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- 3.44 The Council is running a further Call for Sites exercise alongside the consultation on the draft MWP. This recognises that the last Call for Sites exercise was some time ago and priorities around the sites/areas where operators may wish to pursue applications for new reserves could have changed. It also enables the minerals industry to consider the need and policy approach identified by the Council in this Plan and to make further submissions (of suitable detail) for proposed new sites for aggregate sand, Preferred Area of Extension to existing quarries and AOS. Sites and areas submitted as part of the new Call for Sites exercise will be screened using the Draft Minerals and Waste Site Selection Methodology and considered alongside the existing pool of sites/areas identified in the Draft Minerals Site Selection Report.<sup>28</sup> A final version of the Draft Minerals Site Selection Report will be published at the Publication Draft Stage to support the Council's choices around minerals site allocations or area designations in the MWP.

## Managing the Sand Resource

- 3.45 In view of the current shortfall in the overall aggregate sand landbank and the non-aggregate stock of permitted reserves position at each of the four existing sand quarries, as identified in Tables 3.1 and 3.2 respectively, the general strategy of the MWP is required to be different for aggregate and non-aggregate sand to make sure that a steady and adequate supply of both elements of the sand resource is maintained over the Plan period. The difference in approach being based on the priority given to meeting any shortfall through the provision of extensions to existing quarries (in the case of non-aggregate sand) or the provision of new quarries (in the case of aggregate sand).

### Policy Approach - Non-Aggregate (Silica) Sand

- 3.46 A significant majority of the sand output from the existing quarries is non-aggregate (silica) sand. As Table 3.2 and the subsequent text identifies, only one quarry (Bent Farm) was estimated at the start of the plan period to be falling slightly short of the required stock of permitted non-aggregate sand reserve in the MPA area. The general strategy of the MWP is to prioritise meeting identified non-aggregate (silica) sand needs through extensions to the existing sand quarries. This is done through the identification of an Area of Preferred Extension at Arclid and Eaton Hall Quarries. The Council's current Call for Sites exercise provides an opportunity for site operators to put forward other suitably detailed proposals for extensions to existing quarries, particularly at Bent Farm, to make sure there is a steady and adequate supply of silica sand over the plan period. This approach will be sufficient to maintain the required stocks of permitted reserves for non-aggregate (silica) sand at the existing quarries for the remainder of the plan period.
- 3.47 The approach of prioritising existing quarries is considered to offer benefits due to reduced environmental disturbance (especially where access and mitigation

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<sup>28</sup> Link to be provided

measures are already in place), retention of existing employment, as well as making use of existing processing facilities and investment. Its disadvantage is the potential cumulative impact that continued extraction could have on the area if successive extensions are permitted. These factors have been considered through the site selection process as the MWP has been developed. They will also be a consideration when planning applications are determined.

- 3.48 Any proposals for new non-aggregate sand quarries should come from within the identified AOS boundaries. As silica sand is a relatively rare and important national resource with specialist end uses that requires appropriate husbanding to secure their long-term conservation, any proposals for new non-aggregate (silica) sand quarries within the MPA area will need to be justified. Information will be required on the specification of the sand at the site and the markets it is intended to serve, so that the MPA is satisfied that this represents the "best use" of the resource in the long-term (in line with ¶209 of the NPPF (2021)).

### **Policy Approach – Aggregate (Construction) Sand**

- 3.49 Aggregate sand extraction in Cheshire East is currently dependent upon (or is an inevitable by-product of) silica sand extraction at all four of the active sand quarries in the Borough. The Council does not consider it is possible to meet all the aggregate sand needs (of at least 6.94Mt) over the Plan period from the existing quarries. Therefore, the strategy of the MWP is to prioritise meeting the identified aggregate sand needs through the allocation of new aggregate extraction sites. As a result of the Call for Sites exercise in 2017 the Council can allocate an aggregate sand site at Astle Farm East near Chelford in the draft MWP but there is scope for further allocations for aggregate sand sites should suitable information be submitted via the consultation on the draft MWP or its accompanying Call for Sites exercise. This could include focused proposals for a 'Preferred Area(s)' designation, for aggregate sand or to expand the existing proposed AOS boundaries, where suitable levels of information have been submitted to the Council to justify the designation of such areas.

### **Policy MIN 3 Managing the Sand Resource**

**Applications for new sand reserves will be permitted provided all the following criteria are satisfied:**

#### **General**

1. Suitable technical evidence has clearly demonstrated that current permitted reserves cannot meet the required level of provision;
2. The level of reserves proposed is considered appropriate and sustainable in resource use terms when compared with estimated unmet need requirements and the NPPF requirement to make "best use" of mineral resources to secure their long-term conservation;
3. The proposal accords with the hierarchy for resource delivery identified within the non-aggregate and aggregate sand sections of criteria 8 and 11 of Policy MIN 3, unless it can be demonstrated that greater priority

schemes are either unavailable or not viable to meet future non-aggregate or aggregate sand needs;

4. There are no unacceptable adverse environmental and local community impacts;
5. A suitable scheme and timetable for site restoration is proposed;
6. The applicant agrees, as part of a legal agreement or planning condition, to provide the MPA in confidence with annual forecast figures of the overall remaining permitted reserve at the quarry broken down between aggregate and non-aggregate sand. Such a requirement will endure for the time the quarry remains active and aid the Council in managing its sand resource through the process of Local Plan monitoring and review;

#### **Non-Aggregate (Silica) Sand**

7. The proposal will help meet the at least 10-year stock of permitted reserves at an existing site as required by the NPPF or an at least 15 year permitted reserves stock where significant new capital is required
8. The additional required non-aggregate reserve cannot be met by a suitable alternative proposal at a higher priority in the following hierarchy of resource delivery:
  - i. first priority: the delivery of the Area of Preferred Extension (MIN 4.1 and MIN 4.3) identified in Policy MIN 4 over other proposals; then
  - ii. second priority: an unidentified extension of an existing quarry located within an Area of Search; then
  - iii. third priority: an extension to an existing quarry outside an Area of Search or a new quarry located within an Area of Search; then
  - iv. fourth priority: a new quarry outside of an Area of Search
9. The proposal demonstrates (supported by relevant technical evidence) that:
  - i. there is a proven need for silica sand of a specific quality and quantity that will be met by the proposal; and
  - ii. the mineral resource will be used efficiently so that high-grade silica sand deposits are reserved for industrial end uses.

#### **Aggregate (Construction) Sand**

10. The proposal will help meet the at least 6.94Mt shortfall of aggregate sand reserve required for the Plan period as identified in Table 3.1 and/or the at least 7-year aggregate sand landbank identified in the NPPF;
11. The additional required aggregate reserve cannot be met by a suitable alternative proposal at a higher priority in the following hierarchy of resource delivery:
  - i. first priority: the delivery of allocated site MIN 4.2 identified in Policy MIN 4 and any subsequent suitable extensions to it over other proposals; then
  - ii. second priority: the provision of a new aggregate sand quarry within the Area of Search and any subsequent suitable extensions to it; then
  - iii. third priority: a new aggregate sand quarry from outside an Area of Search

## Policy MIN 4 New Sand Resource Allocations and Areas of Search

The Council will seek to increase its permitted sand resource to meet unmet identified needs through the following allocations and Area of Search designations:

Site Number	Site Name (and Option Ref <sup>29</sup> )	Main Sand Output and Allocation Type, or Area of Search Designation	Estimated Amount of New Reserve (Mt), or Area (ha)
MIN 4.1	Eaton Hall Quarry, Congleton (MSS4)	Non-Aggregate, Area of Preferred Extension	3Mt
MIN 4.2	Astle Farm East, Chelford (MSS13)	Aggregate, New Site	5.23Mt
MIN 4.3	Arclid, Sandbach (MSS18)	Non-Aggregate, Area of Preferred Extension	10Mt
MIN 4.4	Land North of Mill Lane, Adlington (MSS3)	Area of Search for Sand	81ha
MIN 4.5	Cheshire Gateway, Yarwood Heath Farm and Spodegreen Farm, Little Bollington (MSS5)	Area of Search for Sand	104ha
MIN 4.6	Land West of A556, Near Altrincham (MSS6)	Area of Search for Sand	121ha
MIN 4.7	Land South of A556, East of Bucklow Hill (MSS7)	Area of Search for Sand	192ha
MIN 4.8	Land North of Knutsford Farm, North-West Knutsford (MSS8)	Area of Search for Sand	74ha
MIN 4.9	Land North of M56, Near Altrincham (MSS9)	Area of Search for Sand	269ha
MIN 4.10	Land South of M56, Near Altrincham (MSS10)	Area of Search for Sand	166ha
MIN 4.11	Land East of Tatton Park, Knutsford (MSS11)	Area of Search for Sand	213ha
MIN 4.12	Land North of Eaton Hall Quarry and South of Cockmoss Farm, Eaton, Congleton (MSS12)	Area of Search for Sand	30ha
MIN 4.13	Land West of A50, Newcastle Road, Arclid, Sandbach (MSS14)	Area of Search for Sand	16ha

<sup>29</sup> Taken from the Draft Mineral Site Selection Report [ref to be provided]

<b>Site Number</b>	<b>Site Name (and Option Ref<sup>29</sup>)</b>	<b>Main Sand Output and Allocation Type, or Area of Search Designation</b>	<b>Estimated Amount of New Reserve (Mt), or Area (ha)</b>
<b>MIN 4.14</b>	<b>Land South of Arclid Quarry, Sandbach (MSS15) and South-East of Sandbach (MSS22) [Combined Area]</b>	<b>Area of Search for Sand</b>	<b>596ha</b>
<b>MIN 4.15</b>	<b>Land Between Holmes Chapel and Arclid, Sandbach (MSS20)</b>	<b>Area of Search for Sand</b>	<b>776ha</b>
<b>MIN 4.16</b>	<b>Land West &amp; South-West of Congleton (MSS21) and Somerford New House, Holmes Chapel Road, Somerford, Congleton (MSS25 [Combined Area]</b>	<b>Area of Search for Sand</b>	<b>794ha</b>
<b>MIN 4.17</b>	<b>Land Surrounding Smethwick Farm, Smethwick Green, South of Brereton Heath (MSS26)</b>	<b>Area of Search for Sand</b>	<b>76ha</b>

### **Supporting Information**

- 3.50 The boundaries for the sites listed in Policy MIN 4 ‘New Sand Resource Allocations and Areas of Search’ are shown in Appendix H.
- 3.51 The Council’s LAA and AMR will be used to identify the current position regarding estimates of the extent of permitted reserves for aggregate and non-aggregate sand respectively. This information will assist in determining whether aggregate sand landbanks or the stock of permitted non-aggregate sand at individual sites is meeting the at least requirements identified in the NPPF. This will be an important factor in determining applications for new sand reserves.
- 3.52 The sequential approach to prioritising new sand resource delivery detailed in Policy MIN 3 ‘Managing the Sand Resource’ is intended to prioritise extensions to existing quarries, rather than new quarries to deliver any additional non-aggregate sand provision over the remaining plan period for the reasons already stated. However, as the output of aggregate sand from existing quarries is unlikely to meet identified needs, the priority is to deliver a new aggregate sand site or sites to meet this requirement. Policy MIN 3 ‘Managing the Sand Resource’ also acknowledges that there may be circumstances when sites located in areas not identified in the Plan (through the AOS designations identified in Policy MIN 4 ‘New Sand Resource Allocations and Areas of Search’) will be permitted where these secure significant material planning benefits that outweigh any material planning objections.
- 3.53 All proposals will be expected to demonstrate that the development accords with the sequential approach to delivering new sand resources and, in doing so, demonstrate that the permitted reserves cannot meet the required level of

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provision or that the Allocated Sites, Preferred Areas of Extension or AOS (as relevant) are not available or viable for future mineral development. This should be demonstrated through the submission of sufficient information to provide an overview of the mineral resource to be worked, evidence of the mineral resource supported by sufficient borehole data and geological analysis of the quantity and quality of mineral and any special properties of the mineral, potential markets and evidence of the site specific considerations relevant to the development. The full list of information required is set out in the minerals application validation checklist.<sup>30</sup>

- 3.54 In addition, proposals for non-aggregate (silica) sand extraction will be expected to demonstrate, through the submission of borehole data and geological analysis carried out by a suitably qualified professional, that the sand meets the specifications for the proposed silica sand end uses. Silica sand is a finite resource and a specialist mineral, in terms of its quality and the type of end uses to which it can be used, which cannot be replicated by other resources. The efficient or “best use” of silica sand extracted from new and permitted sites will be secured through suitable conditions and planning obligations.

## Other Aggregates

- 3.55 In addition to aggregate sand and gravel, the Council must consider how it will plan for the steady and adequate supply of other types of aggregates used in the Borough, namely crushed rock, substitute, secondary and recycled aggregates, and marine-dredged sands.

### Marine-Dredged Aggregates

- 3.56 The Crown Estate owns almost all the sand and gravel resources lying off the coast of England, Wales and Northern Ireland. They are responsible for awarding and managing commercial agreements for companies to extract it. Around 15 to 20Mt of sand & gravel is dredged from the seabed yearly and landed at dedicated mineral wharves within the UK, including the North West region. Marine-dredged sand & gravel is capable of being used for a range of construction uses where its physical properties allow and is an alternative to land-won primary aggregate.
- 3.57 The Crown Estates report that the total current primary marine aggregate reserve was 306.6Mt including 9.81Mt in the North West dredging region at July 2021.<sup>31</sup> The 10-year average offtake of primary construction aggregate is 16.39Mt in total including 0.28Mt in the North West dredging region. This can

<sup>30</sup>

[https://www.cheshireeast.gov.uk/planning/view\\_a\\_planning\\_application/making\\_a\\_planning\\_application/minerals\\_development.aspx](https://www.cheshireeast.gov.uk/planning/view_a_planning_application/making_a_planning_application/minerals_development.aspx)

<sup>31</sup> Marine Aggregates Capability & Portfolio 2021, The Crown Estates  
<https://www.thecrownestate.co.uk/media/3945/2021-capability-portfolio-report.pdf>

be compared with the total annual permitted offtake (at July 2021) of 38.71Mt, including 1.1Mt in the North West dredging region. Comparing the current primary reserves with the 10-year average annual offtake indicates a total marine aggregate reserve of 18.71 years including a 35.16 year reserve in the North West dredging region. An application for a further dredging licence in the region has been submitted which, if approved, could increase the permitted tonnage of aggregate sand that is extracted by 0.5Mt.

- 3.58 There are no wharves in Cheshire East to land marine-dredged aggregates. It is difficult to determine how much of the marine aggregate dredged in the North West region is currently supplied to meet demand in Cheshire East. The most recent available figures are from the 2019 Aggregate Minerals Survey. This indicates that sales of marine sand and gravel in the North West decreased by 11% between 2014 and 2019 to 97,000 tonnes. This accounted for just some 4% of total sand & gravel sales in the region in 2019. Marine aggregate sales to the Cheshire sub-region (which includes the CWaC MPA area) were 29,000 tonnes in 2019. No sales information is available for the Cheshire East MPA area, so it is unclear how much of the 29,000 tonnes was sold here. However, as a proportion of the overall land-won primary aggregate currently sold in the Borough (a yearly average of 406,000 thousand tonnes in the last 10 years), the amount that comprises marine aggregates is not considered to be significant and is assumed to continue at current levels over the plan period, that is to say the Council does not propose to make any adjustment to the primary land-won aggregate requirement figures to take account of marine aggregate sales at present. However, the Council will include marine aggregate sales in subsequent sand forecasts should specific Cheshire East MPA information become available in the future or should the level of these sales increase significantly.

### Substitute, Secondary and Recycled Aggregates

- 3.59 These are often sourced from construction and demolition waste or derived from other industrial processes (known as secondary aggregates) and can include, for example, furnace ash. The use of such material not only reduces the requirement for primary land-won resources but also reduces its need for disposal to landfill. The NPPF requires MPAs to, as far as practicable, take account in planning policies of the contribution that substitute, secondary and recycled materials and mineral waste could make to the supply of materials before considering the extraction of primary minerals.<sup>32</sup> Secondary and recycled materials make a steady but important contribution to meeting the UKs aggregate needs. The Mineral Products Association has reported that secondary and recycled aggregates are estimated to represent nearly 30% of

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<sup>32</sup> ¶210 (b), NPPF, July 2021

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

the domestic aggregates market.<sup>33</sup> Recycled and secondary materials will not be able to completely substitute for primary aggregates in all uses, and the supply of such material depends on construction and particularly demolition activity.

- 3.60 The 2017 Waste Needs Assessment (WNA)<sup>34</sup> and its 2019 Refresh<sup>35</sup> prepared for the Council (by BPP Consulting) estimates the amount of construction, demolition and excavation (CD&E) waste arising in Cheshire East up to 2030. This can be used as a proxy for the potential supply of recycled and secondary aggregates in the MPA area. The 2019 WNA Refresh found that around 690,000 tonnes of CD&E waste were produced in Cheshire East in 2017<sup>36</sup> and that the total management capacity for recycling such material was around 815,000 tonnes per annum.<sup>37</sup> The Refresh identified 13 such recycling facilities in the Borough and highlighted that some of the capacity in these facilities was also used to manage other waste streams. Six of these sites were specifically identified as producing recycled aggregates with a combined capacity in 2017 of 556,500 tonnes per annum.<sup>38</sup>
- 3.61 As the peak quantity of construction and demolition waste requiring conversion to aggregate is estimated to be less than this, at around 420,000 tonnes per annum in 2030<sup>39</sup>, the WNA Refresh indicates (in ¶4.19) that there is not expected to be any capacity issues for recycling aggregate in the Borough during the period to 2030, that is to say the total management capacity exceeds the identified requirement. The Council intends to undertake a new WNA to cover the full plan period to 2041 and will incorporate the findings into the MWP prior to the next stage of public consultation. While the Council do not propose to make any adjustment to the primary land-won aggregate requirement figures based on the estimated secondary and recycled aggregate provision, it is proposed for sustainability reasons to encourage their further use and to safeguard the waste management facilities that produce this aggregate material.

<sup>33</sup> Long term aggregates demand and supply 2016-2030, Mineral Products Association (published 2017)

[https://mineralproducts.org/documents/MPA\\_Long\\_term\\_aggregates\\_demand\\_supply\\_scenarios\\_2016-30.pdf](https://mineralproducts.org/documents/MPA_Long_term_aggregates_demand_supply_scenarios_2016-30.pdf)

<sup>34</sup> [https://www.cheshireeast.gov.uk/planning/spatial-planning/research\\_and\\_evidence/waste\\_needs\\_assessment.aspx](https://www.cheshireeast.gov.uk/planning/spatial-planning/research_and_evidence/waste_needs_assessment.aspx)

<sup>35</sup> [https://www.cheshireeast.gov.uk/planning/spatial-planning/research\\_and\\_evidence/waste\\_needs\\_assessment.aspx](https://www.cheshireeast.gov.uk/planning/spatial-planning/research_and_evidence/waste_needs_assessment.aspx)

<sup>36</sup> 691,344 tonnes, Table 13, 2019 WNA Refresh – Report 3

<sup>37</sup> 814,700 tonnes, Tables 6 and 9, 2019 WNA Refresh – Main Report

<sup>38</sup> ¶4.18, 2019 WNA Refresh – Main Report

<sup>39</sup> 418,197 tonnes, Table 11, 2019 WNA Refresh – Main Report

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## Policy MIN 5 Prioritising the use of Substitute, Secondary and Recycled Aggregates

1. The Council will permit proposals for the production and supply of substitute, secondary and recycled aggregates where these comply with the other policies of the development plan, including the locational requirements identified in Policy WAS 3, and contribute to meeting its aggregate supply needs.
2. All existing facilities permitted for the handling, processing and distribution of substitute, recycled and secondary aggregate will be safeguarded, in line with Policies MIN 2 and WAS 6, and there will be a presumption against any development that could prejudice the ongoing operation of such facilities.

### Supporting information

3.62 The Council, in line with Government planning guidance, is committed to increasing the production and use of recycled aggregates as a sustainable way of reducing the amount of primary land-won aggregates that are required through quarrying activity. The existing facilities for aggregates recycling are set out in the LAA. Several sites exist that are dedicated to recycling construction and demolition wastes to produce recycled aggregates. The use of secondary and recycled aggregates, together with the use of substitute materials, needs to be encouraged to maximise the contribution that these materials can make to new construction and development projects in the Plan area. The safeguarding of facilities for the handling, processing, and distribution of substitute, recycled and secondary aggregate material, whether existing, planned or potential sites is required by the NPPF and is set out in Policy MIN 2 'Safeguarding Mineral Supply Sites and Infrastructure'.

### Crushed Rock

3.63 A variety of hard rocks when crushed are suitable for use as aggregate. Their technical suitability for different application depends on physical characteristics including crushing strength, resistance to impact and abrasion. Higher quality aggregates are required for coated roadstone and for mixing with cement to produce concrete. Lower quality materials are suitable for use as construction fill and in drainage media applications. In Cheshire the main hard rock type is sandstone. The oldest rocks of the area, previously quarried extensively for building stone, are the Carboniferous Sandstone of the Millstone Grit Group. They lie along the eastern margins from Macclesfield to Congleton. The overlying sandstones of the Pennine Coal Measures Group were also extensively quarried for building stone.

3.64 As sandstone can be used either as an aggregate (in the form of crushed rock) or as a non-aggregate building material, the management of the permitted sandstone resource in Cheshire East should be considered as a whole against forecasted needs for both uses.

## The Sandstone (Rock) Resource

- 3.65 There are nine permitted sandstone quarries in Cheshire East but only six are currently active (see Appendix F for the name and location of these quarries). All have planning permission beyond 2035 and operate on a small scale. The active quarries almost entirely supply the building stone rather than crushed rock market. The three inactive sites have been inactive for many years, including for the whole period since Cheshire East was created in 2009, but are understood to have supplied aggregate crushed rock in the past. The Council estimate that, as a whole, the permitted sites had a sandstone reserve of some 4.88Mt on 31 December 2020.
- 3.66 In terms of forecasted needs for non-aggregate building stone, just 0.001Mt (or 1,000 tonnes) has been sold yearly on average over the last 10 year period, which is 2011 to 2020. This would suggest there is a total requirement for some 0.02Mt over the 2021 to 2041 Plan period. As building stone is not an aggregate there is no requirement to take account of local information to include a yearly uplift to past building stone sales from the 2020 base date of the Plan. The Council considers that there is already a sufficient building stone reserve, to maintain a steady and adequate supply of building stone over the next 20 year period to 2041, without the need for further reserves to be permitted. Therefore, the MWP is not seeking to increase the overall permitted sandstone reserve for use as building stone over this period, although the individual landbank position of an existing quarry will be considered should an application for additional reserves be made to make sure that the minimum requirements for the intended use of the output are met.
- 3.67 In terms of forecasted needs for aggregate crushed rock, the Council has received only limited and sporadic information on crushed rock sales from quarry operators (via the yearly survey) since Cheshire East was formed in 2009. This supports the Council's belief that any crushed rock produced at the active quarries is minimal and incidental to the main activity of producing non-aggregate building stone. In the absence of any meaningful sales information for crushed rock from the Borough's active quarries, the Council has sought to forecast needs by using information from the national Aggregate Mineral Survey undertaken periodically by Government. Table 3.3 provides a summary of the amounts of import and consumption of crushed rock in the Cheshire sub-region (which includes the CWaC MPA area) from the last three surveys undertaken in 2009, 2014 and 2019. The survey does not provide a figure for the Cheshire East MPA area on its own.

Aggregate Mineral Survey Year	Imports	Consumption
2009	976,000	977,000
2014	2,059,000	2,059,000
2019	1,612,000	1,612,000

**Table 3.3: Extract from the 2009 to 2019 Aggregate Mineral Surveys detailing estimates for the importation and consumption of aggregate crushed rock in the Cheshire sub-region (Tonnes)**

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- 3.68 It is clear from Table 3.3 that the Cheshire sub-region consumes a large quantity of crushed rock (limestone), almost all of which is imported. The most recent survey indicates that Derbyshire is the principal source of this aggregate (at between 30 and 40%), with other important sources being Leicestershire, the Peak District National Park and Flintshire (at between 10 and 20% each).
- 3.69 The Council has forecast future need based on the information in the last two surveys. The 2009 data has not been considered in the forecast of demand since it was undertaken at a time of recession and the subsequent low rates it reports are likely to produce an underestimate of normal demand. In line with its 2021 LAA, the Council has used an average of the 2014 and 2019 import data for crushed rock, of some 1.84Mt, as the baseline for forecasting future demand in the sub-region over the next 20 years (2021 to 2041). As with aggregate sand and gravel, the Council has applied an annual 2% growth figure from the 2020 base date over the Plan period using the 2.16Mt a year average forecast figure for crushed rock identified in the 2021 LAA. This produces a total forecast requirement for aggregate crushed rock for the 2021 to 2041 Plan period of 43.2Mt (that is to say  $20 \times 2.16$ ) for the Cheshire sub-region as a whole. This includes the CWaC MPA area that currently has no hard rock quarries and so does not produce crushed rock.
- 3.70 It is possible for some of this need to be met from the existing permitted sandstone reserves. However, the Council does not consider this is currently likely for the following reasons. Firstly, sandstone, by virtue of its physical characteristics, is considered to generally produce a low specification product when crushed and so has a more limited range of uses for construction purposes than other crushed aggregates such as limestone. Secondly, the Cheshire East rock sites have several constraints, such as road access issues and limited processing capacity, which require considerable investment to overcome. As these sites are currently under the control of local (independently owned) operators rather than national operators, it is less likely that the required investment for up scaling of operations will be made in the foreseeable future. Finally, some of the sites are constrained by planning condition that limit the depth at which the rock can be extracted, thereby impacting on the type and quantity of available material.
- 3.71 While the Council's strategy is for the MWP to meet an appropriate share of its aggregate crushed rock requirement, there is currently no indication that the wider minerals industry is seeking to expand the extraction of the sandstone resource in Cheshire East to meet local and wider demand for aggregate crushed rock. There have been no planning applications to increase crushed rock reserves since 2009 and no sites were submitted, during the 2017 call for sites exercise, for inclusion in the MWP for this purpose. Consequently, it is considered that requirements for aggregate crushed rock will continue to be met by crushed rock (limestone) imports into the area for the foreseeable future. If this situation changes, a crushed rock policy is included in the MWP to support proposals that increase the production of crushed rock from within the MPA area to meets its needs through the provision of new or extended quarrying capacity.

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## Policy MIN 6 Aggregate Crushed Rock

**The Council will permit proposals that increase the production of crushed rock from within the MPA area to provide greater self-sufficiency in meeting its needs and to reduce the current reliance on imported crushed rock. Applications for new or extended crushed rock quarrying capacity will be approved provided:**

1. Proposals to extend the permitted reserve at an existing quarry or to provide a new quarry clearly demonstrates that the current permitted reserve within Cheshire East is insufficient to provide a 10-year landbank for anticipated levels of crushed rock production as set out in the latest LAA; or
2. Proposals to extend the permitted reserve at an existing quarry clearly demonstrate the need for a specific type or quality of crushed rock that will not be met by existing permitted reserves; and
3. The proposal will not result in any unacceptable adverse impacts to the environment or local community and it conforms with other policies of the Local Plan.

### Supporting Information

- 3.72 The Council is supportive of proposals that will provide a sustainable approach to meeting aggregate crushed rock needs within the Borough, where this will not result in any unacceptable adverse impacts on the wider area. This will require significant investment either to establish a new quarry or to refocus operations at an existing hard rock quarry. In the latter case, the onus will be on the operator to justify the need for any additional permitted reserves at an existing quarry. The Council's expectation is that existing permitted reserves will be quarried first before new reserves are sought unless the applicant can demonstrate, with suitable technical evidence, that there is an insufficient landbank or the existing permitted reserves are either unsuitable or unlikely to be worked for crushed rock purposes.

## Policy MIN 7 Non-Aggregate Sandstone

**The Council will manage its non-aggregate sandstone (rock) resource to make sure that a steady and adequate supply of sandstone (rock) is provided over the Plan period (2021 to 2041) to meet identified needs based on average past sales of 0.001Mt a year and a total forecast need of at least 0.02Mt. Regard should be had to the latest requirements set out in the Council's AMR.**

### Supporting Information

- 3.73 The Council estimated there to be a permitted sandstone reserve of some 4.88Mt on 31 December 2020. As this is sufficient to meet forecasted needs for non-aggregate sandstone (rock) to 2041 of 0.02Mt, it is not considered likely that there will be a requirement for additional permitted non-aggregate sandstone (rock) reserves. This situation may change if the operation of existing quarries shifts to the supply of aggregate crushed rock in the future and the amount of sandstone quarried significantly increases as a result. The Council

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will identify any changes to non-aggregate sandstone (rock) requirements through its AMR.

## The Salt Resource

- 3.74 Salt is a nationally significant resource that occurs in its solid form as rock salt or in solution as brine. There are extensive resources of salt in the Cheshire Basin underlying the Borough occurring within the Triassic Mercia Mudstone group. These comprise two salt-bearing formations of a lower Northwich Halite Formation and an upper Wilkesley Halite Formation. Whilst rock salt is extracted in neighbouring CWaC, controlled solution brine mining takes place at Warmingham Brinefields from the Northwich Halite Formation at depths of over 250m.
- 3.75 Solution mining or ‘leeching’ is the process used to extract brine and involves the drilling of a well into the salt layer through the cap rock. Fresh water is then pumped under pressure through a pipe to dissolve the salt and create brine. This is taken up to the surface through a separate pipe. Air is used as a blanket to prevent upward development of the cavity and as development continues, the position of the water pipe is moved, producing a cylindrical cavity with a dome-shaped roof. As the cavities are deep underground, sonar surveys are used to monitor the size and shape of the developing cavities to make sure that structural integrity is maintained.
- 3.76 In some instances, the underground cavities that are created are subsequently converted for other purposes. In Cheshire, some salt cavities have been converted for the purpose of storing natural gas. There are also other types of storage being utilised worldwide such as compressed air energy, hydrogen storage and waste disposal that could be developed in Cheshire, some of which could help address any future national energy crisis. Therefore, the MWP must consider not only how it is to manage the additional needs for salt extraction over the plan period, but also how it will manage the future uses of the cavities that are created. This includes considering how to prevent the creation of cavities where this is done purely for storage purposes with the salt resource being discarded rather than being used sustainably as a finite resource.<sup>40</sup>
- 3.77 The brinefields at Warmingham have been operational since the 1970’s and contain significant reserves; in 2015 the operator stated that the total site reserves were in the region of 700Mt. While this means that there should be sufficient reserves for this plan period and the foreseeable future, based on current rates of extraction, it is important that the MWP protects existing resources/operations (see Policies MIN 1 ‘Mineral Safeguarding Areas’ and MIN 2 ‘Safeguarding Mineral Supply Sites and Infrastructure’) and identifies the location where any requirements for new future workings should be

<sup>40</sup> ¶209 of the NPPF (2021) requires best use to be made of finite nature resources to secure their long-term conservation

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

accommodated. It should be noted that there are no landbank requirements specified for the extraction of salt in the NPPF, although a steady and adequate supply is expected with planning applications complying with all relevant planning policies.

## Policy MIN 8 Provision for Salt Extraction

**The Council will manage its salt resource to make sure that a steady, adequate and sustainable supply of salt and brine is delivered through controlled solution mining by:**

1. Continuing to prioritise extraction from the existing permitted reserves at the Warmingham and Holford Brinefields;
2. Requiring any applications for additional permitted reserves to demonstrate that:
  - i. the existing permitted reserves are insufficient to enable a steady and adequate supply of salt during the Plan period to meet need;
  - ii. that best use will be made of the additional brine resource so that it is used sustainably as a finite resource; and
  - iii. the proposal will not result in any unacceptable adverse impacts to the environment or local community;
3. Refusing applications to create salt cavities for storage purposes if it cannot be demonstrated that best use will be made of the extracted salt resource;
4. Requiring any applications for additional permitted reserves to be met firstly from the following allocated Preferred Area Extensions near the Warmingham Brinefields:
  - i. MIN 8.1 'Land West of Railway Line, Warmingham';
  - ii. MIN 8.2 'Extension to Warmingham Brinefield'
5. Requiring any other applications for additional permitted reserves outside of the permitted sites or allocated preferred areas to demonstrate that the required level of provision cannot be met from within these preferred areas;
6. Supporting ancillary brine development where it is demonstrated to:
  - i. be necessary to support the operation of the brinefield; and
  - ii. result only in environmental and amenity impacts that can be controlled to an acceptable level in accordance with relevant development plan policies

### Supporting information

- 3.78 The boundaries for the sites listed in Policy MIN 8 'Provision for Salt Extraction' are shown in Appendix I.
- 3.79 The general strategy of the MWP is to prioritise meeting identified needs for new salt extraction, in the form of brine, through the allocation of two new 'Preferred Area Extension' designations at the Warmingham Brinefields. These were put forward following the Council's Minerals Call for Sites exercise that took place in 2017. A detailed assessment of these areas can be found in the Council's Draft Minerals Site Selection Report. The Council considers this approach to site prioritisation to be sufficient to maintain the overall

requirements for salt over the plan period. Special circumstances would have to be demonstrated by applicants to justify applications for new salt resources outside of the 'Preferred Area Extensions' designated in the MWP. This would need to include a detailed justification, supported by relevant technical evidence, to show why the proposal should be considered in preference to the designated Preferred Area Extensions.

- 3.80 Prioritising development at Warmingham Brinefield, rather than at new areas elsewhere, is considered to present a sustainable approach to new mineral provision. It will reduce environmental disturbance (especially where access and mitigation measures are already in place), allow the retention of existing employment, as well as make use of existing processing infrastructure and facilities. Whilst this approach could result in potential cumulative impact from continued extraction in the Warmingham area, this factor has been considered through the site selection process as the MWP has been developed and would be a consideration when planning applications are determined.
- 3.81 All proposals will be expected to demonstrate that the development accords with the sequential approach outlined above and, in doing so, demonstrate that the permitted reserves cannot meet the required level of provision or that the Preferred Area Extensions are not available or viable for future mineral development. Suitable information should be submitted to provide an overview of the mineral resource to be worked including: evidence of the mineral resource supported by sufficient borehole data and geological analysis of the quantity of mineral; potential markets; and evidence of the site specific considerations relevant to the development. The full list of information required is set out in the minerals application validation checklist.<sup>41</sup>

### Policy MIN 9 Afteruse of Salt Cavities

**The Council will permit the afteruse of salt cavities once mining operations have been completed provided it can be demonstrated (supported by relevant technical evidence) that:**

- 1. All the salt resource that can be safely and economically extracted has been removed;**
- 2. The creation and operation of the proposed afteruse will not compromise the stability of the salt cavity structure in the future or lead to any potential unacceptable adverse impacts, both above and below ground, including to other mining operations, other infrastructure, the wider environment or the local community.**
- 3. The salt cavity has been created and the extracted resource used sustainably for meeting food, industrial or other purposes that meet NPPF**

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<sup>41</sup>

[https://www.cheshireeast.gov.uk/planning/view\\_a\\_planning\\_application/making\\_a\\_planning\\_application/minerals\\_development.aspx](https://www.cheshireeast.gov.uk/planning/view_a_planning_application/making_a_planning_application/minerals_development.aspx)

**“best use” requirements, rather than created largely for storage purposes with the salt resource being discarded.**

## Energy Minerals

### Coal

- 3.82 Coal is a national energy resource and is present beneath much of Cheshire East. However, it is mostly buried at great depths beneath younger geological layers. There are currently no active coal workings in the Borough, although there is a history of mining around Poynton and Mow Cop where coal seams come closer to the surface. The Council has identified the shallow coal resource as part of its safeguarding policy.
- 3.83 The Council does not think it is necessary to make specific provision for coal mining in the Plan. This is because of the Government’s proposals around reducing climate change including the commitment, through the COP26 Glasgow Climate Pact (December 2021), to scale up the development of clean power generation and energy efficiency measures. These include accelerating efforts towards the phasing down of unabated coal power and phasing out of inefficient fossil fuel subsidies. The Pact also included a commitment to global net-zero greenhouse gas emission by mid-century. In addition, the UK Government’s sixth Carbon Budget (April 2021) set in law climate change targets that would cut emissions by 78% by 2035 compared with 1990 levels.
- 3.84 The Council will consider any proposals for coal extraction against the relevant Development Plan policies and the NPPF, including ¶217 which states:
- “Planning permission should not be granted for the extraction of coal unless:
- a) the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or
  - b) if it is not environmentally acceptable, then it provides national, local or community benefits which clearly outweigh its likely impacts (taking all relevant matters into account, including any residual environmental impacts).”

### Hydrocarbons (Oil and Gas)

- 3.85 Reserves of oil and gas are referred to as either conventional or unconventional hydrocarbons depending on the nature of the geology where they are found and, as a result, how easy they are to extract. Conventional hydrocarbons are oil and gas deposits that have migrated from their source rock (such as shale) into permeable or porous rock such as sandstone but are now prevented from migrating further by impermeable rock. This traps the hydrocarbon beneath the impermeable rock where it collects and forms a reservoir. This resource is relatively easy to extract through conventional oil and gas wells. The process of on-shore extraction has been undertaken within the UK for over 100 years and there are currently around 2,100 of these wells in the UK. While some

hydrocarbon exploration has taken place in the past, there are no wells or planning permissions associated with conventional hydrocarbon activity in Cheshire East.

- 3.86 Unconventional hydrocarbons refer to oil and gas that is trapped within rocks of low permeability and, as a result, these hydrocarbons are more difficult to extract. The unconventional resources likely to be of most relevance to Cheshire East are shale gas and coalbed methane. Shale is formed from muddy sediments rich in organic matter deposited in seas millions of years ago. As these sediments were buried, they were heated and turned into rock and the organic matter was converted into gas and oil which is trapped in the rock. Hydraulic Fracturing commonly known as “fracking” is a technique used in the extraction of gas from shale rock. Coalbed methane occurs when methane is bound within coal by a process known as adsorption, namely where gas molecules adhere to surfaces or fractures within the coal. It is extracted by borehole in a similar process to shale gas but, instead of injecting water at high pressure to fracture the rock, the gas is released from the coalbed by pumping out the water that occurs naturally in coal seams.
- 3.87 The exploration, appraisal and extraction of hydrocarbons are controlled by the Government through a licensing system, with relevant consents being required from the MPA, Environment Agency and Health and Safety Executive. The latest (14<sup>th</sup>) round of Petroleum Exploration and Development Licences (PEDL) were announced in December 2015, with companies invited to bid for exclusive rights to specific areas. Appendix J shows the location of the six PEDL areas, covering 10 grids of land within or partly within Cheshire East, that were issued through the 14th Onshore Licensing round. The licences convey no permission for operations on land but give exclusivity for exploration operations against other oil and gas exploration companies within a defined area. The PEDLs issued in Cheshire East all have extant status.<sup>42</sup>
- 3.88 No applications have been made to date within the Borough as a result of the issuing of these licences and no sites in Cheshire East have planning permission to explore, appraise or extract unconventional hydrocarbons such as shale gas. The Government introduced a moratorium on fracking on 1 November 2019. This resulted in the immediate and indefinite suspension of hydraulic fracturing activity in England. The decision followed the publication of new scientific analysis, by the Oil and Gas Authority (now called the North Sea Transition Authority), showing that it is not possible with current technology to accurately predict the probability or size of tremors associated with fracking.<sup>43</sup>

<sup>42</sup> See OGA website for details of individual licensed areas:

[Oil and Gas Authority: Licensing regime - Onshore - Exploration & production \(oga.gov.uk\)](https://www.oga.gov.uk/legislation-and-regulation/licensing-regime/) <https://www.oga.gov.uk/legislation-and-regulation/licensing-regime/>

<sup>43</sup> [North Sea Transition Authority \(NSTA\): Preston New Road - PNR 1Z - Hydraulic Fracturing Operations Data - Onshore reports and data - Onshore - Exploration & production \(nstauthority.co.uk\)](https://www.nsta.co.uk/exploration-production/onshore-reports-and-data/preston-new-road-pnr-1z-hydraulic-fracturing-operations-data/) <https://www.nsta.co.uk/exploration-production/onshore-reports-and-data/preston-new-road-pnr-1z-hydraulic-fracturing-operations-data/>

However, the Council considers it prudent to include a hydrocarbons policy in the plan that includes for unconventional hydrocarbons if this position changes.

- 3.89 National policy and guidance require MPAs to make a clear distinction between, and plan positively for, the three phases of development (exploration, appraisal and production). It also supports the identification of criteria to assist with the location and assessment of well sites within areas licensed for hydrocarbon development. The following policy sets out the Council's approach to assessing applications for the development of oil, gas and unconventional hydrocarbons.

### **Policy MIN 10 Conventional and Unconventional Hydrocarbons (Oil and Gas)**

**Proposals for the exploration, appraisal or production of hydrocarbons will be considered on the following basis:**

#### **Exploration and appraisal**

- 1. Proposals for the exploration and appraisal of hydrocarbons will only be permitted where it has been demonstrated that well sites and associated facilities are sited in the least sensitive location from which the target reservoir can be accessed, and they accord with all relevant policies of the Local Plan. Where proposals for exploration and appraisal are permitted, there will be no presumption that long term production from those wells will be permitted.**

#### **Production**

- 2. Proposals for hydrocarbon production will only be permitted where it has been demonstrated that the further works and surface facilities are justified as being required to manage the output from the well(s), including facilities for the utilisation of energy, where relevant, and that they are sited in the least sensitive location from which the target reservoir can be accessed. Proposals will also need to accord with all relevant policies of the Local Plan and be supported by a full appraisal programme for the hydrocarbon resource.**

#### **Overall assessment**

- 3. Having assessed the impacts of proposals for exploration, appraisal and production of hydrocarbons, permission will only be granted for such activities where it has been demonstrated that there are no unacceptable adverse impacts on human health, general amenity and the environment (both natural and historic).**
- 4. All proposals should include restoration and aftercare measures for each stage of development.**
- 5. All applications for development associated with the exploration, appraisal and production of oil, gas and unconventional hydrocarbons will be expected to demonstrate that:**
  - i. well sites and associated facilities are sited, so far as is practicable, to minimise adverse impacts on the environment or local communities**

- ii. the development is located outside Protected Groundwater Source Areas
- iii. there are no unacceptable adverse impacts (in terms of quantity and quality) upon sensitive water receptors including groundwater, water bodies and wetland habitats
- iv. the exploration and appraisal operations are for an agreed, temporary length of time
- v. the drilling site and any associated land is restored to a high quality standard and appropriate afteruse that reflects the local landscape character at the earliest practicable opportunity
- vi. fugitive emissions from the exploration, testing and production activities should be minimised

### **Supporting Information**

- 3.90 Whilst accepting that hydrocarbon related proposals and activities may come forward during the plan period, the Council is concerned to make sure that they can be undertaken in a way that does not unacceptably impact on the environment and the amenity of local communities. This can raise issues that are dealt with by policies elsewhere in the Local Plan, including the LPS and SADPD. These include issues such as climate change, protection of wildlife and biodiversity, protection of the historic environment, landscape character, agricultural land, flood risk, water resources, pollution, land contamination and land Instability, public rights of way and restoration.
- 3.91 Particular consideration will be given to the location of hydrocarbon development involving hydraulic fracturing, having regard to impacts on water resources, seismicity, local air quality, landscape, noise and lighting impacts. Such development will not be supported within protected groundwater source protection zones or where it might adversely affect or be affected by flood risk or within Air Quality Management Areas or protected areas for the purposes of the Infrastructure Act 2015, section 50.
- 3.92 As with all applications, hydrocarbon proposals requiring planning permission will need to satisfy all relevant policies within the statutory development plan as a whole if they are to be permitted.

### **Other Minerals**

#### **Policy MIN 11 Peat**

**The development of new sites for peat extraction or for physical extensions to existing sites will not be permitted. Applications for time extensions to existing peat extraction sites will be considered on a case-by-case basis and should demonstrate that the proposal is necessary to enable the proper restoration of the land or to secure biodiversity, climate change or other appropriate objectives of the Local Plan.**

## Supporting Information

- 3.93 Peat is used primarily in the horticultural industry either as a growing medium or soil improver. Over recent years the use of alternatives to peat has significantly increased for environmental, nature conservation, geodiversity, archaeological and climate change issues relating to its extraction.
- 3.94 There are several areas of peat accumulation that have formed in hollows in the superficial deposits within Cheshire East. In places the thickness of the peat is sufficient to be exploited. Peat extraction is only known to have taken place at White Moss Quarry near Alsager and at Lindow Moss near Wilmslow. Both locations have planning permissions for the commercial extraction of peat.
- 3.95 In line with national planning policy, the Council is not permitting new sites or extensions to existing sites for peat extraction. Therefore, no further areas for peat extraction are proposed during the Plan period. Furthermore, any proposals for time extensions to existing peat extraction sites will need to fully consider the potential impact this will have on climate change and biodiversity. Planning guidance provides further clarification of the circumstances under which time extensions for peat extraction sites may be considered, for example to allow sufficient time to extract further small quantities of peat, thus facilitating the subsequent proper restoration of the land.
- 3.96 The extraction of peat to enable the development of allocated residential, employment or mixed-use sites will generally be acceptable where the extracted peat is minimised as far as possible and used in peat restoration projects. In such circumstances, applicants must submit a statement to the MPA detailing the approach to managing peat within the site, including the volume of extraction and its proposed end use

## Clay

- 3.97 Boulder clay covers large areas of Cheshire East, although it varies considerably in thickness and quality. It has historically been extracted for purposes including soil improvement and supply to the brick making industry. More recent uses are as an engineering material in the capping of waste landfill sites. Permission exists at Maw Green near Crewe for extraction of clay and for its use as a landfill capping material on-site and for off-site use elsewhere. It may not be possible to predict areas where extraction is commercially viable without investigating specific sites. Any planning applications received will be determined against Policy MIN 12 'Borrow Pits' and other relevant policies in the development plan including policies in the LPS and SADPD.

## Other Mineral Activities

### Policy MIN 12 Borrow Pits

**Proposals for borrow pits will be permitted where they accord with all the following criteria:**

1. The extracted materials will only be used in connection with the specific construction project to which it is associated;
2. The borrow pit can be accessed directly from the construction project or from a short length of suitable highway;
3. The extraction period of the borrow pit is limited only to the duration of the construction project;
4. Extraction of aggregate from the borrow pit would represent the most sustainable source of aggregates, having regard to the availability of secondary, recycled and land-won sources and their location in relation to the construction project;
5. It is demonstrated (through the submission of appropriate evidence) that reusable or recyclable construction, demolition and excavation waste from the construction project site is not available in sufficient quantity or is of an inappropriate specification for the project;
6. A suitable scheme and timetable for site restoration is proposed; and
7. There are no unacceptable adverse environmental and local community impacts.

### Supporting Information

- 3.98 In addition to using aggregate materials sourced from permitted quarries, marine dredging, substitute or secondary sources and recycled aggregate waste, borrow pits can also be used occasionally as a further source of aggregate minerals or to supply clay. A borrow pit is a term used in construction for a hole, pit or excavation that has been dug for the purpose of removing mineral, such as sand and gravel, for use in a nearby construction project such as an overpass or embankment. Therefore, they are a temporary mineral working that operates only for a limited period to supply the linked construction project while it is being built.
- 3.99 While borrow pits are commonly used to source large quantities of bulk fill material, they can also be required to supply higher quality aggregates for use in major construction projects such as High-Speed Rail (HS2) or road schemes. The advantages of borrow pits are that they avoid the need to transport aggregates from a more distant source. This can benefit communities through reduced road transport, as well as reduce the rate at which reserves within quarries are depleted. However, in some cases it would be preferable to use secondary or recycled aggregates, where these are available close to the construction site. The most sustainable option will therefore differ with the varying circumstances of each site, requiring the planning authority to consider their appropriateness on a case-by-case basis. The timely restoration or afteruse of a borrow pit is also an important consideration.

## Mineral Processing

- 3.100 Minerals often need processing to meet customer requirements before they can be sold. To reduce transport costs this is often done by siting processing plants at the quarries themselves, although processing can also be done elsewhere away from the quarry. In Cheshire East there are processing facilities at all the active sand quarries in the Borough. There are also other mineral processing facilities away from quarries that process material generated by the operator of that facility. One such facility in Cheshire East is at Basford rail sidings in Crewe, which processes used ballast from the rail network into useable material.
- 3.101 Primary processing activities typically involve washing, crushing and screening. Other processing facilities, referred to as secondary activities, can also take place at quarries or rail depots, for example concrete batching and coated roadstone production. These involve the importing of materials not produced at the site.
- 3.102 A policy is required to control the planning issues that can arise from mineral processing activities by operators to make sure they are appropriate in terms of:
- the balance between the primary and secondary activities being undertaken at the site, particularly if it is in a rural location requiring the extent of development to be kept to a minimum;
  - any relevant timescales that limit the permitted primary activity and the restoration of the site; and
  - the acceptability of the potential impacts of the processing activity on the surrounding area, including the environment and community amenity.

## Policy MIN 13 Mineral Processing at Quarries and other Sites

**A proposal for primary and/or secondary mineral processing will be supported at a quarry or rail depot provided that:**

1. **It is linked to the principal activity on the site and will remain ancillary to it for its duration;**
2. **It does not unduly delay or in any way jeopardised an agreed restoration scheme at the site;**
3. **In the case of a central processing facility for linked or satellite quarry sites, it is demonstrated to be the most sustainable and viable option in terms of minimising potential impacts from processing activity on the environment, local community and the other factors identified in the supporting information to Policy MIN 13.**

## Supporting Information

- 3.103 The Council understands the benefits that can be derived by processing minerals at extraction sites and rail depots. This policy seeks to support such activity by balancing these benefits against the potential planning issues that can arise. Quarrying activity is, by its nature, a temporary activity that requires the land to be restored once extraction has ceased. As it usually takes place in

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rural areas, it is important that the extent of any ancillary processing is suitable for its location (particularly if it involves the importation of material onto the site) and takes full account of any adverse impacts.

3.104 Where there is a proposal to physically link a quarry to a processing facility off site, the applicant must demonstrate that this represents the most sustainable and viable option. This should include the following:

- a suitable explanation of why it is not possible to process the mineral at the source quarry;
- a commitment to link the lifetime of the processing plant to the permitted lifespan of the source quarry;
- an acceptable proposal for site restoration once processing activity ceases; and
- a demonstration that the impacts on the environment and local community of the processing plant can be adequately mitigated.

3.105 The acceptability of potential development impacts, together with any proposals for additional railhead capacity, will be considered against the development management policies within this document and the Local Plan as a whole.

## Blasting

3.106 There are currently no sites within Cheshire East that utilise blasting as a means of extracting minerals. Consequently, it is likely that people would be more sensitive to blasts should they occur. This means that vibration limits should be routinely set at the lower end of the scale. The British Standards Institution has produced two standards that relate to blast-induced vibration; one relates to the impact on buildings and structures, and the other to the impact on people within buildings. With respect to people, the standard sets out a "satisfactory magnitude" of 6 to 10mm/second peak particle velocity; for buildings, a peak particle velocity for low frequency vibrations is given as 15 to 20mm/second. Applicants should discuss the relevant peak particle velocity requirement with the Council in advance of applying for planning permission.

3.107 Due to natural variation within the rock mass, and other factors that are outside the shot firer's control, it would be unreasonable to require absolute compliance with a limit. It is normal practice to require more than 95% of blasts to be below the defined limit. If considered appropriate, the Council will require a regression line model to be developed and maintained to inform blast design. There are several other advantages to the development of a regression line model. These include improving the precision and efficiency of blasts, helping operators to lower their costs, and, when a problem arises at a sensitive property during a blast, the regression line will illustrate exact blast conditions and these can then be reworked to improve the blast effects at that property in future.

## Policy MIN 14 Blasting

An application for the winning and working of minerals that necessitates blasting will normally only be permitted where it would satisfy all the following criteria:

1. Ground vibration as a result of blasting shall be minimised by applying best practice and following appropriate guidance;
2. Provisions would be made to minimise air over pressure;
3. Provision would be made to monitor blasts;
4. Audible warning procedures will be undertaken;
5. No secondary blasting will be undertaken; and
6. Provision would be made to limit the periods during which blasting occurs to between 09:00 and 18:00 Mondays to Fridays.

### Supporting Information

- 3.108 Applicants seeking permission for development involving blasting shall agree peak particle velocities in advance of the submission of their application. All applications for blasting will be expected to demonstrate that there will be no unacceptable impacts on amenity, human health, and the natural and historic environment due to blast related ground vibration. Ground vibration attributable to quarry blasting in any direction at sensitive properties shall not exceed the agreed peak particle velocities unless robust justification is provided. The operator is normally expected to develop a regression line model to inform blast design, unless suitable justification is provided and accepted by the planning authority that shows this to be unnecessary. Records of the detailed design of each blast shall be maintained and made available to the MPA within two weeks of written request. Records of the detailed design of each blast shall be maintained at the site for a period of at least three months and be made available to the MPA on request.

## 4. Sustainable Management of Waste

### Introduction

- 4.1 This chapter sets out the strategy and policies the Council, as the waste planning authority for the Borough (excluding the National Park), will use to determine planning applications for development that provide for or impact upon the management of waste during the Plan period. This comprises a strategy for waste management that takes account of the wider policy context for waste set out at the national level, through legislative and planning policy guidance, which aims to make sure that waste is managed more sustainably. It draws on the findings of the Council's relevant Waste Need Assessments (WNA) to identify the amount of waste that is forecast to be generated within the Borough over the Plan period broken down by the five principal waste streams. This identifies whether there is sufficient existing waste management capacity, the extent of any capacity shortfalls or surpluses, and whether any of these shortfalls are proposed to be met from management facilities outside of the Borough, subject to future Duty to Co-operate discussions and agreement.
- 4.2 This Chapter includes a spatial strategy for waste that prioritises the locations where proposals for new waste management facilities will be permitted, as well as providing specific policies detailing how waste management proposals in the Green Belt and open countryside will be considered by the Council. The Chapter also includes some specific policy areas on: wastewater and sewage treatment facilities; on-farm anaerobic digestion plants; sites for energy recovery; ancillary development at landfill, land raise and open organic waste management sites; and the deposit of inert waste to land for restoration and land improvement.

### Waste Management Strategy

- 4.3 The Council has incorporated the national principles of the Circular Economy<sup>44</sup>, the Waste Hierarchy<sup>45</sup>, self-sufficiency and proximity (commonly referred to as the "proximity principle"<sup>46</sup>) into policy through its Waste Management Strategy. These principles seek to use waste as a resource and to manage it (through an appropriate network of facilities) as close as possible to the main sources of

<sup>44</sup> Detailed in the Government's Resources and Waste Strategy, Defra, 2018 <https://www.gov.uk/government/publications/resources-and-waste-strategy-for-england>

<sup>45</sup> Detailed in the Government's Waste Management Plan for England, Defra 2021 <https://www.gov.uk/government/publications/waste-management-plan-for-england-2021> and the National Planning Policy for Waste, DCLG, 2014 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/364759/141015\\_National\\_Planning\\_Policy\\_for\\_Waste.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.pdf).

<sup>46</sup> Self-sufficiency and proximity principles detailed in the Government's Waste Management Plan for England, Defra 2021 <https://www.gov.uk/government/publications/waste-management-plan-for-england-2021> and PPG for Waste, DCLG, 2015 <https://www.gov.uk/guidance/waste>.

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waste or to the place where the output is to be used, taking account of the catchment areas needed to secure the economic viability of waste facilities.

- 4.4 The Circular Economy is concerned with using resources for as long as possible so that the maximum value can be extracted from their use. However, once this resource has reached the end of its useful life the products and materials that make up the waste are recovered and regenerated for other purposes. This means prioritising the management of waste in accordance with the waste hierarchy identified in national planning guidance. This gives the highest priority to reducing the amount of waste that is produced in the first place through prevention and minimisation. When waste is created, priority for its management is as follows: preparing it for re-use, then recycling (including composting), then recovery (including energy generation), and last of all disposal (for example to landfill).
- 4.5 Although an aim, there is no expectation in PPG for each local planning authority to deal solely with its own waste to meet the requirements of the self-sufficiency and proximity principles.

“Nor does the proximity principle require using the absolute closest facility to the exclusion of all other considerations. There are clearly some wastes which are produced in small quantities for which it would be uneconomic to have a facility in each local authority. Furthermore, there could also be significant economies of scale for local authorities working together to assist with the development of a network of waste management facilities to enable waste to be handled effectively. The ability to source waste from a range of locations/organisations helps to make sure that existing capacity is used effectively and efficiently, and importantly helps maintain local flexibility to increase recycling without resulting in local overcapacity” (PPG, Reference ID: 28-007-20141016).

### Policy WAS 1 Waste Management Strategy

1. In seeking to implement the waste principles identified in national policy concerning the Circular Economy, the Waste Hierarchy, Self-Sufficiency and Proximity, the Council’s Waste Management Strategy is to permit proposals for new facilities and the extension or enhancement of existing facilities related to the management of waste provided:
  - i. they result in waste needs being met and managed at the highest priority point in the Waste Hierarchy, unless a departure from this hierarchy is justified by a waste lifecycle assessment showing a lower priority point will achieve the best overall environmental outcome.
  - ii. they will meet identified waste capacity gaps and needs in accordance with Policy WAS 2
  - iii. they will locate new development in accordance with Policies WAS 3, WAS 4 and WAS 5
  - iv. they will safeguard existing waste capacity in accordance with Policy WAS 6

- v. they will not have an unacceptable adverse impact on the environment, human health, economy and social amenity.
2. The Council will not permit non-waste related development proposals that unacceptably impact upon safeguarded waste management capacity, both current and proposed, in accordance with Policy WAS 6.

### Supporting Information

- 4.6 The Council's overall aim is to be net self-sufficient in waste management, whilst recognising the necessity of relying on regional capacity to manage some waste streams. The Council's Municipal Waste Management Strategy 2030<sup>47</sup> and planning policies also seek to reduce waste in the borough and the Council will seek to make sure that waste is managed at the highest point in the Waste Hierarchy. The Waste Hierarchy sets out a preferential sequence of interventions to manage waste based on the following priority order:
1. Prevention
  2. Minimisation
  3. Preparing for re-use
  4. Recycling and composting
  5. Energy recovery
  6. Disposal
- 4.7 To conform with the Waste Regulations 2011<sup>48</sup>, the Council will make sure that the best overall environmental outcome is delivered when applying the Waste Hierarchy. This may require specific waste streams to depart from the hierarchy where this is justified by life-cycle thinking on the overall impacts of the generation and management of such waste. This should take account of:
- the general environmental protection principles of precaution and sustainability
  - technical feasibility and economic viability
  - protection of resources, and
  - the overall environmental, human health, economic and social impacts
- 4.8 The identified waste need is provided for by:
- safeguarding existing facilities for waste use;
  - supporting appropriate extensions and enhancements to existing facilities;
  - using available regional capacity for Energy Recovery, Non-Hazardous Landfill, and Deposit to Land waste streams; and
  - supporting development of new facilities, in suitable locations, where it is not possible to look to regional capacity or the expansion of existing facilities.

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<sup>47</sup> <https://www.cheshireeast.gov.uk/pdf/waste-and-recycling/municipal-waste-management-strategy-review-2020-final.pdf>

<sup>48</sup> Schedule 1, Part 1, 2. The Waste (England and Wales) Regulations 2011  
<https://www.legislation.gov.uk/uksi/2011/988/contents/made>

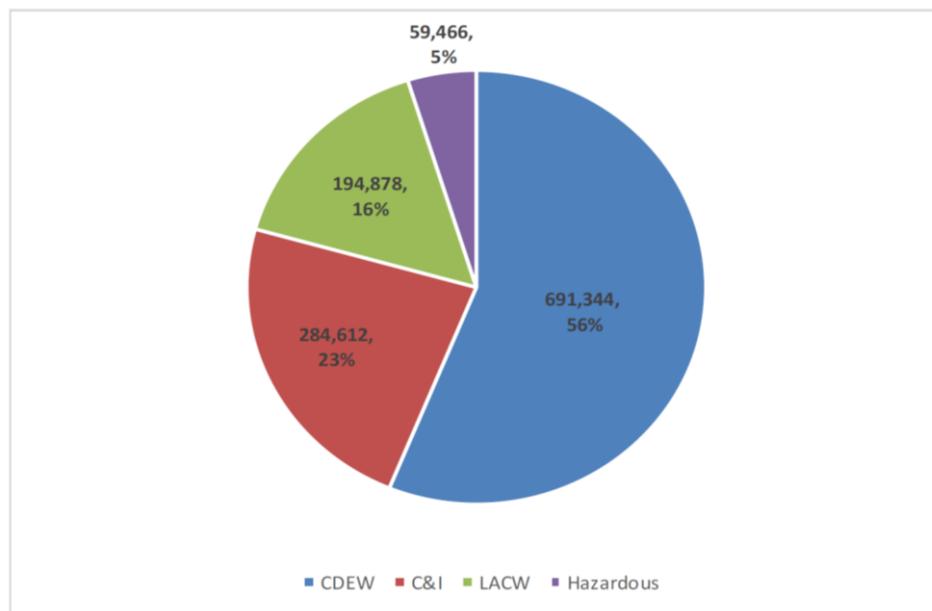
- 4.9 Redevelopment of suitable sites in existing waste management use is generally encouraged where improvement and diversification would lead to an increase in appropriate management capacity consistent with the national Waste Hierarchy and the Council's settlement hierarchy. In addition, waste management development for new or improved facilities should be in locations that minimise their impact on the environment and social amenity. They should also seek to prioritise the type of land and buildings used for waste management, to make better use of previously developed land or existing buildings, and to avoid development in the open countryside or Green Belt as detailed in Policies WAS 3 'Spatial Strategy for Locating Waste Management Facilities', WAS 4 'Waste Management Facilities in the Green Belt' and WAS 5 'Waste Management Facilities in the Open Countryside'.
- 4.10 The impact of non-waste development on existing and proposed waste capacity is also an important factor as the introduction of sensitive receptors, such as housing, in close proximity (at least 250m) to such waste facilities can adversely prejudice their operation. Guidance on the safeguarding of waste facilities is provided by Policy WAS 6 'Safeguarding of Waste Management Facilities'.

## **Waste Management Capacity and Needs**

- 4.11 The starting point for working towards achieving the stated waste objectives of the MWP, including those on net self-sufficiency, is to understand the waste context and challenge for Cheshire East. In order to do this, it is necessary to: identify the amount and type of waste currently produced in the Borough; forecast the amount of waste likely to be produced over the plan period; understand the extent to which existing facilities can satisfy the identified capacity requirements; determine the waste management capacity gap; and assess the extent to which this gap can be sustainably met through the use of available sub-regional capacity outside of the Borough. The Waste Needs Assessment (WNA) is a key evidence document that the Council has prepared to enable such considerations to take place.
- 4.12 The current WNA was originally published in 2017 and then refreshed in 2019 (principally using 2017 data from the Environment Agency). It was prepared for the Council by BPP Consulting and covered the period to 2030. It considered the following waste streams:
- local authority collected waste (municipal/household);
  - commercial and industrial;
  - construction, demolition and excavation;
  - hazardous;
  - low level radioactive;
  - agricultural; and
  - wastewater
- 4.13 The 2019 WNA found that just over 1.2Mt of waste arose within Cheshire East in 2017 and that this represents a reasonable value for the Council to plan for through its MWP for the period to 2030. The principal components are shown in Figure 4.1 below as an amount in tonnes divided by the four principal waste

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streams. Also, the 2019 WNA found that while there appears to be sufficient capacity to meet recycling and organic waste treatment management requirements, there is a predicted shortfall in capacity to manage residual waste (black bin) and inert waste over the period to 2030. However, these findings will need to be reviewed in due course to cover the full plan period to 2041. This may result in the need to provide for greater waste management capacity in the MWP.



**Figure 4.1: The Amount of Waste Arising in the Principal Waste Streams in Cheshire East in 2017 as Identified by the 2019 WNA (tonnes)**

- 4.14 The 2019 WNA findings mean that the MWP should seek to make provision for a landfill site and an energy from waste (EFW) facility (either a single, larger facility or several smaller community facilities), unless appropriate additional capacity can be identified for the plan period in nearby areas outside of Cheshire East with the agreement of the relevant planning authorities through Duty to Co-operate discussions. This draft Plan will act as a starting point for such discussions but the findings of the updated WNA will be required before the Council is able to determine the appropriate strategy for managing waste in the MWP to 2041. Unlike the current WNA, the updated WNA will need to take account of HS2. This is a significant rail infrastructure project that is planned to be constructed through the Borough during the plan period. It is likely to have implications for both mineral aggregate need and waste management capacity.

## Policy WAS 2 Waste Management Capacity and Needs

Planning permission for the development of new waste management facilities, and the extension or enhancement of existing facilities related to the management of waste, will be granted where it can be demonstrated that:

1. The proposed development will contribute to meeting shortfalls in waste management capacity as set out in the Council's latest Waste Needs Assessment;
2. Existing safeguarded waste sites cannot accommodate additional capacity;
3. Sufficient regional capacity does not exist to enable the waste concerned to be managed in accordance with the proximity principle;
4. In the case of landfill proposals, it will not result in the diversion of waste to disposal and thereby prevent its management at the highest practical point in the Waste Hierarchy;
5. In the case of "other recovery" proposals, it will not result in the capacity requirements, as specified in the latest Authority Monitoring Report, being exceeded at any point in the Plan period;
6. In the case of Municipal Waste Proposals, the facility is required to meet the objectives of the Council's Municipal Waste Strategy rather than any wider municipal waste requirements.

### Supporting Information

- 4.15 The Council must plan for the management of a range of waste including municipal/household waste, commercial/industrial waste, construction/demolition waste, low level radioactive waste, agricultural waste, hazardous waste and wastewater.
- 4.16 Within Cheshire East facilities exist to manage waste via the following types of facilities:
- inert landfill (now only accepting soils for capping and restoration)
  - organic waste treatment
  - materials recycling facilities
  - waste transfer
  - waste recycling
  - wastewater treatment facilities
- 4.17 The solid waste management requirements are broken down into a series of sub-categories, as follows:
- recycling and reuse
  - organic waste treatment (inc. composting)
  - residual energy recovery
  - residual waste: non-hazardous landfill
  - inert waste
- 4.18 The Council's latest WNA (the 2019 Refresh) sets out the expected capacity requirement for each solid waste stream over the plan period and identifies that

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there is likely to be sufficient existing consented capacity to meet recycling and organic waste treatment requirements. However, there is a predicted shortfall for the plan period to manage residual and inert wastes of some 406,547 tonnes, primarily arising from the need for additional management capacity in the form of energy recovery, non-hazardous landfill and deposit to land. The 2019 WNA anticipates that management could be achieved by exporting waste to neighbouring authorities where sufficient sub-regional capacity currently exists, subject to agreement being reached through Duty to Co-operate discussions.

- 4.19 Policy WAS 6 safeguards a range of appropriate existing waste management facilities for local authority collected waste (LACW), commercial and industrial waste (C&I) and construction, demolition and excavation waste (CD&E) that help provide the capacity needed to meet projected waste forecasts. These are listed in Appendix K. The expectation is that applicants should show that there is insufficient capacity in these safeguarded sites before permission will be granted for new waste management capacity. A full list of safeguarded sites can be found in the 2019 WNA, which will be updated in the AMR and in subsequent WNAs.
- 4.20 The “other recovery” proposals identified in the policy refer to those waste management proposals between recycling and disposal in the Waste Hierarchy and includes: anaerobic digestion; incineration with energy recovery; gasification; and pyrolysis. These produce energy (fuels, heat and power) and materials from waste.
- 4.21 The policy also seeks to make sure through condition or legal agreement that any additional landfill capacity that is permitted doesn’t result in waste being disposed of to landfill that should be managed at a higher level in the Waste Hierarchy. To improve self-sufficiency, the Council will permit suitable proposals for managing municipal waste generated in the Borough to meet its Municipal Waste Strategy objectives.

### **Policy WAS 3 Spatial Strategy for Locating Waste Management Facilities**

**Planning permission for the development of new or extended waste management facilities will be granted where it can be demonstrated that:**

- 1. The proposed development cannot be located in a settlement at a higher level in the Council's Settlement Hierarchy as identified by Local Plan Strategy Policy PG 2;**
- 2. The proposed development cannot be met elsewhere on available land that provides better transport, operational and environmental benefits;**
- 3. The proposed development cannot be met elsewhere on available land at a higher priority in the following hierarchy of land uses/types:**
  - i. first priority: land with an existing waste management use**
  - ii. second priority: land with an existing employment or industrial use within the B2 and B8 use classes**

- iii. **third priority: land/buildings in one of the following categories (no order of preference):**
  - a. previously developed, contaminated and/or derelict land
  - b. existing mineral working and landfill sites where waste material is used in conjunction with restoration, or proposed waste operations are temporary and linked to the completion of the mineral/landfill operation
  - c. unused and under-used agricultural and forestry buildings and their curtilages
  - d. land forming part of new major development proposals
- iv. **fourth priority: other land including greenfield sites in the open countryside and in the Green Belt**

### **Supporting Information**

- 4.22 This policy sets an overall approach to the location of new waste management capacity across Cheshire East. It will be for the planning authority as decision maker to give appropriate weight to each locational criterion within the policy when determining an application based on the individual circumstances that apply, particularly if there is any conflict in achieving the dual aims of directing development up the settlement hierarchy and prioritising certain land uses or types.
- 4.23 Waste management development should be located close to the source of waste being treated and be easily accessible. Areas that are likely to offer opportunities to achieve this are locations within or close to the borough's larger urban areas as identified through LPS Policy PG 2 'Settlement Hierarchy'.
- 4.24 Permitted sites currently in waste management use are safeguarded as they make an important contribution to the provision of the capacity needed to manage waste in Cheshire East. The preferred approach of locating new waste development is to make best use of existing facilities, through co-location and, additional development to expand or improve their use.
- 4.25 Where proposals cannot be located on safeguarded waste management facilities, existing employment or industrial land in B2/B8 uses may be suitable where the impact on any sensitive receptors can be made acceptable. The impact of waste management facilities in terms of vehicle movements, noise, odour and vibration may be similar to activities that arise at existing employment or industrial sites and therefore consideration should be given to such locations where existing uses have a similar profile.
- 4.26 Other areas potentially suitable for waste management development include previously developed land, sites and areas identified for employment uses, industrial and storage purposes, and redundant agricultural and forestry buildings and their curtilages. Existing uses in these locations often give rise to similar impacts as waste uses and therefore the impact of introducing a waste use is likely to be more acceptable than in locations not developed for such uses.

- 4.27 The location of waste management facilities can have an important effect on ensuring sustainable outcomes for waste and minimising impact on communities and the environment. Therefore, whilst it is important to make sure that waste development does not conflict with policies related to the protection of the Green Belt and the Open Countryside, there may be circumstances where greenfield sites are the most appropriate and sustainable locations for waste management facilities. To determine the impact new waste management facilities may have on the environment and communities, amenity and health, applicants are expected to submit detailed assessments, using appropriately qualified consultants, that set out the impacts and how such impacts will be addressed.<sup>49</sup>
- 4.28 Generally, new build facilities will not be appropriate development in the Green Belt. However, the Council recognises that some waste management facilities are most suited to a rural location, where sufficient distance (at least 250m) from receptors sensitive to noise and odour (such as anaerobic digestion, in-vessel composting, wastewater or open-air organic waste) can be achieved. In some instances, new built facilities may require a Green Belt location to ensure the most sustainable approach to managing waste arising from a particular area. When considering waste development within the Green Belt, the Council will determine applications in accordance with LPS Policy PG 3 'Green Belt' and Policy WAS 4 'Waste Management Facilities in the Green Belt'.
- 4.29 Similarly, waste management development in the Open Countryside will not generally be appropriate, however for specific types of waste arising or used in a rural location or where other substantial public interest benefits arise, this type of location may be appropriate providing that there is no unacceptable harm to the environment or communities.
- 4.30 Waste management development should avoid locations that would have an unacceptable adverse effect on sites of regional and local importance as identified in Policy DM 12 'Sites of Regional and Local Importance (including Nature Recovery Networks)'.

#### **Policy WAS 4 Waste Management Facilities in the Green Belt**

- 1. Development of waste management facilities in the Green Belt will be permitted where it can be demonstrated that the development would not form inappropriate development and if it preserves the openness of and does not conflict with the purposes of including land in the Green Belt.**
- 2. Circumstances where waste development may be regarded as not inappropriate include:**
  - i. where the waste development has a low visual impact (such as open windrow composting);**

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<sup>49</sup> See ¶7, National Planning Policy for Waste, DCLG, 2014.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/364759/141015\\_National\\_Planning\\_Policy\\_for\\_Waste.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/364759/141015_National_Planning_Policy_for_Waste.pdf)

- ii. where it involves the necessary deposit of inert waste to land to facilitate restoration of a mineral extraction site with extant planning permission;
  - iii. where it involves an extension or alteration to an existing waste management facility provided that it does not result in disproportionate additions over and above the size of the original building;
  - iv. where it involves the replacement of an existing waste management facility provided the new building is for waste management use and not materially larger than the one it replaces;
  - v. where it involves limited infilling or the partial/complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), provided this would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development; or
  - vi. where it involves the re-use of buildings provided that the buildings are of permanent and substantial construction.
3. The following considerations may contribute to the very special circumstances that would necessitate the siting of waste management facilities within the Green Belt:
- i. the redevelopment of a waste site (for example landfill) to improve and enhance Green Belt objectives; or
  - ii. the absence of any suitable and available alternative sites outside the Green Belt, where this is supported by a comprehensive assessment of potential options and the contribution they can make towards meeting both waste capacity requirements and the achievement of a sustainable waste management network.

#### **Supporting text**

- 4.31 The development of permanent waste facilities is not generally supported in the Green Belt. Where waste development can preserve the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt, it may be regarded as not inappropriate within the Green Belt.
- 4.32 Waste facilities that include new buildings may be considered inappropriate development in the Green Belt. If the proposed development constitutes inappropriate development, permission will only be granted where very special circumstances can be demonstrated. In this respect, very special circumstances will only exist where the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 4.33 Notwithstanding the above, proposals within the Green Belt must demonstrate that the development is designed in such a manner as to preserve the openness of the Green Belt by reason of its design and scale, nature and location, including appropriate mitigation measures to avoid and/or minimise potentially adverse effects. In addition, waste development either within or conspicuous from the Green Belt should not result in visual impacts or intrusion (for example

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by reason of siting, materials or design) that would detract from the openness or character of the Green Belt.

### **Policy WAS 5 Waste Management Facilities in the Open Countryside**

- 1. Waste management proposals will be considered inappropriate development and not permitted in the open countryside unless:**
  - i. there are no other suitable, higher priority sites in terms of location and land use/type as detailed in Policy WAS 3; and**
  - ii. there is a demonstrated need for the proposed waste management capacity (as identified in the latest Waste Needs Assessment) that cannot be met by existing, consented or planned capacity; and**
  - iii. the proposed development will contribute to achieving targets for recycling, and the diversion of waste away from disposal in a manner that does not prevent management of the waste at the highest point practical in the Waste Hierarchy.**
- 2. Waste management proposals submitted as an exception under criteria 3i, ii and iv of LPS Policy PG 6 'Open Countryside' are expected to meet the criteria identified above.**

### **Supporting Information**

- 4.34 Generally, new built facilities will not be appropriate development in the Open Countryside. However, the Council recognises that some waste management facilities are most suited to a rural location, where sufficient distance (at least 250m) from sensitive receptors of noise and odour (such as anaerobic digestion in-vessel composting, wastewater or open-air organic waste) can be achieved. In some instances, new build facilities may require a rural location to ensure the most sustainable approach to managing waste arising from a particular area or use of its products.
- 4.35 Policy WAS 5 'Waste Management Facilities in the Open Countryside' expands on LPS Policy PG 6 'Open Countryside' to set out the approach to be taken to proposals for waste management facilities in rural areas and the countryside. LPS Policy PG 6 'Open Countryside' establishes that development in the open countryside will only be permitted for specific land uses including agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area.
- 4.36 Waste uses may be considered 'appropriate to a rural area' where they meet the criteria of Policy WAS 5 'Waste Management Facilities in the Open Countryside'. Applications for waste uses as exceptions to Policy PG 6 'Open Countryside' will be considered against criteria 3.i, ii and iv of that Policy, and against Policy WAS 5 'Waste Management Facilities in the Open Countryside'.
- 4.37 Applicants should submit information to demonstrate how their proposals will meet an identified waste need and describe how their scheme will contribute to managing waste at the highest point of the Waste Hierarchy.

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## Policy WAS 6 Safeguarding of Waste Management Facilities

- 1. Existing and proposed facilities that contribute to the management of any waste stream will be safeguarded from development for other purposes unless it can be demonstrated, using evidence of current and forecast waste needs identified in the latest WNA, that:**
  - i. it will not prejudice the Council's aim of net self-sufficiency and creating a network of waste management facilities at suitable locations in the Borough to implement the principles of the Waste Hierarchy;**
  - ii. there are suitable alternative facilities in the vicinity with sufficient available capacity to accommodate the waste management capacity that will be lost, thereby ensuring there is no net loss in the ability to manage identified waste needs;**
  - iii. there are suitable alternative facilities elsewhere with sufficient available capacity to accommodate the waste management capacity that will be lost, where this is considered the best waste management option and meets the requirements of the proximity principle.**
- 2. Any proposals for new non-waste development that would introduce new sensitive receptors onto land adjoining, adjacent to or in close proximity to a safeguarded waste management facility will only be permitted where it is demonstrated that the development will not prejudice the full potential of the current or future operation of the waste management facility.**

### Supporting information

- 4.38 The existing network of waste management sites in Cheshire East are essential to the management of waste in the borough making a vital contribution to the Council's ability to achieve net self-sufficiency through both the direct management of waste within the authority area, and through cooperation with regional operators.
- 4.39 Cheshire East is a large authority with dispersed settlements ranging from hamlets and villages to larger urban areas such Crewe and Macclesfield. Outside of the urban areas much of the land is rural and agricultural, and as such, is subject to restrictive planning policies related to the Open Countryside and/or the Green Belt.<sup>50</sup>
- 4.40 Therefore, opportunities for the development of new waste management capacity are limited in Cheshire East. The loss of existing or planned waste management sites to other types of development, or the introduction of new development that may place a constraint on management activity and capacity could make the Council's ambition to achieve net self-sufficiency harder to achieve.
- 4.41 The safeguarding of sites in existing lawful waste use, or with planning permission, will make sure that the need for existing or planned waste management infrastructure is considered when decisions are made on new

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<sup>50</sup> See LPS Policies PG 3 'Green Belt' and PG 6 'Open Countryside'

development in Cheshire East. Safeguarded waste management facilities are shown on the interactive adopted Policies Map and indicate sites in existing waste use, including committed sites that have not been developed, and sites with temporary permissions that contribute to the management of any waste stream. Appendix K lists the safeguarded waste management facilities relevant to this policy. This list will be updated in the AMR to include any new waste management facilities permitted and to remove any existing facilities that are redeveloped as a result of the implementation of this policy.

- 4.42 Proposals for development within 250m of operational or safeguarded waste sites must make sure that they do not create unreasonable restrictions on such facilities by virtue of the new proposals. Where such a proposal could have a significant adverse effect on an operational or dormant safeguarded waste site in its vicinity, the applicant shall submit appropriate information to demonstrate that such impacts will not arise or that they can be successfully mitigated. This information may be required, at the discretion of the planning authority, for proposals within 400m of an operational or safeguarded waste site and, in more limited cases, for proposals at a greater distance if it is considered that significant adverse impacts are reasonably likely to arise.
- 4.43 Some forms of development are unlikely to have a significant impact on safeguarded waste management facilities. Where a proposal is within, or in proximity to a waste management facility, applicants are advised to seek pre-application advice on whether an impact on waste management capacity is likely to arise. The types of development that are unlikely to prevent or constrain the operation of waste management facilities are identified below:
- i. applications for householder development;
  - ii. applications for alterations and extensions to existing buildings and for change of use of existing development, unless intensifying activity on site;
  - iii. applications for advertisement, listed building or conservation area consent;
  - iv. applications for reserved matters including subsequent applications after outline consent has been granted;
  - v. prior notifications such as telecoms, forestry, agriculture and demolition;
  - vi. Certificates of Lawfulness of Existing Use or Development and Certificates of Lawfulness of Proposed Use or Development; or
  - vii. applications for works to trees.

## Policy WAS 7 Wastewater and Sewerage Treatment Facilities

- 1. Proposals for the management of wastewater and sewage sludge will be permitted provided that new facilities or the extension to existing facilities are accommodated on land with an existing waste management use where transport, operational and environmental benefits can be demonstrated as a consequence of the co-location of waste management facilities.**

2. Where this is not feasible in operational terms, proposals for the management of wastewater and sewage sludge will be permitted provided that it is:
  - i. necessary to support new development; or
  - ii. required to meet environmental standards or regulatory provisions.
3. All proposals will be required to demonstrate that:
  - i. there is a need for increased capacity to support sustainable development; and
  - ii. the scale of the development is appropriate to managing the identified need; and
  - iii. opportunities for the onsite capture and use of biogas are made wherever practicable with excess electricity exported to the national grid.

### **Supporting information**

- 4.44 There is an established network of wastewater and sewage treatment facilities across Cheshire East that is safeguarded by Policy WAS 6 ‘Safeguarding of Waste Management Facilities’. The 2017 WNA concluded, following discussions with United Utilities (the sewage undertaker within the Borough) that there is no need to make express provision in the MWP for additional wastewater and associated sewage sludge in Cheshire East for the period to 2030.<sup>51</sup> As a result of this conclusion, it was not considered necessary to revisit this waste stream in the 2019 WNA. However, this situation will be reviewed as part of the updated WNA that will cover the plan period to 2041.
- 4.45 As part of their statutory duties sewerage undertakers periodically review and assess the capacity of existing wastewater treatment works (WWTW) in relation to proposals for new development (including housing and employment allocations). Therefore, there may be a future need for further sites to be developed as WWTW. The policy allows for flexibility to meet such needs.
- 4.46 If new wastewater capacity (including sewage sludge treatment) is required, locational criteria can guide proposals to the most appropriate locations. Such an approach recognises that the location of new or improved facilities depends on the location of new development (for example housing) and on the investment programmes of the sewerage undertaker scrutinised by the water regulator OFWAT.
- 4.47 Efficient energy recovery can occur at WWTW. When sewage sludge is digested it produces a methane rich biogas that can be burnt to recover energy. This biogas can be used to heat the sewage sludge digesters, and where possible, generate electricity. Where there is excess energy, and the capability to do so, this renewable electricity can be exported to the national grid.

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<sup>51</sup> Scoping of Management Requirements for ‘Other’ Waste Generated in Cheshire East, CE WNA 2017 – Supporting Report 5 [https://www.cheshireeast.gov.uk/planning/spatial-planning/research\\_and\\_evidence/waste\\_needs\\_assessment.aspx](https://www.cheshireeast.gov.uk/planning/spatial-planning/research_and_evidence/waste_needs_assessment.aspx)

- 4.48 Depending on its size, a combustion plant at WWTW burning biogas generated from the anaerobic digestion of sewage sludge will require a permit under the Environmental Permitting (England and Wales) Regulations 2010 (as amended) and will be subject to Policy WAS 9 ‘Sites for Energy Recovery’.

### Policy WAS 8 On-Farm Anaerobic Digestion Plants

**On-farm anaerobic digestion plants will be permitted where:**

- 1. They are of an appropriate size/capacity to primarily accommodate inputs of material from the farm unit or from other linked farms in the vicinity;**
- 2. The energy and other outputs from the plant are used primarily on the farm unit or the other linked farms in the vicinity;**
- 3. Any additional inputs and outputs required to make the plant viable are from as local an area as possible to achieve the highest sustainable outcome;**
- 4. Proposals are located to avoid the best and most versatile agricultural land.**

### Supporting Information

- 4.49 Anaerobic digestion (AD) is the microbial breakdown of organic material in the absence of oxygen to yield a methane-rich gas and digested material. These outputs are known as ‘biogas’ and ‘digestate’ respectively: biogas can be used as a fuel, digestate is the residue of the organic matter after AD and can be used as organic fertiliser and soil conditioner. The biological process is not dissimilar to that which takes place in a stomach or in a landfill that has received waste containing organic biodegradable materials. Best practice application of AD technology is an effective way of managing on-farm waste and producing renewable energy.
- 4.50 AD facilities can process biodegradable organic wastes from the agriculture and food industry and other food waste, and the process can have numerous benefits for the agricultural sector including reducing environmental pollution through better waste management, reducing greenhouse gas emissions, producing improved organic fertiliser, reducing outlay on chemical fertilisers and reducing the impacts from these, and the production of renewable energy and heat for on-farm use.
- 4.51 On-farm AD should process waste that primarily arises from the farm unit itself. Therefore, applicants for on-farm AD should provide sufficient information to demonstrate what type of waste will be processed, where it will be drawn from and provide information on whether and to what extent the proposal will rely on waste from outside the farm unit to make the facility viable.
- 4.52 Applicants will also be required to demonstrate how they have met the criteria of LPS Policy SE12 ‘Pollution, Land Contamination and Land Instability’ to make sure no significantly harmful effects arise from the proposal; and demonstrate how they have met the criteria of emerging SADPD Policy RUR 2 ‘Farm diversification’.

## Policy WAS 9 Sites for Energy Recovery

1. Proposals for on-site energy recovery should demonstrate that:
  - i. they will not undermine the provision of waste management facilities operating further up the Waste Hierarchy;
  - ii. the waste to be treated cannot practically be reused, recycled or processed to recover waste materials;
  - iii. they are located in close proximity to the source of waste in order to obtain a reliable and regular supply of feedstock whilst minimising transport emissions;
  - iv. they will maximise energy recovery, either by combined heat and power (CHP) or electricity generation;
2. Pre-sorting shall be carried out to make sure that only residual waste is used as a feedstock, and value recovery from by-products of the process should be maximised.
3. Applicants must demonstrate that any residue from the process will be satisfactorily managed and/or made use of.
4. Proposals for biomass plants, anaerobic digesters and other facilities that use waste material to produce heat or CHP should, whenever possible, be located close to existing or potential users of heat.

### Supporting Information

- 4.53 Energy/value recovery is used to describe those processes that either directly burn waste to recover energy value or produce a floc that could be used as a fuel. These processes must not be confused with other recycling facilities that recover material value. There are several different technologies that involve some form of energy recovery from waste. Some of these are fairly well established, whilst others are novel, and further technologies continue to emerge. In addition to recovering energy from waste, these processes often create other by-products from the waste that have an intrinsic commercial value, or from which value can be recovered through further treatment. In general, however, they provide a sustainable energy source.
- 4.54 Mechanical-biological treatment (MBT) involves recovering recyclable materials from waste, then treating the remainder to create a fuel or low activity material for landfill restoration. The organic element is extracted to be treated separately, for example by anaerobic digestion, or by composting
- 4.55 Mechanical heat treatment (autoclave) works like a pressure cooker, using high temperature steam to sanitise the waste. Items such as glass and cans are cleaned by the process and can be easily sorted out for recycling. The resulting fibrous material can be used as a fuel or in building materials.
- 4.56 Advanced thermal treatment is the general term for combustion of waste in an oxygen limited environment. It includes the processes of gasification and pyrolysis. Gasification is the heating of waste with air, steam or oxygen to create a gas. The process also creates ash and tar. Pyrolysis involves the heating of

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waste to a high temperature in the absence of oxygen. It produces a combustible gas (syngas), a char and a mixture of soils and liquid effluent.

- 4.57 There are currently no major waste incinerators in Cheshire East. All clinical waste and hazardous waste are taken for incineration to sites outside Cheshire East at Runcorn, Chester and Northwich. Whilst it is municipal waste that tends to be burnt in incinerators, C&I waste could also be managed in this way.
- 4.58 The Council's Municipal Waste Management Strategy 2030 seeks to eliminate landfill by prioritising recycling, composting and re-use, but recognises that incineration avoids the negative effects of landfill. In achieving a sustainable waste management system, incineration with energy recovery is expected to play a role as part of an integrated local and regional solution. The Municipal Waste Management Strategy 2030 makes clear that where waste cannot be sensibly reused, recycled or composted, using it as a fuel in incinerators should be considered.
- 4.59 Appropriately sited, designed and managed incineration facilities could help divert waste away from landfill and may help the management of hazardous waste. Applicants must demonstrate that there is a need for such a facility and that the identified need cannot be met locally or in the sub-region. Measures would need to be in place to make sure that most of the waste is pre-sorted to maximise reuse and recycling potential.
- 4.60 In accordance with emerging SADPD Policy ENV 15 'New development and existing uses', applicants must also demonstrate that there will be no unacceptable adverse effects, especially in terms of noise and odour, on receptors within 250m of the proposal.

### **Policy WAS 10 Ancillary Development at Landfill, Landraise, and Open Organic Waste Management Sites**

**Where it is proposed to locate ancillary development at a landfill site, landraise site or open organic waste site, this will be permitted where the environmental effects of the development are demonstrated to be acceptable and the development is removed on cessation of the waste management use unless material considerations support their longer term or permanent retention, and the impact of its retention accord with all other policies of the Local Plan.**

#### **Supporting information**

- 4.61 The operation of a waste management facility may require ancillary development. This may take the form of buildings for storage or processing of waste materials. It may also include facilities to meet the day-to-day working needs of waste operators, such as staff welfare facilities and a site control office and weighbridge, as well as facilities necessary for environmental controls such as gas flares and leachate containment ponds.
- 4.62 Where such facilities are necessary to ensure the safe and smooth operation of the waste facility concerned, they must be subservient to the primary waste

management function of the site. Ancillary development is assumed to be a temporary feature of waste management sites and is expected to be removed once the operational phase of the facility is completed.

- 4.63 The acceptability of the design of such facilities, including materials, scale and location within the site will be assessed against LPS Policy SE1 'Design' and emerging SADPD Policy GEN 1 'Design Principles'. The design of such facilities should take account of its impact on the landscape and environment.

### **Policy WAS 11 Deposit of Inert Waste to Land for Restoration and Land Improvement**

- 1. The use of inert waste material to restore mineral and landfill sites will be supported in principle where it is demonstrated that the proposed restoration profiles are required to achieve a satisfactory afteruse for the land.**
- 2. Any other proposals for deposit of inert or organic waste to land will only be permitted where it is demonstrated that:**
  - i. the waste to be deposited cannot be used more sustainably for re-use, recycling or recovery;**
  - ii. the deposit of materials would not undermine the provision of waste management facilities operating further up the Waste Hierarchy;**
  - iii. the deposit of materials will not undermine the restoration of quarries and landfills that require the inert materials for restoration purposes;**
  - iv. there are no other feasible or practicable alternative means to realise the outcomes to be achieved by the proposed development;**
  - v. the amount of waste materials used to raise the level of the land is the minimum amount of material necessary;**
  - vi. in the case of land improvement or remediation projects, sufficient evidence is provided to demonstrate that the proposal will provide a significant improvement to damaged or degraded land and/or provide a greater environmental or agricultural value than the previous land use; and**
  - vii. it would not raise the level of the land to an unacceptable degree such that it would create an adverse visual impact on the landscape and/or reduce openness of the Green Belt.**
- 3. Proposals for landraising that constitute a waste disposal activity, for its own sake, will not be permitted.**

### **Supporting information**

- 4.64 Disposal is the least preferred option for managing waste and includes landraise and incineration without energy recovery, as well as landfill.
- 4.65 The term landfill relates to waste disposal mainly below ground level (by filling a void), whereas landraise refers to waste disposal mainly above pre-existing ground levels.

- 4.66 Proposals for the deposit of inert waste are important for the restoration of former minerals workings. It can facilitate creation of a much more satisfactory landform and afteruse providing a growing medium on sites where soils are very thin or of poor quality.
- 4.67 Applicants are required to consider how the final restoration profiles will support satisfactory afteruses and make sure the requirements of LPS Policy SE 4 'The Landscape' are met through the submission of a Landscape and Visual Impact Assessment.

## 5. Development Management Policies for Minerals and Waste

- 5.1 Development management policies help to deliver the vision and objectives of the plan by providing the criteria against which future minerals and waste development will be assessed.
- 5.2 Applicants are advised to discuss proposals for minerals and waste development with the Council prior to submission of a planning application. Pre-application discussions can help the identification of potential constraints early in the process. Planning applications for minerals and waste development should provide sufficient information to allow a balanced assessment to be made.
- 5.3 Applicants are also advised to enter into early dialogue with other relevant regulatory bodies as planning applications progress, such as the Environment Agency, to make sure that any potential impacts from the proposed development can be addressed and the appropriate licences or permits can be considered.

### Environmental Impact Assessment

- 5.4 Minerals and waste development proposals are often major and can have a significant impact on the environment. An Environmental Impact Assessment (EIA) can be required and can be used to identify the likelihood of significant impacts occurring as a result of a development. It considers how the impacts could be mitigated and explores alternative ways in which the development could be carried out. Where EIA is required, the findings of this process must be included in a separate Environmental Statement to be submitted alongside the planning application.
- 5.5 All minerals and waste planning applications that meet the appropriate thresholds and criteria set out in The Town and Country Planning (Environmental Impact Assessment) Regulations 2017<sup>52</sup> will be screened to determine whether an EIA is required. Applicants may also request a formal screening opinion from the Council prior to submitting a planning application. Where an EIA is required, applicants may also request a scoping opinion setting out the issues to be addressed within the Environmental Statement.

### Review of Mineral Permissions

- 5.6 In accordance with the requirements of the Planning and Compensation Act 1991 and the Environment Act 1995, mineral planning permissions are subject to periodic review. The review process is used to make sure that mineral sites can demonstrate sustainability aspirations and appropriate environmental

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<sup>52</sup> <https://www.legislation.gov.uk/uksi/2017/571/contents/made>

protection by bringing planning conditions up-to-date where this is appropriate. Review submissions may be subject to EIA in the same way as a planning application. Applicants submitting review schemes should have regard to the requirements of the policies contained in this Plan and make sure that all the environmental issues are satisfactorily identified and addressed.

### **Policy DM 1 General Development Management Criteria**

- 1. Applications must be accompanied by a thorough evaluation of potential direct and indirect impacts of the proposal. Where unacceptable impacts are identified, measures should be proposed to avoid, reduce or mitigate those impacts. Where unacceptable impacts cannot be avoided satisfactorily, then the proposal will not be permitted. In particular, proposals will be expected to demonstrate that there would not be an unacceptable impact (including temporary, permanent, short-term and long-term impacts, as well as cumulative impacts in combination with other existing or permitted development) on:**
  - i. local amenity and health (including noise levels, odour, air quality, dust, litter, vermin, light pollution and vibration);
  - ii. the water environment, having regard to impacts on the flow and quantity of surface and groundwater, and water quality;
  - iii. flood risk both on-site or off-site, as demonstrated by a Flood Risk Assessment, and the capacity of existing drainage systems;
  - iv. agricultural land, having regard to safeguarding the long-term potential of best and most versatile agricultural land and conserving soil resources, as well as preventing soil pollution;
  - v. aircraft safety due to the risk of bird strike and/or building height and position;
  - vi. the safety and capacity of the road and other transport networks;
  - vii. the intrinsic quality and character of the landscape, tranquillity, countryside and any local features that contribute to its local distinctiveness;
  - viii. trees, woodlands, hedgerows and biodiversity;
  - ix. the openness and purpose of the Green Belt;
  - x. Public Open Space, the definitive Public Rights of Way network and outdoor recreation facilities;
  - xi. land stability including tips, quarry slopes, backfilled land, and mining subsidence;
  - xii. ground contamination and risks of pollution;
  - xiii. the natural and geological environment (including internationally, nationally or locally designated sites and irreplaceable habitats);
  - xiv. the historic environment, having regard to the significance of designated and non-designated heritage assets and their settings, including archaeological assets and their settings; and
  - xv. the character and quality of the area in which the development is situated, through poor design.
- 2. Where appropriate, enhancement of the environment will be sought, including Public Rights of Way and the green infrastructure network (in**

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accordance with LPS Policy SE 6), the natural, historic and built environment, the surrounding landscape including biodiversity net gain, and creation of recreation opportunities.

3. All proposals for new or relocated waste management capacity will be expected to provide sufficient information on the type and source of the waste being managed, applying the Waste Hierarchy in priority order, including the distance travelled. In assessing proposals for waste management facilities, the Council will have regard to the proximity principle and desirability of managing waste close to its source.

### **Supporting information**

#### Amenity and Health

- 5.7 Minerals and waste development can adversely impact on the amenity of local communities including residents, businesses and other land users. Development proposals should aim to make sure that a high standard of amenity is retained and, where possible, increased for all the users that would be reasonably expected to be affected by the proposed development. Factors affecting quality of life may be quantitative (for example those concerning physical and chemical environmental conditions such as air quality, noise, vibration, blasting) or qualitative (for example those concerning amenity, visual impact or intrusion). Adverse impacts may arise as a result of site construction, operation and restoration, as well as from the transportation of minerals and waste.
- 5.8 The precise level of impacts will vary according to local conditions and the type, scale, and intensity of development proposed. Factors to be considered will include the local topography, the position of the proposed development in relation to other uses and the degree to which any adverse effects can be mitigated. Where necessary, appropriate separation distances or buffer zones between minerals and waste developments and occupied residential property or other sensitive receptors and/or other mitigation measures will be required, as determined on a site-specific, case-by-case basis.
- 5.9 All planning applications will be expected to be accompanied by sufficient information prepared by a suitably qualified person to enable a thorough assessment of all environmental impacts of the development. The information submitted in support of a planning application should reflect that outlined in the Council validation checklist for minerals and waste.<sup>53</sup>

#### Water Resources and Water Quality

- 5.10 Cheshire East's water environment is diverse and supports river catchments with many tributaries, water bodies (including lakes and ponds), and man-made surface waters such as reservoirs and canals. The water environment above ground also supports biodiversity, amenity, recreation, transport businesses

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[https://www.cheshireeast.gov.uk/planning/view\\_a\\_planning\\_application/making\\_a\\_planning\\_application/minerals\\_development.aspx](https://www.cheshireeast.gov.uk/planning/view_a_planning_application/making_a_planning_application/minerals_development.aspx)

and community life. Below ground, groundwater provides an important resource, supporting surface watercourses and water bodies. The physical and chemical quality of these resources is important. Surface and groundwater quality and flow can be affected by mineral extraction and waste management facilities, potentially impacting on dependent habitats and species. Mitigation measures will be considered on a site-by-site basis to determine what is required.

### Flooding

5.11 Flood risk should be taken fully into account when addressing the potential long term impacts of development on climate change, the environment and existing communities. National policy states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. This sequential risk-based approach has been applied in identifying the allocations set out in the MWP. However, this does not negate the need for development proposals on these sites to include a site-specific flood risk assessment, including consideration of climate change allowances. Requirements for site-specific flood risk assessments and the application of the sequential and exception tests are set out in national policy. National guidance identifies development within flood-risk vulnerability classifications. Sand and gravel working is identified as water-compatible development, with other forms of mineral working and processing identified as less vulnerable. Waste treatment is also identified as less vulnerable, except for landfill and hazardous waste facilities, which are identified as more vulnerable. The restoration of mineral sites may present opportunities to implement flood management measures and reduce flood risk.

### Best and Most Versatile Agricultural Land and Soils

5.12 The economic and other benefits associated with best and most versatile (BMV) agricultural land should be considered when locating proposals for minerals and waste development, with the aim of locating development on areas of poorer rather than higher quality land. The expectation is that where development involves the stripping of soils from BMV land (such as for mineral extraction and waste deposit), appropriate soil handling and soil storage arrangements will be required to ensure the long term protection of the soil resource. Restoration and aftercare of BMV sites should make sure that the land is returned to a condition of at least equal (if not greater) quality than existing prior to the development. This will enable the land to retain its longer-term capability and be a high-quality resource for the future. Therefore, proposals for minerals and waste development that are sited on BMV land should include a Soil Handling and Replacement Strategy.

### Aircraft Safety

5.13 Minerals and waste developments can pose a risk to aircraft safety due to the hazard of bird strike. The height of buildings including chimneys can also present a hazard. Early consultation with the Airport Operator or National Air Traffic Services Ltd is required so that an assessment can be made of any

impacts, including extensions to existing sites or new proposed development, to make sure that they do not pose either an increased hazard or new hazard.

#### Transport

- 5.14 The borough includes an extensive road network including the M6 Motorway, which runs north to south through the centre of the borough, and the M56 running east to west to the north. Manchester Airport lies immediately north of the borough. Historic transport routes crisscross the borough in the form of canals, railways and roadways, further enriching the built heritage of the borough and influencing aspects of the townscape and development of towns and villages. Apart from recycled rail ballast movement by rail, the majority of mineral is processed by pipeline or conveyor for onward distribution by road. Waste is moved by road.

#### Landscape

- 5.15 The landscape is characterised by the contrast between the extensive flat lowland plain and gently rolling farmland bordered to the west of the borough with the distinctive sandstone ridge, and to the east by the rising Pennine foothills. The landscape is characterised by glacial river valleys with wooded cloughs, unimproved features including mosses, heaths, meres and several designated parkland estates.

#### Trees hedgerows, woodlands

- 5.16 In addition to the provisions of LPS Policy SE 5 'Trees, Hedgerows and Woodland', any application for development involving the loss of, or potential threat to, the continued health and life expectancy of trees, hedgerows and woodlands should be accompanied by an arboriculture assessment, details of tree protection measures and proposed replacement tree and hedgerow planting. Any proposals involving the loss of hedgerow may be required to be accompanied by an assessment of the importance of the hedgerow in relation to The Hedgerow Regulations 1997.<sup>54</sup>

#### The Green Belt

- 5.17 Proposals for mineral extraction within the Green Belt will be supported, provided they preserve the openness of and do not conflict with the purposes of including land within the Green Belt, and where compliant with other relevant MWP policies. These can include any elements of development that are considered integral to extractive operations, for example those associated with access and restoration. Other forms of development, including on-site processing, will be supported where compliant with relevant MWP policies and national policies. Development of waste management facilities in the Green Belt will also be supported, where it can be demonstrated that the development would not constitute inappropriate development and provided it preserves the openness of and does not conflict with the purposes of including land in the Green Belt.

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<sup>54</sup> <https://www.legislation.gov.uk/ksi/1997/1160/contents/made>  
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#### Land Stability and Ground Contamination

- 5.18 Mineral and waste development proposals should take account of existing and potential future site stability issues. National policy is clear that, where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. Development on land, which is known or suspected to be contaminated, or for development that could potentially pose a contamination risk must be supported by sufficient information to enable possible contamination risks to be fully assessed and mitigated. Any mitigation measures and monitoring identified as necessary should be implemented in full.

#### Historic environment

- 5.19 The borough contains a valued, varied and unique heritage including several cultural and environmental assets with conservation areas, listed buildings, scheduled monuments, registered parks and gardens, registered battlefield, world heritage site and local listings. The historic built environment is complex due, for the most part, by the size and diversity of the area. Some areas are heavily influenced by their geological, landscape and topographical character.

### **Policy DM 2 Minimising Waste During Construction and Development**

- 1. Proposals for new development will only be permitted if they support the efficient use and recovery of resources throughout the life of the development. To achieve this requirement all new development proposals should be accompanied by either a waste management plan or Circular Economy statement that shows how the following measures have been incorporated:**
  - i. design principles and construction methods that minimise the use of primary minerals and encourage the use of building materials made from recycled materials;**
  - ii. construction and demolition methods that minimise waste production, maximise the re-use and recovery of materials (as far as practicable) on-site and minimise off-site disposal; and**
  - iii. a design and layout that facilitates sustainable waste management by providing appropriate storage and segregation facilities.**
- 2. Proposals for major development should identify measures to support implementation of the Waste Hierarchy during construction and demolition (where applicable), including details on the quantity and type(s) of waste expected to be generated.**
- 3. Proposals should include a soil survey and management plan, as well as detail how the movement and extraction of soils will be minimised during construction.**

#### **Supporting information**

- 5.20 Preventing the generation of waste from our community and business operations is a crucial step in transitioning to a more sustainable and efficient approach to resource use and management; this is supported by national policy and reflected in the Waste Hierarchy. The prevention of waste should be carried

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out in conjunction with increasing the proportion of waste that is re-used, recycled, or composted. The MWP can contribute positively to this through supporting the general promotion of waste prevention, and by specific proposals relating to new development.

- 5.21 The construction industry in particular produces a considerable amount of waste. This policy sets a requirement for the handling of waste arising from the construction and operation of development to maximise re-use and recovery opportunities and minimise off-site disposal.
- 5.22 Proposals for major development should set out how waste is to be prevented and measures taken to drive waste arisings up the Waste Hierarchy to support resource efficiency and recovery, in particular during construction and demolition (where applicable). This should include approximate volumes and types of waste expected to be generated by the proposed development and the measures to be implemented to prevent and minimise waste arisings and subsequent management methods to be employed.
- 5.23 Soils management is essential to sustaining all natural systems, and impacts across a range of matters including landscape, ecology, forestry, flooding and contaminated land issues. The retention of healthy soil structure is therefore essential and can be aided by minimising hard surfaces on development sites. Applicants should submit a soil survey and soils management plan that sets out the quality and type of soils on site, the impact of development on the soil and how extracted soil will be managed.

### **Policy DM 3 Plant and Buildings**

**An application for plant and machinery or other associated development will be permitted where it satisfactorily meets all the following criteria:**

- 1. It is designed and located within the site to minimise visual intrusion;**
- 2. It is adequately and harmoniously screened from sensitive locations;**
- 3. It is appropriately finished and coloured to assimilate into its surroundings;**
- 4. It will be removed from the site at cessation of operations unless material considerations support their longer term or permanent retention and there are overriding advantages in retention in connection with a related proposal, and under these circumstances the impact of the proposal has been assessed beyond the operational life of the site; and**
- 5. The primary use is associated directly with the mineral extracted at the site or a waste management operation being carried out at the site.**

### **Supporting Information**

- 5.24 Plant, machinery and other ancillary development all have impacts over and above that of the primary mineral or waste development. Whilst the location of this ancillary development within the facility is generally determined by operational requirements, there is a need to mitigate any adverse visual and amenity impacts and to make sure this ancillary development is acceptable. There is also a need to make sure that the proposed ancillary development is

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integral and necessary to support the primary operations being carried out on site and is removed from the site at the cessation of those operations, unless there are material considerations that warrant their long-term retention. In such circumstances, the applicant would be expected to demonstrate that there are overriding advantages in retaining this development in connection with a related proposal; and there is a demonstration that the impact of the proposal has been assessed beyond the operational life of the site and such impacts are acceptable in the long term.

#### **Policy DM 4 Restoration and Aftercare**

- 1. Minerals and waste development will be required to demonstrate that they have an appropriate phased sequence of working, restoration, afteruse and aftercare that will enable long-term enhancement of the environment.**
- 2. Proposals for restoration and aftercare of mineral and waste sites, including proposals for review of restoration strategies and plans, will be permitted where:**
  - i. restoration and aftercare schemes are considered to be sufficiently detailed, practicable and achievable within the proposed timescales;**
  - ii. the land disturbed at any one time by the development would be minimised through a phased approach to working and by implementing restoration at the earliest possible opportunity;**
  - iii. the amount of any imported backfill would be the minimum necessary to achieve the satisfactory restoration of the site;**
  - iv. differential settlement of backfill is avoided;**
  - v. the restoration is appropriate to the location and is sympathetic to and informed by landscape character and the historic environment;**
  - vi. opportunities for restoration to improve or enhance habitats, and associated ecosystem services to biodiversity, landscape, agricultural land quality, historic environment or community use would be delivered to contribute to the provisions of emerging SADPD Policy ENV 1 ‘Ecological Network’ and LPS Policy SE 6 ‘Green Infrastructure’;**
  - vii. restoration provides for a net gain in biodiversity in accordance with emerging SADPD Policy ENV 2 ‘Ecological implementation’ and LPS Policy SE 3 ‘Biodiversity and Geodiversity’.**
  - viii. flood risk on or off-site would not be increased and opportunities to reduce flooding would be maximised;**
  - ix. the aftercare provision would be sufficient to secure high quality and sustainable restoration of the site;**
  - x. where proposals have resulted in the loss of best and most versatile agricultural land, the restoration scheme seeks to restore (to the same or better grade) as much of this best and most versatile agricultural land as practicable;**
  - xi. existing Public Rights of Way are protected as far as possible and opportunities to enhance Public Rights of Way are maximised where possible; and**

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- xii. proposals do not result in any increased risk of aviation bird strike or sufficient mitigation and management is identified as part of the overall restoration and aftercare scheme to reduce this risk.
3. Restoration proposals will be subject to a minimum five-year period of aftercare during which time any monitoring and management identified as necessary by the Council will be carried out; the draft detail of which shall be provided as part of any application and shall be set out in full in an aftercare management plan to be secured by planning condition. Where proposals or elements of proposals, such as features of biodiversity interest, require a longer period of management, the development will only be permitted where an acceptable period of extended aftercare is proposed and secured through a S106 legal agreement, and sufficient provision is made for monitoring and management of the land during that aftercare period as detailed in the aftercare management plan.

### **Supporting information**

#### Restoration

- 5.25 It is particularly important that temporary development sites such as quarries and landfill sites are properly restored, and the measures taken to achieve this are appropriate. To facilitate the earliest possible restoration and limit operational impacts, temporary workings should be subject to progressive extraction (where relevant) and restoration. The phased sequence of extraction and/or restoration should be provided at the application stage. The aim should be to achieve phased restoration to minimise the area of land disturbed and the total period of mineral working and/or landfill operations. Phased restoration also helps to gauge the initial success of the restoration scheme by observing which aspects have worked well, as well as identifying which aspects have been less successful.
- 5.26 The effective restoration of a temporary site will often depend upon the identification and proper management of soil resources, prior to operations taking place, as well as during the restoration and aftercare phases. To establish the quality and quantity of the soil resource the findings of a detailed survey will be required with the application.
- 5.27 To achieve satisfactory restoration to agricultural or forestry uses, topsoil and subsoil in sufficient quantities are required. In cases where insufficient soils exist on site, the applicant will need to make provision to make sure that adequate soils or soil making materials are available to restore the site satisfactorily. The way soil materials are handled is also a key element of successful restoration, and details of the management of soils, including storage methods, timing and means of soil movements, and machinery to be used will be required.
- 5.28 Separate stripping and storage of topsoils and subsoils will generally be required to make sure that reinstatement of the soil profile is completed correctly. Where possible the direct replacement of soils should be undertaken,

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to facilitate the restoration of previously worked areas of the site and prevent unnecessary damage to the soil structure. Soil storage mounds will be subject to controls relating to their positioning, dimensions, treatment and protection to ensure the soil quality is maintained.

- 5.29 Restoration operations and works to secure the approved afteruse may in some circumstances be subject to delay. To mitigate any environmental impacts and provide some certainty in such circumstances, measures to secure an interim restoration scheme will generally be imposed. Also, where sites undertaking mineral extraction and/or restoration works cease prematurely and the cessation is of a more permanent nature, a derelict landform may result. To safeguard against this the Council will seek to impose controls to secure an alternative restoration scheme. Financial guarantees to ensure the restoration of temporary sites will only be sought in exceptional circumstances.

#### Aftercare

- 5.30 Following the final restoration of any land it should be placed in aftercare.
- 5.31 The statutory minimum time for an aftercare period is 5 years but the Council will seek to negotiate longer periods where this is necessary. The Environment Act 2021 requires the whole of England to be covered by Local Nature Recovery Strategies to enable the delivery of biodiversity net gain. Mineral development and restoration in the 'areas that could become of particular importance for biodiversity' (namely opportunity areas) could help in their delivery. The Environment Act 2021 requires biodiversity net gain to be maintained for at least 30 years. Aftercare measures are required to make sure that the restoration is sustained, and the site is returned to a beneficial use. These measures involve improving the structure, stability and nutrient value of soils, ensuring adequate drainage is available, maintenance of Public Rights of Way, and securing the establishment and management of newly seeded and planted areas together with such other maintenance as may be necessary to bring the land back to its approved afteruse. These provisions are as applicable to small-scale infilling operations as they are to large-scale quarries and will be sought in all cases.
- 5.32 The restoration of mineral workings and landfill sites provides an opportunity to return land either to its original use, or an alternative use of benefit to the local or wider community. A wide range of possible options exist for suitable afteruses following the completion of mineral working and waste activities. These include:
- creation or enhancement of biodiversity and geodiversity;
  - improvements to the landscape;
  - provision of recreational facilities and public open space;
  - creation of new woodland, including community woodlands;
  - creation of new water environments improved public access, including new public footpaths and bridleways; and
  - agriculture and food production.

- 5.33 The focus of the Council is for this MWP to contribute towards the overall objectives set out in the 25 Year Environment Plan (2018) to deliver a Nature Recovery Network providing 500,000ha of additional wildlife habitat (in 25 years - to 2043). Natural England has identified the potential habitats that should be created through mineral site restoration for each National Character Area. A Local Nature Recovery Strategy will be prepared that will identify 'areas that could become of particular importance for biodiversity'. Mineral extraction, restoration and afteruse is likely to provide opportunities for implementation of this through creation of habitats and providing linkages to areas of existing importance.
- 5.34 Emerging SADPD Policy ENV 1 'Ecological networks' identifies habitats of national and local importance as priorities for conservation and restoration. It is important that the planning process helps to maintain and enhance these wildlife resources. However, restoration options are not mutually exclusive, for example, where sites are restored to agriculture, provision can still be made for biodiversity gains and habitat features that support the ecological network. Indeed, all developments will be required to attain a net gain in biodiversity through the creation of one of the priority habitats set out in the ecological network. For small-scale or predominantly agricultural sites this could be as basic as the provision of increased lengths of hedgerow, creation of a field pond or small, new copse of native broadleaved woodland. It is frequently the small-scale non-mineral related infill operations (less than 10 hectares) where opportunities for biodiversity improvement have been missed and this policy is seeking to improve this situation. The restoration, aftercare and afteruse of minerals sites can deliver very large biodiversity net gain. There may be opportunities for some of the gains achieved at minerals sites to provide biodiversity gain for other developments.
- 5.35 Sites differ in their characteristics, constraints and opportunities; through geology, topography and historic land uses specific parts of the borough are more suited to certain afteruses. Therefore, it is important that restoration and afteruse is tailored to the site and its surroundings and where possible incorporate the local community's aspirations. Thus, the intent is that sites should prioritise restoration to the priority habitats set out in emerging SADPD Policy ENV 1 'Ecological networks'. It should be noted that this does not prohibit sites within the broad areas creating a range of priority habitats or sites outside of those habitats listed.
- 5.36 Site afteruse should be guided by Natural England's National Character Areas (NCAs)<sup>55</sup> for the north west. Mineral working and restoration will be a mechanism for implementing biodiversity gain and the Local Nature Recovery Strategy. Linking restored sites with the surrounding landscape also provides the opportunity for enlargement or linking together of existing habitats helping to offset the effects of habitat fragmentation and creating an ecological network. Therefore, the Council will encourage larger blocks of habitat creation, as they

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<sup>55</sup> <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making/national-character-area-profiles>

deliver greater ecological benefits. Restoration schemes need to be resilient to future climate change impacts. Habitat creation can act as a living carbon sink and well-designed schemes, in appropriate locations, may also offer benefits in terms of provision of climate change mitigation measures such as greater flood storage capacity allied to recreational or biodiversity afteruses. Furthermore, the restoration of mineral sites to habitats can help wildlife adapt to climate change, creating ‘stepping stones’ and increasing the permeability of the landscape enabling climate change induced range shifts.

- 5.37 Restoration can provide opportunities to secure a net gain in accessible geodiversity and address past losses. The restoration of mineral extraction sites offers significant opportunities for accessible geodiversity interest, in particular for educational use. Where restoration could assist or achieve the creation of geodiversity features, thereby improving overall geodiversity levels in the borough, the relevant geodiversity afteruse should be incorporated within the restoration scheme.

## Policy DM 5 Transport

- 1. Proposals for minerals or waste development will be permitted where it is demonstrated that:**
  - i. transport links are adequate to serve the development or can be improved to an appropriate standard;
  - ii. where practicable and viable, the proposal makes use of rail or water for the transportation of materials to and from the site, or the need for road transport can be demonstrated;
  - iii. low or zero emission vehicles, under the control of the site operator, are used which, where practicable, use fuels from renewable sources;
  - iv. materials are capable of being transported using the Lorry Route Network with minimal use of local roads, as far as reasonably practicable;
  - v. vehicle movements associated with the development will not have an unacceptable impact on the capacity of the highway network;
  - vi. there is safe and adequate means of access to the highway network and vehicle movements associated with the development will not have an unacceptable adverse impact on the safety of all road users that cannot be satisfactorily mitigated; and
  - vii. satisfactory provision is made for vehicle turning and parking, manoeuvring, loading, and, where appropriate, wheel cleaning facilities;
- 2. A Transport Statement or Transport Assessment will be required if significant levels of traffic are proposed. Where relevant, a Traffic Management Plan should be submitted, which can be referred to in the monitoring of successful applications.**
- 3. Where highway improvements are required to accommodate the proposed development, these will be secured by planning conditions or legal agreements. Such improvements will normally be required to be in**

**place before any operations commence, or in accordance with an agreed timetable for implementation.**

### **Supporting information**

- 5.38 The vehicle movements associated with the development of minerals and waste facilities has the potential to cause significant impacts on the local and Strategic Road Network. This can be through increased traffic volumes, vehicle types and sizes, and from issues such as noise and vibration, dust, debris and structural damage. As vehicles are often travelling over significant distances, impacts are not just confined to the immediate vicinity of the site but may affect roads and settlements located along haulage routes.
- 5.39 The effects of traffic generated by mineral development should be minimised, particularly impacts on local communities, the environment and the local and Strategic Road Network.
- 5.40 Road transport can often be the only practical form of access to sites in Cheshire East due to the geography of the borough and limited opportunities for transportation by rail, water-based transportation, pipelines and conveyors. Proposals for development that result in increased traffic levels should demonstrate through a Traffic Management Plan that all options for transporting minerals from the proposed site have been explored. Where non-road forms of transport have been discounted, the reasons for this should be clearly demonstrated.
- 5.41 If non-road transport is considered not to be a realistic option, the applicant will be expected to show that measures such as traffic routing, hours of movement and considerate driving will be implemented and monitored through a Transport Management Plan (where required). This will help to minimise the environmental impacts of vehicle movements and supplement/underpin the transport related conditions attached to a planning consent.
- 5.42 In certain cases, where proposals are otherwise acceptable, the local road network may not be sufficient to cope with the additional volume and type of vehicle movements that would be created by the proposed development. It may therefore be necessary to improve the road network through the widening of carriageways or improvement of junctions and so on. Such improvements can be negotiated and agreed between the local Highway Authority or Highways England as necessary and operators and can be controlled through planning conditions and obligations.

### **Policy DM 6 Landscape and Visual Impacts**

- 1. Proposals for minerals and waste development including restoration and afteruses should be designed to conserve and enhance the landscape quality in accordance with LPS Policy SE 4 'The Landscape'. Minerals and waste development close to a settlement should take account of the character and setting of the settlement. Proposals should set out measures for an acceptable separation distance with landscaping and planting that**

is appropriate to the character of the area and that would be consistent with the proposed afteruse of the site. Where development is considered acceptable, consideration should be given to afteruses that help develop a network of green infrastructure for the benefit of the local community, wildlife and habitat.

2. Proposals for minerals and waste development should make sure operations are appropriately screened from public view to reduce and mitigate adverse visual impact, if required, and would not have an unacceptable impact on visual amenity before, during and on completion of the development. Natural landforms and landscape features should be used to help screen developments as far as practicable. Additional landscape screening in the form of tree or hedgerow planting and/or suitable screen mound formation may be required to reduce visual impacts of the proposal.
3. Where the Council requires a Landscape and Visual Impact Assessment to be undertaken, these should detail the identification of:
  - i. landscape character and/or features and its value (including the nature, extent and level of importance);
  - ii. key visual receptors, their sensitivity and connection with and contribution to wider networks;
  - iii. potential adverse impacts that are likely to arise as a result of the proposed development including (where relevant) both temporary impacts during operation of the site and permanent impacts on completion of the development;
  - iv. measures required to avoid and/or minimise potentially adverse impacts to an acceptable level including any requirements for mitigation in advance of the development commencing; and
  - v. opportunities to protect and enhance particular features that create a specific aspect of local distinctiveness or character.
4. In accordance with emerging SADPD Policy ENV 5 'Landscaping', a landscaping scheme will be required where appropriate as part of the working and restoration scheme. This should include details of all interim and final landscape planting and details of all maintenance and management arrangements during the aftercare period.

### **Supporting information**

- 5.43 The nature of mineral extraction is that it will almost inevitably have to take place beyond the existing and planned limits of built-up settlements. Existing and new waste facilities are primarily based in the main urban areas of the borough, however, such facilities may be required or best placed in the countryside where this is consistent with communities taking more responsibility for their own waste, subject to the locational considerations of Policy WAS 3 'Spatial Strategy for Locating Waste Management Facilities'. Notwithstanding this there may be proposals within urban areas that could affect locally important open spaces, such as common land, village greens, Local Wildlife Sites and recreational land.
- 5.44 Proposals must be sympathetic to the character and quality of the landscape, including local distinctiveness, and take account of local landscape strategies

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and any other relevant designations, such as Local Landscape Designation areas.

- 5.45 Applicants should consider the potential visual impact of their proposals, and design accordingly; this may include appropriate design in keeping with the locality or prior landscaping and planting work. Assessment of any impacts should include consideration of the potential impacts or enhancement of the landscape both during and after working, the duration of any adverse impacts, and mitigation and/or compensatory measures to replace losses and the provision of any long-term asset enhancement through restoration proposals.
- 5.46 Provided that the proposal meets the requirements of other policies in this plan, the Council will seek to agree appropriate design, screening and other mitigation measures to allow the development to go ahead. Maintenance of landscaping will be normally required for a minimum period of 10 years from implementation of each phase of planting and restoration and be secured by conditions. Criterion 3. iv of Policy DM 6 ‘Landscape and Visual Impacts’ is particularly relevant to development that may impact on the setting of the Peak District National Park as an asset of national, regional and location importance.

## Policy DM 7 Water Resources and Flood Risk

1. Proposals for mineral and waste development will be permitted provided that, both during the operations and on cessation of the development, the development:
  - i. does not cause unacceptable impacts on quality, quantity or flow of any water resources;
  - ii. does not cause any changes to groundwater and surface water levels that would result in unacceptable impacts on:
    - a. adjoining land;
    - b. the quality of groundwater resources or potential groundwater resources; and
    - c. the potential yield of groundwater resources, river flows or natural habitats;
  - iii. does not exacerbate flood risk in areas prone to flooding and elsewhere, both now and in the future and should accord with the requirements of emerging SADPD Policy ENV 16 ‘Surface water management and flood risk’ as informed by a Flood Risk Assessment; and
  - iv. protects and where possible enhances the quality of rivers and other watercourses and water bodies (including within built-up areas).
2. All proposals must include measures to ensure the achievement of both no deterioration and improved ecological status of all waterbodies within the site to meet the required ecological status under the relevant River Basin Management Plan.
3. A hydrogeological assessment may be required to demonstrate the effects of the proposed development on the water environment and how these may be mitigated to an acceptable level. This should be carried out by an

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**appropriately qualified person and identify both temporary and permanent impacts, mitigation and any requirements for long term monitoring.**

### **Supporting information**

#### Water Resources

- 5.47 Minerals and waste development has the potential to affect water quality and pollute groundwater resources. Surface water run-off from hard standing areas, for example, can pollute groundwater resources. So too can the discharge of wastewater from waste management operations, such as composting or recycling plants, if not properly controlled. Leachate from non-hazardous landfill also needs to be carefully controlled.
- 5.48 Careful consideration needs to be given to the impact of sand and gravel extraction on groundwater resources as the water table is often higher and working normally gives rise to a need for dewatering. Mineral extraction can cause disruption to ground and surface water flows in these circumstances, as can the formation of artificial lakes or the partial filling of a void using inert waste as part of restoration. Dewatering may also impact on local groundwater abstractions and may have an adverse effect on vegetation and nearby watercourses by lowering the water table in the vicinity of workings.
- 5.49 The cumulative impact of extraction and restoration on groundwater also needs careful consideration in addition to the specific impact of an individual working.
- 5.50 Proposals close to an area of existing working will need to take account of cumulative impact by considering:
- the nature of the geological deposits in the area;
  - the characteristics of the aquifer;
  - water balance calculations for operational and restoration phases of working; and
  - volumetric flows or levels of local watercourses or other groundwater dependent receptors for operational and restoration phases of working.
- 5.51 Where significant cumulative impact is envisaged groundwater modelling may need to be undertaken. The Environment Agency can offer appropriate advice on groundwater impact.
- 5.52 The Environment Agency also has a regulatory function in relation to licensing discharges to the water environment and the abstraction of water. Abstractions that are used for drinking water (including private and unlicensed abstractions) lie in Source Protection Zones 1 and 2 and are subject to a minimum 50 metre and 250 to 500 metre radius protection respectively. When granting planning permission, the Council will consider whether it is necessary to attach appropriate conditions to mitigate any potential harm to groundwater and will liaise with the Environment Agency to make sure these do not conflict with or unnecessarily duplicate other controls.

- 5.53 Restoration of mineral and waste sites can provide opportunities to enhance the water environment, including through the creation of priority wetland habitat, re-naturalisation of river channels, re-connecting rivers with their floodplains, providing flood storage, retaining sediment, and regulating water quality. All proposals should demonstrate how the operation and restoration of a site will, where appropriate, protect water resources from pollution.

#### Flood Risk

- 5.54 Responsibility for flood risk management is divided between the Environment Agency and the Council in its role as the Lead Local Flood Authority (LLFA). The Environment Agency is responsible for taking a strategic overview of the management of all sources of flooding and has specific responsibility for the management of flood risk from main rivers and from the sea.
- 5.55 The LLFA is responsible for managing the risk of flooding from surface water and groundwater and is responsible for the management of ordinary watercourses (namely small, local watercourses that are not designated as main rivers).
- 5.56 Development should be directed away from areas at the highest risk of fluvial or surface water flooding. Where development on land at risk of flooding is proposed, its acceptability will be determined through the application of the sequential test (except those sites allocated in the Plan that were subject to the sequential test as part of the Strategic Flood Risk Assessment process) and, if necessary, the exception test.
- 5.57 Waste treatment (except landfill and hazardous waste facilities) is classified as a 'less vulnerable' form of development with reference to flood risk and is generally appropriate in areas designated as Zone 1 and Zone 2 for fluvial flood risk. Landfill and hazardous waste facilities are classified as 'highly vulnerable' forms of development and are generally only appropriate in areas designated as Zone 1 for fluvial flood risk. Sand and gravel working is classified (in the NPPF Annex 3) as 'Water-compatible' development, which is appropriate in all flood zones. Other minerals working and processing is classified as 'less vulnerable', appropriate in all flood zones apart from 3b where the exception test is required to be applied. On-site flood risk should be reduced through layout and design.
- 5.58 Development on land identified as being at substantial risk of flooding from surface water or groundwater should be discussed with the LLFA at the earliest possible stage of project development. The purpose of those discussions would be to identify options for the effective management of the likely impact of the proposed development on surface water or groundwater flood risk.

#### Pollution Control and Amenity

- 5.59 Provision for minerals and the effective management of waste must be balanced with the need to protect people and the environment from potential harm. If alternative locations are available, needs should normally be met on land that causes least overall harm to amenity, particularly bearing in mind the

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need to protect human health. Minerals and waste development often gives rise to concerns about pollution and harm to people and the environment. Planning decisions should make sure that no unacceptable harmful impact results from development and measures can normally be put in place to make sure that development meets appropriate standards.

- 5.60 Issues such as noise, dust, air quality and vibration should be considered when considering proposals for mineral and waste development. A buffer zone can help to mitigate potential harm from workings. Standard distances for buffer zones between workings and sensitive receptors are not specified as they can lead to unnecessary restriction and in some instances sterilisation of mineral resources; they may also result in inadequate protection measures for affected property. In line with the PPG on Minerals (¶018), the extent of any buffer zone should be decided on a case-by-case basis at the planning application stage.
- 5.61 The environment is one of the three overarching objectives identified in NPPF. This includes the requirement for planning to contribute to conserving and enhancing the natural, built and historic environment by minimising waste and pollution. Many of the issues raised by mineral development are also relevant to proposals for waste management and in particular concerns about odour, vermin, birds, litter and light pollution may arise; all of which should be addressed as part of any planning application. Proposals for development should also consider the cumulative impact of working on local amenity.
- 5.62 The Environment Agency operates controls that overlap with the planning process. Planning focuses on the acceptable use of land and the impact of that use and when decisions are made it can be assumed that pollution control regimes will operate effectively to control emissions to air and discharges to water, and so on. An application for an environmental permit can be sought prior to or concurrently with a planning application. This allows for all relevant information to be available at the planning stage and can help avoid unnecessary duplication of controls. Planning conditions should not normally be used to control matters that are normally the subject of an environmental permit.

### **Policy DM 8 Noise and Vibration**

- 1. All mineral and waste development will be expected to demonstrate (through the submission of a noise impact assessment) that all direct, indirect and cumulative noise and vibration impacts arising from the proposal would not result in unacceptable impacts on public health and amenity throughout the lifetime of the development.**
- 2. In accordance with Planning Practice Guidance<sup>56</sup>, noise attributable to minerals developments shall not exceed the background noise levels, LAeq 1 hour (free field) by more than 10dB(A) at noise sensitive properties during normal working hours (07:00 to 19:00), subject to:**

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<sup>56</sup> PPG: Minerals (2014) Reference ID: 27-021-20140306 <https://www.gov.uk/guidance/minerals>  
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- i. a maximum of 55dB(A) LAeq 1 hour (free field) during weekday daytime (07:00 to 19:00)
  - ii. a maximum of 55dB(A) LAeq 1 hour (free field) during Saturday daytime (07:00 to 13:00)
  - iii. a maximum of 55dB(A) LAeq 1 hour (free field) during evening (19:00 to 22:00)
  - iv. a maximum of 42dB(A) LAeq 1 hour (free field) during night time (22:00 to 07:00)
3. Sunday, Public/Bank holiday and night-time working near to noise sensitive properties or receptors should be avoided where practicable. Developments that are required to operate at these times shall provide extensive noise mitigation measures and, when operational, shall proactively seek to minimise noise throughout the life of the development, based on the findings of comprehensive environmental noise monitoring. A limit of 42dB (A) LAeq 1 hour (free field) shall apply.
4. Where relevant, a site-specific impact assessment may be required to determine existing/ambient levels, identify potential impacts and appropriate avoidance and/or mitigation measures to be implemented. Where applicable, a site management and monitoring plan should be developed to ensure the implementation and maintenance of mitigation measures throughout operations. Applicants should liaise with appropriate personnel within the Environment Agency and the Council's Environmental Protection Team prior to the submission of a planning application to establish the scope of any assessments required.

### **Supporting information**

- 5.63 Minerals and waste development can result in adverse impacts on amenity by virtue of scale, appearance, type and intensity. Amenity refers to residents' expectations for enjoyment of their surroundings and amenity considerations can cover a range of issues including noise and vibration and can extend to perceptions of the possible effects of development on health.
- 5.64 Such impacts need to be managed effectively if the development is to be considered acceptable. The potential impacts of noise and vibration should be addressed for each stage of the development including any demolition and site restoration activities, and in terms of the vehicle movements generated by all phases of the development.
- 5.65 It is recognised that some temporary activities, including soil stripping, construction and removal of soil storage and baffle mounds, aspects of road construction and maintenance can present particular noise impacts. For such activities, increased temporary weekday daytime noise level limits should not exceed 70dB(A) LAeq 1 hour (free field) for periods of up to eight weeks in a year at specified noise sensitive properties. Operators will be expected to make every effort to deliver temporary works at a lower level of noise impact. The NPPF (2021) ¶210.g recognises that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction.

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- 5.66 Where tonal noise and/or peak and impulsive noise would contribute significantly to total site noise, separate limits will be required independent of the background noise levels and may include Lmax in specific octave or third octave bands and will not be allowed to occur regularly at night.
- 5.67 A noise impact assessment would be required to determine existing/ambient levels, identify potential temporary and permanent direct and indirect impacts, along with cumulative impacts and appropriate avoidance and/or mitigation measures to be implemented. The noise assessment shall identify all embedded and residual mitigation requirements and requirements for any long-term monitoring and shall demonstrate that there are no impacts on nearby sensitive receptors or adjacent land uses.

### Policy DM 9 Air Quality: Dust and Odour

- 1. Proposals for new minerals and waste development, and for the expansion of existing operations, will only be permitted where the applicant can demonstrate that the proposed development will not have a demonstrable adverse impact on amenity, human health, air quality and the natural and historic environment, with regard to dust, odour, bioaerosols and other emissions (including no detrimental impact on the AQMAs). All emissions should be controlled, mitigated or removed at source and should not have a significant detrimental impact on residential amenity or human health.**
- 2. Where relevant, a site-specific impact assessment may be required to determine existing/ambient levels, identify potential impacts and appropriate avoidance and/or mitigation measures to be implemented. Where applicable, a site management and monitoring plan should be developed to ensure the implementation and maintenance of mitigation measures throughout operations. Applicants should liaise with appropriate personnel within the Environment Agency and the Council's Environmental Protection Team prior to the submission of a planning application to establish the scope of any assessments required.**

### Supporting information

- 5.68 The release of fumes and other emissions to air, including bioaerosols, from some types of minerals and waste development could be, or perceived to be, a source of adverse impact on human health and amenity. Odour arising from some types of waste management activities can give rise to impacts on the amenity and wellbeing of communities, and dust arising from any phase of development can also be a source of nuisance for communities.
- 5.69 For proposals that would be likely to adversely impact air quality through emissions of pollutants or particulate matter, including as a result of traffic generation, the developer should provide an assessment of the impact on surrounding sensitive receptors. Assessments should make use of appropriate methodologies and definitions of significance.
- 5.70 Issues to be addressed include emissions to air of pollutants (such as oxides of nitrogen or particulates) arising from site preparation, operation, and where

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relevant, decommissioning and restoration, and from related traffic. Any assessment should identify the controls, mitigation measures and monitoring arrangements that would be applied to avoid adverse impacts. The potential for development to impact on designations including Air Quality Management Areas should also be addressed.

- 5.71 Where necessary an air quality assessment should include an assessment of odour emissions from the proposal and may require the preparation of an odour management plan. Emissions arising because of waste management processes may also be subject to control under other regulatory regimes, including the Environmental Permit regime, and close liaison with the Environment Agency is required prior to submitting an application to inform the preparation of any air quality assessment and odour management plan.

### Policy DM 10 Other Amenity Impacts

**Minerals and waste development will be permitted where it can be demonstrated that they are unlikely to generate significant adverse impacts from illumination, litter and pests, or other harm to the qualities of life and wellbeing to communities and the environment. Planning applications should provide sufficient information to identify how these impacts will be minimised and managed throughout the lifetime of the development. Illumination levels and siting and design of lighting should be designed to make sure there are no significant adverse impacts on residential amenity, wildlife or highway safety, whilst allowing safe operation of activities on site.**

#### Supporting information

- 5.72 All proposals for minerals and waste development will need to show that suitable consideration has been given to the impacts of the development on the quality of life and wellbeing of communities and the environment. Significant adverse impacts should be identified and mitigated against. Developers should consider the potential for the use of artificial lighting to give rise to adverse impacts on local amenity and should aim to minimise the incidence of light pollution, glare and sky glow.

### Policy DM 11 Historic Environment

- 1. Planning permission will be granted for minerals and waste development where it can be demonstrated that heritage assets will be conserved in a manner appropriate to their significance and (where possible) the historic environment is enhanced.**
- 2. All development proposals that would directly affect any heritage asset and/or its setting (designated or non-designated) must be accompanied by a Heritage Statement that will be expected to identify the:**
  - i. nature, extent and significance of the asset(s) and their setting;**
  - ii. potential adverse impacts that are likely to arise, specifically identifying where substantial harm or loss of significance is likely to occur, as result of the proposed development;**

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- iii. measures required to avoid and/or minimise potentially adverse impacts to an acceptable level;
  - iv. the requirement for a programme of post-permission works including any mitigation measures and long-term monitoring; and
  - v. opportunities for the enhancement of the historic environment (where possible).
3. Proposals located within the Jodrell Bank Observatory Consultation Zone may be required to submit sufficient information (such as electromagnetic interference attenuation calculations) to establish the interference levels that the proposal would have to comply with to protect the efficiency of the telescopes. An Electromagnetic Interference Management Scheme may be required to be implemented and maintained for the duration of the development.

### **Supporting Information**

- 5.73 Mineral extraction, by its nature, has the potential to have adverse impacts on the historic environment, particularly archaeological interests. However, it is acknowledged that both minerals and waste development also have the potential to affect different types of heritage assets and their setting.
- 5.74 To establish the presence and significance of heritage assets (both designated and undesignated) and their setting, and the elements that contribute towards significance, proposals for minerals and waste development should include a phased assessment involving a desk-based assessment, walk over survey and field evaluations (as appropriate). The field evaluation would normally include an archaeological geophysical survey and targeted trial trenching to ground truth the results. This is particularly important in the case of archaeology, where assets may not be identified until the process of assessment or evaluation has begun. The assessment should also set out measures to ensure careful management of assets as well as measures required to avoid and/or minimise potentially adverse impacts to acceptable levels (and appropriate to their significance) including the requirement for a programme of post-permission works and opportunities for conservation and enhancement. Opportunities could include incorporating specific features into landscaping or restoration schemes to reinforce our connection with the historic environment and contribute to a sense of place.
- 5.75 LPS Policy SE14 'Jodrell Bank' sets out the requirements for development in proximity to the observatory. Emerging SADPD Policy HER 9 'World Heritage Site' provides further information on these requirements. Jodrell Bank Observatory will be consulted on applications within the Jodrell Bank Observatory Consultation Zone and applicants may be required to submit a Radio Interference Assessment (RIA) and a mitigation plan to demonstrate that proposals do not impair the efficiency of the telescopes or have an adverse impact on the historic environment and visual landscape setting of the Jodrell Bank Radio Telescope. A range of factors will be relevant when considering whether a RIA is required including scale and type of development, location in proximity to the telescopes, and site layout and topography.

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## Policy DM 12 Sites of Regional and Local Importance (including Nature Recovery Networks)

**Planning permission will not be granted for minerals or waste development that would have a significant adverse effect on the character, appearance, ecological, geological, landscape or amenity value of land of biodiversity or geological value, including:**

1. Core areas of the ecological network
2. Potential Special Protection Areas, candidate Special Areas of Conservation or proposed Ramsar sites
3. Local Geological Sites
4. Local Landscape Designation areas
5. Trees and woodlands
6. Country parks, local green spaces, village greens and other areas of open space
7. Conservation areas and locally listed buildings (including their setting);
8. Strategic and local green gaps;
9. Land or buildings in sport, recreational or tourism use;
10. Land that is of regional or local importance for wildlife corridors or for the conservation of biodiversity;
11. Local Nature Recovery Strategy and Nature Recovery Network

**unless it can be demonstrated that there is an overriding need for the development and any impacts can be satisfactorily mitigated or compensated for, such that there is a net gain or improvement to their condition.**

### Supporting information

5.76 Regionally and locally important sites are designated in recognition of their significance at the local and/or regional level. The level of protection afforded to such sites reflects their significance to the fabric of the local natural, historical and built environment, as well as the important role that they can provide as local community facilities. These sites include core areas identified in the ecological network<sup>57</sup> consisting of:

- Special Areas of Conservation;
- Special Protection Areas;
- Ramsar sites;
- Sites of Special Scientific Interest;
- National Nature Reserves;
- Local Nature Reserves;
- (non statutory) Local Wildlife Sites; and
- UK priority habitats.

5.77 These sites also include Local Geological Sites, Country Parks, conservation areas, protected woodlands, open space within built-up areas, Green Gaps

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<sup>57</sup> Emerging SADPD Policy ENV 1 'Ecological network'

(including those identified in neighbourhood plans), land or buildings for recreational use and sites identified and protected in neighbourhood plans.

- 5.78 Whilst minerals and waste development that would have damaging effects on these sites should not be allowed, there may be measures that can be put in place to prevent the harm occurring, and in some circumstances, there may be other material factors that are sufficient to override preservation of the features. Where adverse effects cannot be avoided, provision for the creation of new and/or enhancement of the existing areas of interest may be required in compensation.

### Policy DM 13 Land Stability and Subsidence

1. Proposals for mineral and waste development will be permitted if it can be demonstrated (including through submission of a land and slope stability risk assessment where appropriate) that they will not have an adverse effect on the stability or safety of surrounding land, buildings and watercourses, both during and following cessation of operations.
2. Proposals for new or extended mineral extraction, or proposals for the placement of waste on land, will be required to contain an appraisal of slope stability carried out by a suitably qualified person.
3. Proposals under criterion 1. and 2. of Policy DM 13 should identify and assess the significance of any potential hazard to people, property and environmental assets, and identify any features that could adversely affect the stability of the minerals or waste mass. As well as considering the land stability implications of the operational stages of the development, the appraisal should address the site's stability following restoration, including the suitability of the site for the intended afteruse and, where relevant, the differential settlement of materials that may be used to backfill the site.

### Supporting information

- 5.79 National policy and guidance states that tip and quarry slope stability is an issue to consider for mineral development, and that the planning system works alongside several other regimes to consider this issue. Similarly land stability and subsidence is a factor to consider in relation to landfill and landraise proposals.
- 5.80 Whilst the Quarries Regulations 1999 place a duty on the site operator to ensure the safety of quarry excavations and tips and, once abandoned, that the quarry is left in a safe condition, and there is a recognition that the MPA should not duplicate the role of the bodies responsible for monitoring and enforcing these regulations, slope stability needs to be considered at the time of the making a decision.

## Policy DM 14 Community Liaison

**Proposals for minerals and waste development will be permitted provided that, where necessary, a site liaison group is established by the operator to address issues arising throughout the period of working and restoration of the site.**

### Supporting information

- 5.81 Community liaison committees provide a forum for site issues to be discussed. Some existing mineral extraction and landfill sites in the Plan area have liaison groups to assist communication between operators and the local community. National policy encourages preapplication discussion and proactive working.<sup>58</sup>

## Policy DM 15 Cumulative Impact

**Proposals for minerals development and waste development, including the intensification of use, will be permitted provided that a significant adverse level of disturbance to the environment and/or to residents, businesses and visitors will not result, either individually or as a cumulative effect (simultaneously and/or successively), alongside other existing development and planned allocations. Planning conditions may be used to co-ordinate working, thereby reducing the cumulative impact.**

### Supporting Information

- 5.82 The cumulative impact of several minerals and/or waste management operations either on one site or in close proximity to each other may be a factor that needs to be assessed, as well as the effects of these types of developments in conjunction with other developments in an area.
- 5.83 It is important to consider the suitability of granting permission for sites that would be in close proximity to other minerals or waste sites. Proposals for simultaneous and/or successive operations at several sites in a wider area of commercially viable deposits may impact on the amenity of communities and localities over an extended period, depending on the nature, age and size of the site(s). Such cumulative impacts can occur in several ways:
- the cumulative impact of a number of separate effects from a single site;
  - the cumulative effects from two or more active sites, including sites being restored or used for waste;
  - the combined effect on the landscape and ecology from the working, re-working and restoration of several sites; or
  - the cumulative impact on the quality of life of local communities from a relatively unbroken sequence of working and restoration.
- 5.84 Adverse cumulative impacts could include increased levels of noise, vibration, dust, odour and artificial lighting. The local highway network could also be

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<sup>58</sup> <https://www.cheshireeast.gov.uk/pdf/planning/spatial-planning/sci-2022.pdf>  
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affected by increased HGV movements with additional hazards related to road safety.

### Policy DM 16 Aerodrome Safeguarding

1. Minerals and waste development within safeguarded aerodromes will only be permitted where it can be clearly demonstrated that it will not result in any unacceptable adverse impacts on aviation safety, as follows:
  - i. for waste development, during the construction, operation, and (where relevant) restoration and afteruse phases, and;
  - ii. for mineral extraction, during the restoration and afteruse phases.
2. Where bird strike is identified as a potential hazard, then the preparation and implementation of an approved Bird Management Plan may be required.

### Supporting Information

- 5.85 Minerals and waste development proposals located close to aerodromes, airports or their flight path can be potential hazards to aircraft safety. A common risk from mineral and waste developments is where they are likely to attract birds, which could increase the risk of bird strike. Risks to aviation safety from site restoration proposals in particular are not only associated with water-based habitat types, for example some bird species associated with bird strike can be found on agricultural land or operational landfill schemes. This policy does not preclude any specific forms of restoration or afteruse but seeks to make sure that aviation safety is fully considered and addressed through appropriate consultation, avoidance and mitigation.
- 5.86 The aerodrome safeguarding zones for safeguarded aerodromes are defined on safeguarding maps authorised by the Civil Aviation Authority and issued by the aerodrome safeguarding authority. Their purpose is to define certain types of development that require prior consultation with the safeguarding authority or National Air Traffic Services Ltd for them to assess the implications of these developments for the safe operation of aircraft using the airport and its airspace.
- 5.87 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.

### Policy DM 17 Sustainable Use of Soils

Minerals and waste development that adversely affects agricultural land classified as ‘best and most versatile’ (Grades 1, 2 and 3a) will only be permitted where it can be shown that:

1. There is an overriding need for the facility;
2. There is no suitable alternative site of lower agricultural quality that provides the same benefits in terms of sustainability; and

3. In the case of temporary uses, the land could be restored to its previous agricultural quality or better, or another beneficial afteruse can be secured that outweighs any loss.

### **Supporting Information**

- 5.88 Where development would affect best and most versatile agricultural land the long-term impact on soil resources, agricultural land quality and farming, and other established rural land uses will be considered. This assessment should be informed by a soil and land quality survey and a soil handling and replacement strategy, where appropriate. The approach to the long-term protection of best and most versatile soils could potentially allow for the movement of such soils off-site to be used on lower quality agricultural land, for example, where mineral extraction is below the water table and wetland habitat would be the most appropriate restoration option. Biodiversity-led restoration also provides an opportunity to protect soils, enabling habitat creation in addition to soil conservation for future agricultural needs.

### **Policy DM 18 Public Rights of Way**

**Planning permission will be granted for minerals and waste development where it is demonstrated that the proposal would not 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). Where disruption of a right of way is unavoidable, convenient and safe diversion or the creation of an alternative route (both during operations and following restoration of the site) will be required, which should provide clear and demonstrable benefits for the wider community. The opportunity should be taken, wherever possible, to make provision for appropriate, improved access to the Public Right of Way network that contributes positively to:**

- 1. The Cheshire East Cycling Strategy;**
- 2. The Cheshire East Rights of Way Improvement Plan Strategy and Implementation Plans; and**
- 3. The walking, cycling and public transport objectives of the Cheshire East Local Transport Plan.**

### **Supporting information**

- 5.89 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. 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.

## 6. Monitoring and Implementation

- 6.1 A monitoring framework (MWP MF) has been developed, set out in Table 6.2, to effectively monitor the policies of the MWP. 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 MWP and adds to the monitoring framework contained in Table 16.1 of the LPS and [MM72] (Table 13.1) of the Revised Publication Draft SADPD (emerging SADPD).
- 6.2 The relevant minerals and waste indicators contained in the LPS and emerging SADPD monitoring frameworks are set out in Table 6.1. As LPS Policies SE 10 'Sustainable Provision of Minerals' and SE 11 'Sustainable Management of Waste' are proposed to be deleted and replaced with Policies in this MWP the indicators in the LPS monitoring framework that relate to these Policies are proposed to be deleted also (MF11 Mineral provision and landbanks and MF16 Waste arisings and the amounts of waste recycled, recovered or going for disposal) and therefore do not appear in Table 6.1.

Indicator No.	Indicator
<b>LPS monitoring framework</b>	
MF14	Creation and loss of areas designated for their intrinsic environmental value including sites of international, national, regional, sub-regional or local significance
MF15	Listed Buildings at risk of loss
<b>Emerging SADPD monitoring framework</b>	
MF31	Number of designated heritage assets
MF33	Number of planning applications approved contrary to EA <sup>59</sup> advice on water quality grounds
MF34	Number of planning applications approved contrary to EA advice on flood risk
MF35	Ecological and chemical river quality
MF36	Highest, lowest and average air quality in Air Quality Management Areas

**Table 6.1: LPS and Emerging SADPD Indicators Relevant to the MWP**

- 6.3 The Council also publishes a LAA<sup>60</sup> every year through the NW AWP, which identifies the need for aggregates and highlights any shortfalls. As a result indicators in the LAA are not being identified in the MWP MF unless the Council feel there is a need to supplement what the LAA is doing.
- 6.4 The MWP 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:

<sup>59</sup> Environment Agency

<sup>60</sup> [https://www.cheshireeast.gov.uk/planning/spatial-planning/research\\_and\\_evidence/minerals-background-evidence.aspx](https://www.cheshireeast.gov.uk/planning/spatial-planning/research_and_evidence/minerals-background-evidence.aspx)

- review the policies in the MWP<sup>61</sup> to see if they need to be amended to deliver the Objectives of the MWP
  - consider alternative strategies
  - take appropriate management action to remedy the cause of under-performance
- 6.5 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.

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<sup>61</sup> 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 then should 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 early review if local housing need is expected to change significantly in the near future.’

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<b>Indicator No.</b>	<b>Indicator</b>	<b>Target</b>	<b>Trigger<sup>62</sup></b>	<b>Proposed action for target not being met</b>
MF37	Number of proposals permitted in a Mineral Safeguarded Area that resulted in mineral resource sterilisation.	No sterilisation of safeguarded minerals resources	Planning application approved contrary to Policy MIN 1.	Review reasons for decision. Consider as part of five-year plan review if necessary.
MF38	Number of proposals permitted that impact on the protection of mineral sites, and transport or processing infrastructure.	No permissions impacting on protected minerals sites, and transport or processing infrastructure	Planning application approved contrary to Policy MIN 2.	Review reasons for decision. Consider as part of five-year plan review if necessary.
MF39	Stock of permitted non-aggregate (silica) sand reserves	Achieving at least 10-year stock of permitted non-aggregate (silica) sand reserves at each existing site.	Not achieving the target.	Review reasons for decision. Consider as part of five-year plan review if necessary.
MF40	Location of new non-aggregate (silica) sand development	Majority of permissions in first or second priority locations in accordance with the hierarchy of resource delivery.	Majority of permissions in third or fourth priority locations within the hierarchy of resource delivery	Review reasons for decision. Consider as part of five-year plan review if necessary.
MF41	Aggregate (construction) sand landbank	Achieving at least 7-year aggregate (construction) sand landbank across the MWP area.	Not achieving the target.	Review reasons for decision. Consider as part of five-year plan review if necessary.

<sup>62</sup> 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.

<b>Indicator No.</b>	<b>Indicator</b>	<b>Target</b>	<b>Trigger<sup>62</sup></b>	<b>Proposed action for target not being met</b>
MF42	Location of new aggregate (construction) sand development	Majority of permissions in first or second priority locations in accordance with the hierarchy of resource delivery.	Majority of permissions in third priority location within the hierarchy of resource delivery	Review reasons for decision. Consider as part of five-year plan review if necessary.
MF43	Progress in meeting unmet sand needs through allocations and areas of search	For allocated sites to come forward and other proposals to be located in the areas of search identified	Allocated sites not progressing in a timely manner and other proposals coming from outside of areas of search	Liaise with mineral operators regarding lack of progress on allocated sites. Consider as part of five-year plan review if necessary.
MF44	Non-aggregate sandstone (rock) sales	Maintaining a supply of non-aggregate sandstone (rock) reserve, equivalent to at least 20 years sales.	Significant change in the amount of non-aggregate sandstone (rock) sold, over a five-year period based on average sales	Consider as part of five-year plan review if necessary.
MF45	Location of any additional salt reserves	Locate additional salt reserves on the preferred areas of extension located in Policy MIN 8	The granting of permission for new salt reserves that are located outside of the preferred areas of extension identified by sites MIN 8.1 and MIN 8.2	Review reasons for decision. Consider the future of sites MIN 8.1 and MIN 8.2 as part of five-year plan review if necessary.
MF46	Creation of salt cavities for storage purposes	Prevent cavities being created purely for storage purposes where best use isn't made of the extracted salt	Cavities being created purely for storage purposes where best use isn't made of the extracted salt	Review reasons for decision. Consider as part of five-year plan review if necessary.
MF47	Waste management capacity	Meet the shortfalls in waste management capacity identified in the current waste	The shortfalls in waste management capacity identified in the current waste	Consider as part of five-year plan review if necessary.

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<b>Indicator No.</b>	<b>Indicator</b>	<b>Target</b>	<b>Trigger<sup>62</sup></b>	<b>Proposed action for target not being met</b>
		the current waste needs assessment	needs assessment not being met	
MF48	Location of new waste management facilities by settlement hierarchy	Majority of permission located in accordance with the settlement hierarchy	Majority of permissions in LSCs and OSRA.	Review reasons for decision. Consider as part of five-year plan review if necessary.
MF49	Location of new waste management facilities by land use/type	Majority of permissions in first or second priority locations in accordance with the hierarchy of land uses.	Majority of permissions in third or fourth priority locations within the hierarchy of land uses.	Review reasons for decision. Consider as part of five-year plan review if necessary.
MF50	Number of proposals permitted that impact on the protection of waste management facilities.	No permissions impacting on identified safeguarded waste management facilities	Planning application approved contrary to Policy WAS 6.	Review reasons for decision. Consider as part of five-year plan review if necessary.
MF51	Locally important buildings lost	No loss of locally important buildings	Loss of locally important buildings	Review reasons for decision. Consider as part of five-year plan review if necessary.

**Table 6.2: MWP Monitoring Framework**

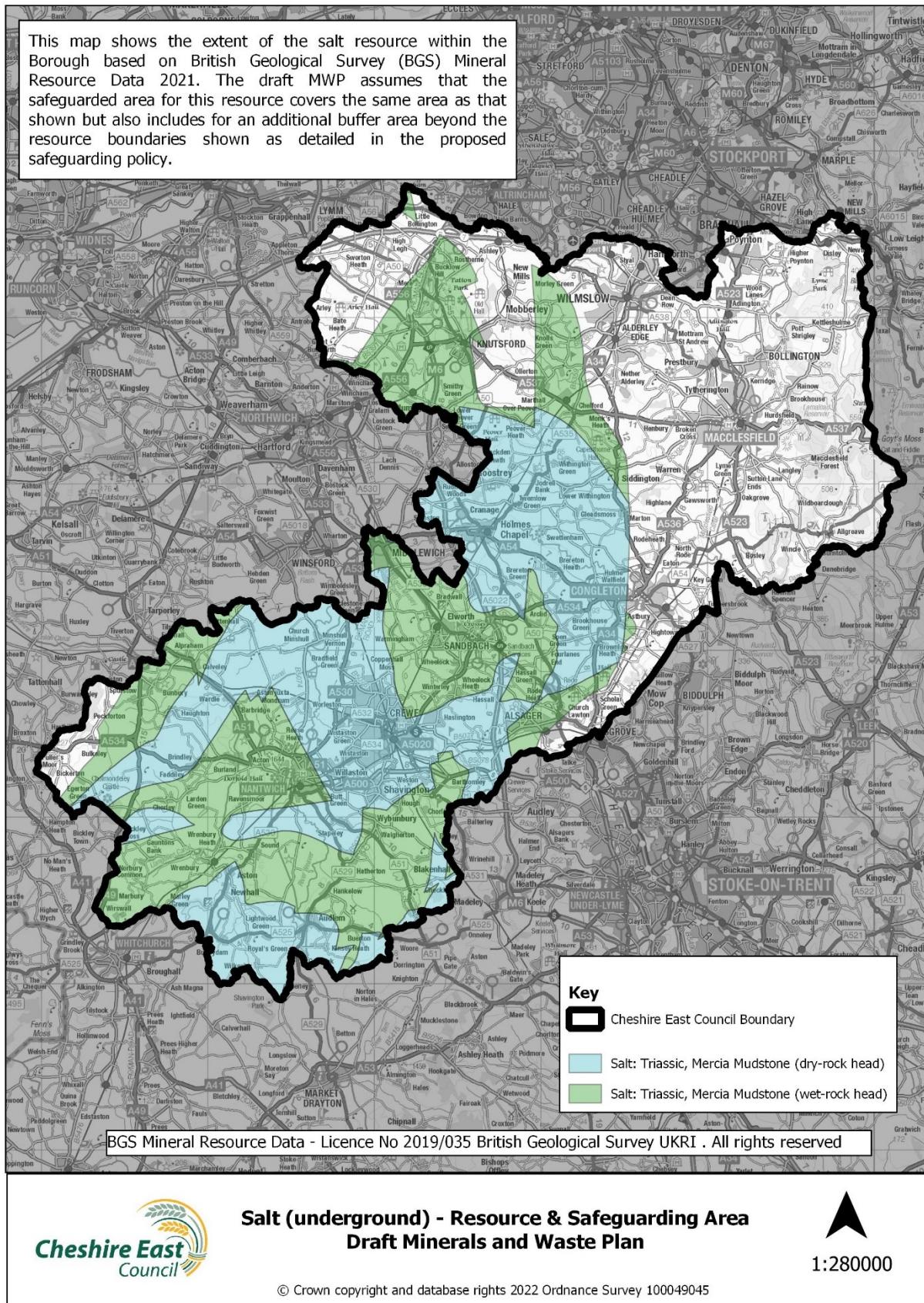
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## 7. Appendices

### Appendix A. Saved Policy Deletion and Replacement

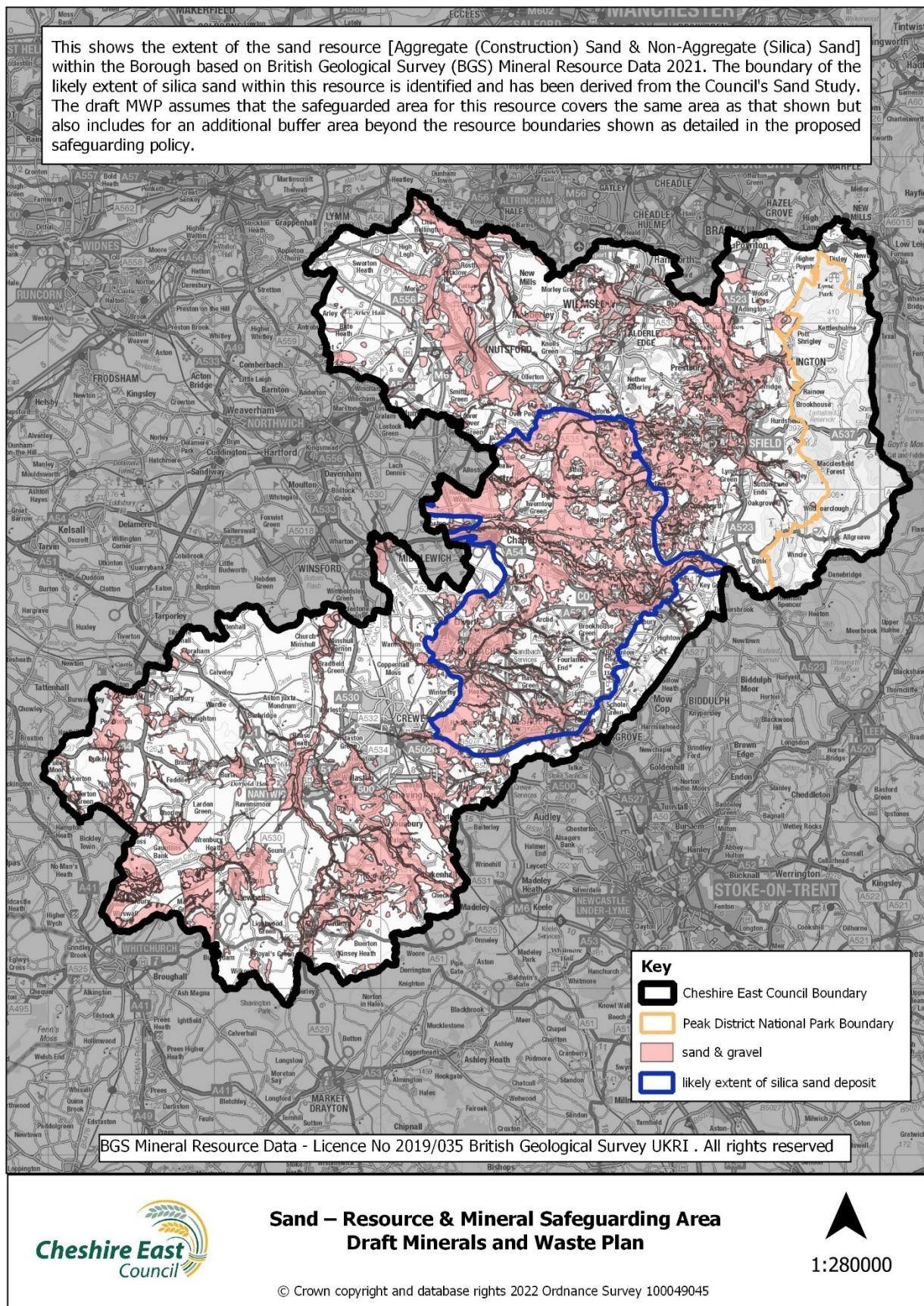
7.1 To be added

## Appendix B. Salt Resource/Proposed Safeguarding Map

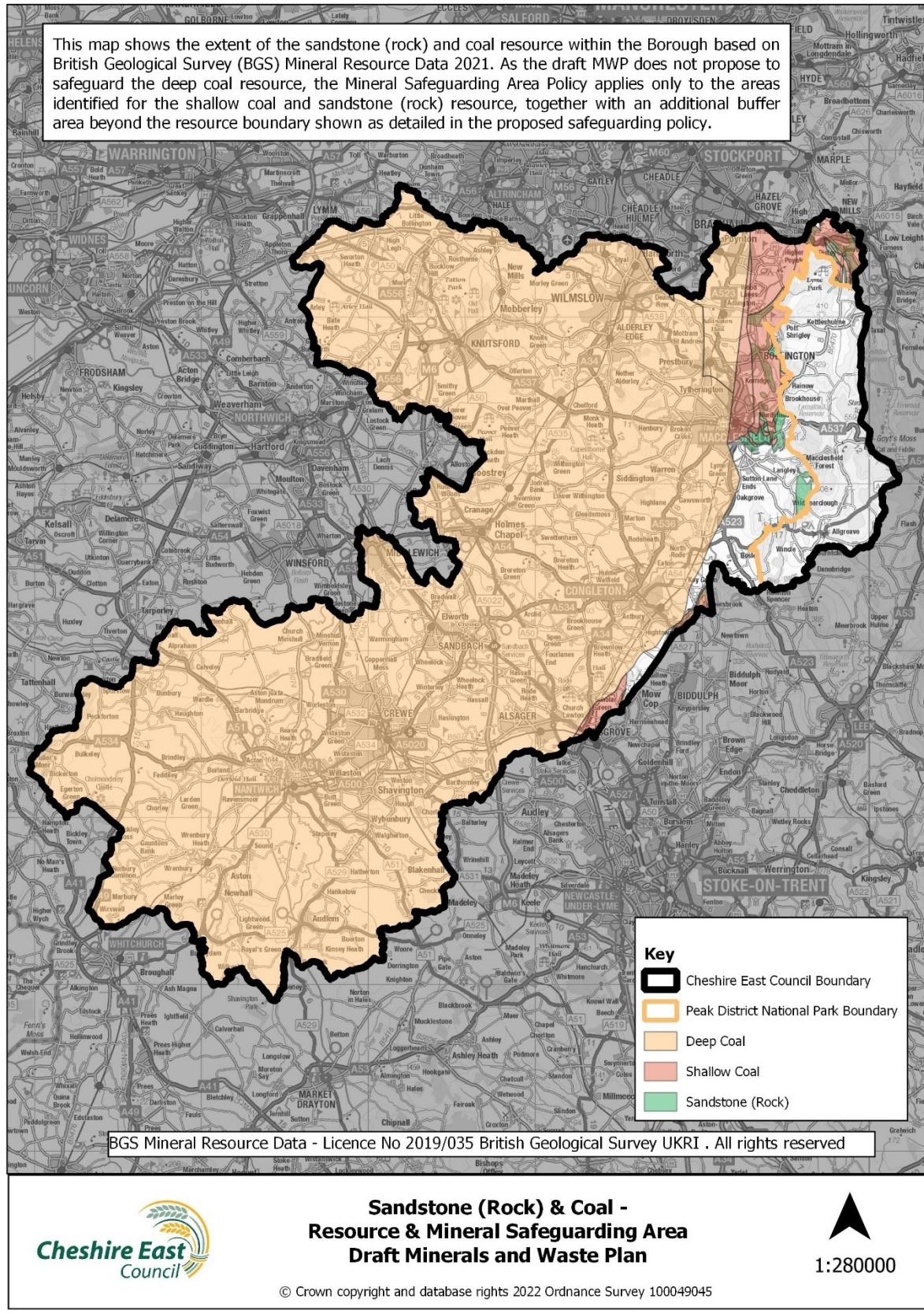


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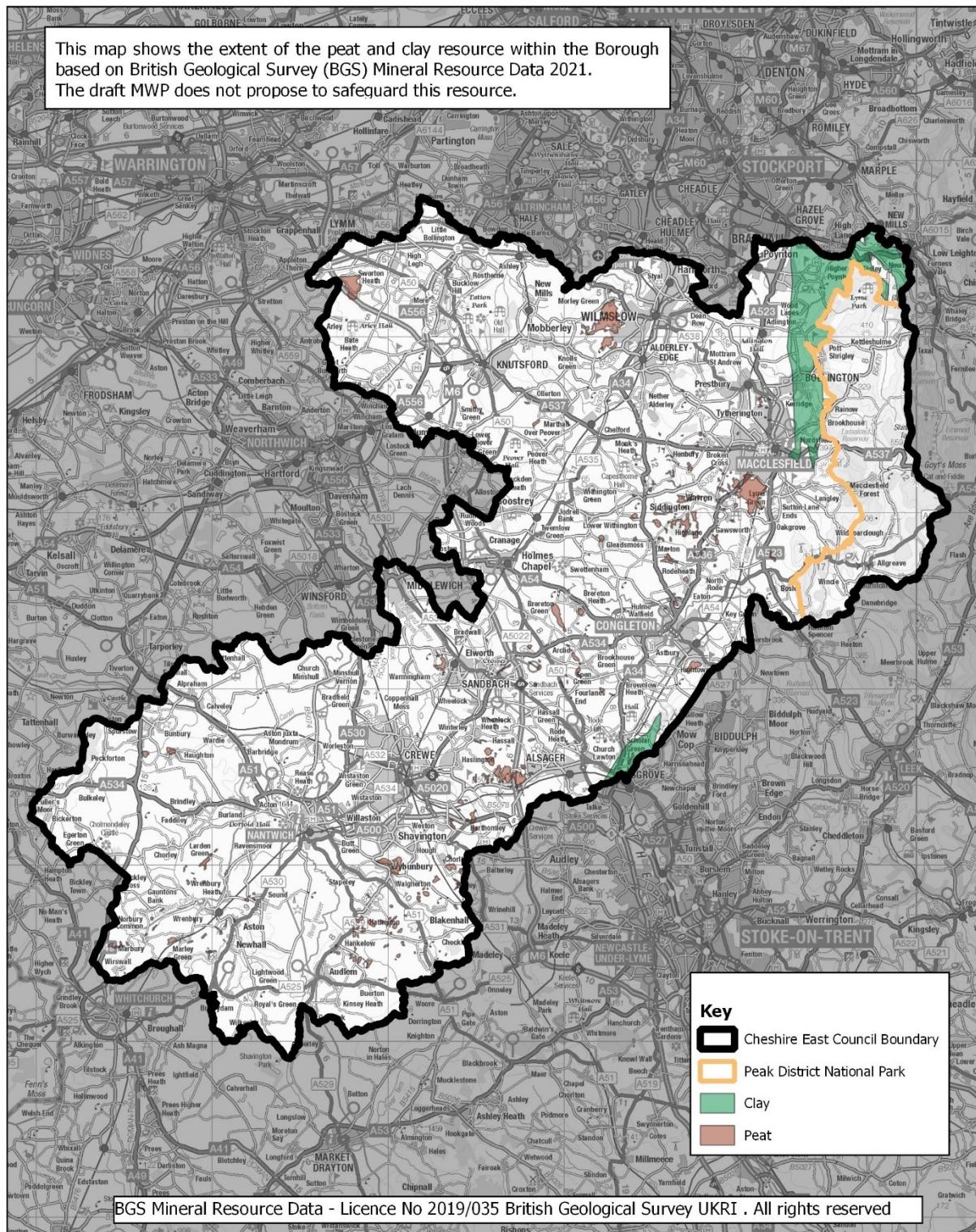
## Appendix C. Sand Resource/Proposed Safeguarding Map



## Appendix D. Rock (Sandstone) and Shallow Coal/Proposed Safeguarding Map



## Appendix E. Peat and Clay



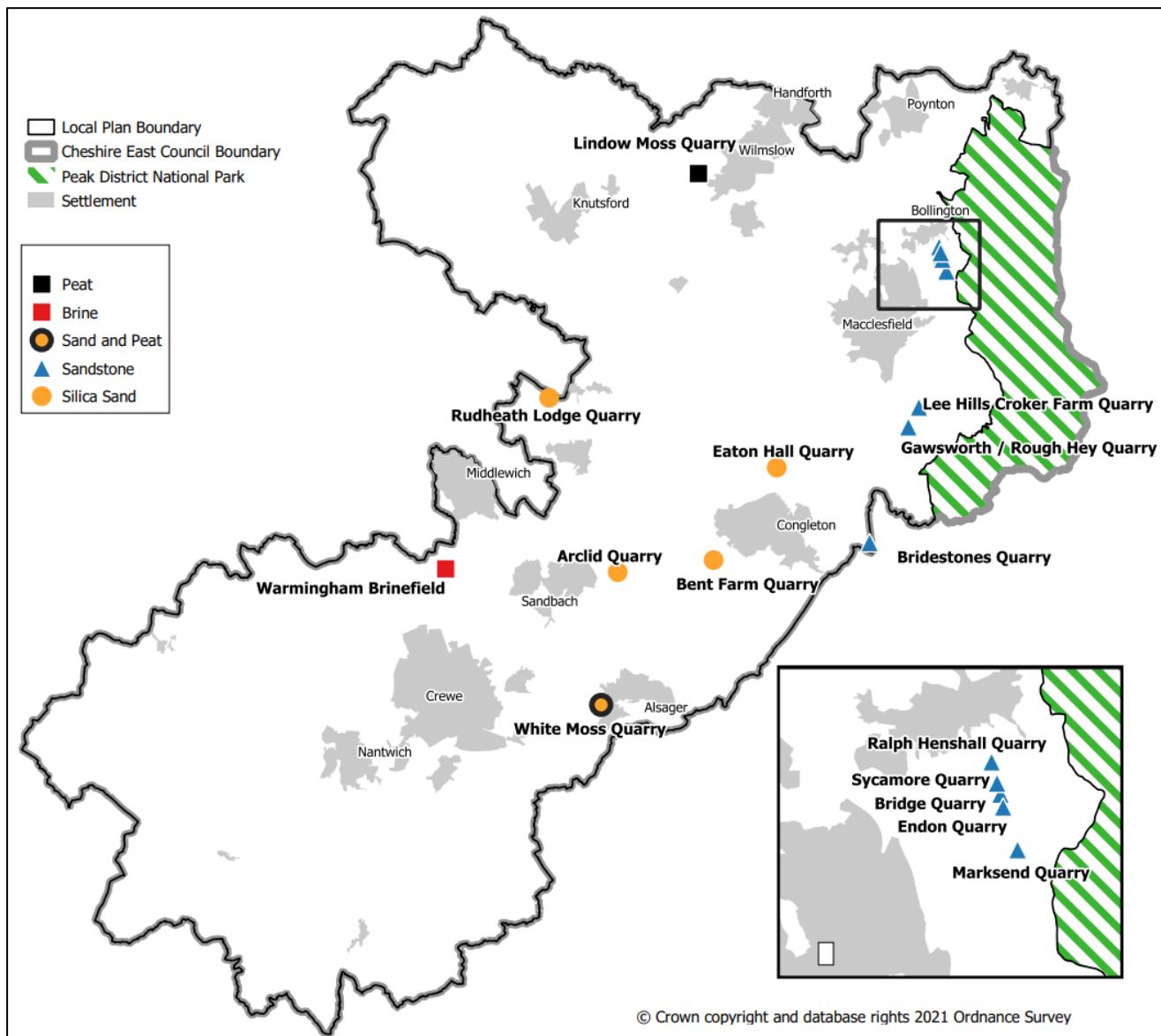
### Peat and Clay Resource Draft Minerals and Waste Plan

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## Appendix F. Permitted Mineral Extraction Sites 2021



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## Appendix G. Proposed Safeguarded Mineral Supply Sites and Infrastructure (Policy MIN 2)

<b>Site Name</b>	<b>Address</b>	<b>Operator</b>	<b>Mineral/Infrastructure Type</b>
<b>Safeguarded mineral supply sites</b>			
Warmingham Brinefields	Hill Top and Hole House Farm, School Lane, Warmingham	British Salt	Controlled solution brine mining
Holford Brinefields	Northwich (small areas within Cheshire East)	Ineos	Controlled solution brine mining
Arclid Quarry	Congleton Road, Arclid, Nr Sandbach	Bathgate Silica Sand Ltd	Silica sand with by product aggregate sand
Bent Farm Quarry	Wallhill Lane, Brownlow, Congleton, CW12 4HW	Sibelco UK Ltd	Silica sand with by product aggregate sand
Eaton Hall Quarry	Manchester Road, Eaton, CW12 2LU	Tarmac Trading Ltd	Silica sand with by product aggregate sand
Rudheath Lodge	New Platt Lane, Cranage & Allostock, CW4 8HJ	Sibelco UK Ltd	Silica sand with by product aggregate sand
White Moss Quarry	Radway Green, Crewe CW1 5UJ	Land Recovery Ltd	Sand
Bridestone Quarry	Dial Lane, Congleton, CW12 3QL	Bridestone & Brydges Ltd	Sandstone (building stone)
Bridge Quarry	Windmill Lane, Bollington Macclesfield SK10 5AZ	Earls Stone Ltd	Sandstone (building stone)
Endon Quarry	Windmill Lane, Bollington, Macclesfield SK10 5AZ	Park Skip Hire	Sandstone (building stone & aggregate)
Gawsworth and Rough Hey Quarries	Leek Rd, Gawsworth, Macclesfield SK11 0JN	O' Gara Developments Ltd	Sandstone (aggregate)

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<b>Site Name</b>	<b>Address</b>	<b>Operator</b>	<b>Mineral/Infrastructure Type</b>
Lee Hills/Croker Farm Quarry	Sutton, Macclesfield SK11 0HX	Lee Hills Quarries	Sandstone (aggregate)
Marksend Quarry	Lidgetts Lane, Rainow, Macclesfield, SK10 5AX	Earls Stone Ltd	Sandstone (building stone & aggregate)
Ralph Henshaw Quarry	Windmill Lane, Kerridge, Macclesfield, SK10 5AZ	Earls Stone Ltd	Sandstone (building stone & aggregate)
Sycamore Quarry	Windmill Lane, Kerridge, Macclesfield, SK10 5AZ	Earls Stone Ltd	Sandstone (building stone & aggregate)
<b>Infrastructure</b>			
Cemex Northern Ltd	Adlington Estate, London Road, Adlington SK10 4NL	Cemex Northern Ltd	Concrete Batching Plant
Enviro Skip Hire	Station Yard, Radway Green, Nr Alsager CW2 5PH	Enviro Skip Hire Ltd	Substitute, Secondary & Recycled Aggregates
William Beech Skip Hire Ltd	Betchton Cottage, Cappers Lane, Betchton, Sandbach CW11 2TW	William Beech Skip Hire Ltd	Substitute, Secondary & Recycled Aggregates
Total Concrete Products Ltd	Basford Old Creamery, Newcastle Road, Chorlton, Crewe, CW2 5NQ	Total Concrete Products Ltd	Precast & ReadyMix Concrete Products
Bill & Ben Skip Hire	The Yard, Brunswick Wharf, Brook Street, Congleton CW12 1RG	Bill & Ben Skip Hire Ltd	Substitute, Secondary & Recycled Aggregates
T Armstrong Concrete Blocks Ltd	Brook Street, Congleton	T Armstrong Concrete Blocks Ltd	Concrete Products
Basford Sidings	Basford Rail Sidings, Crewe	Network Rail	Rail sidings for the storage & distribution of rail ballast

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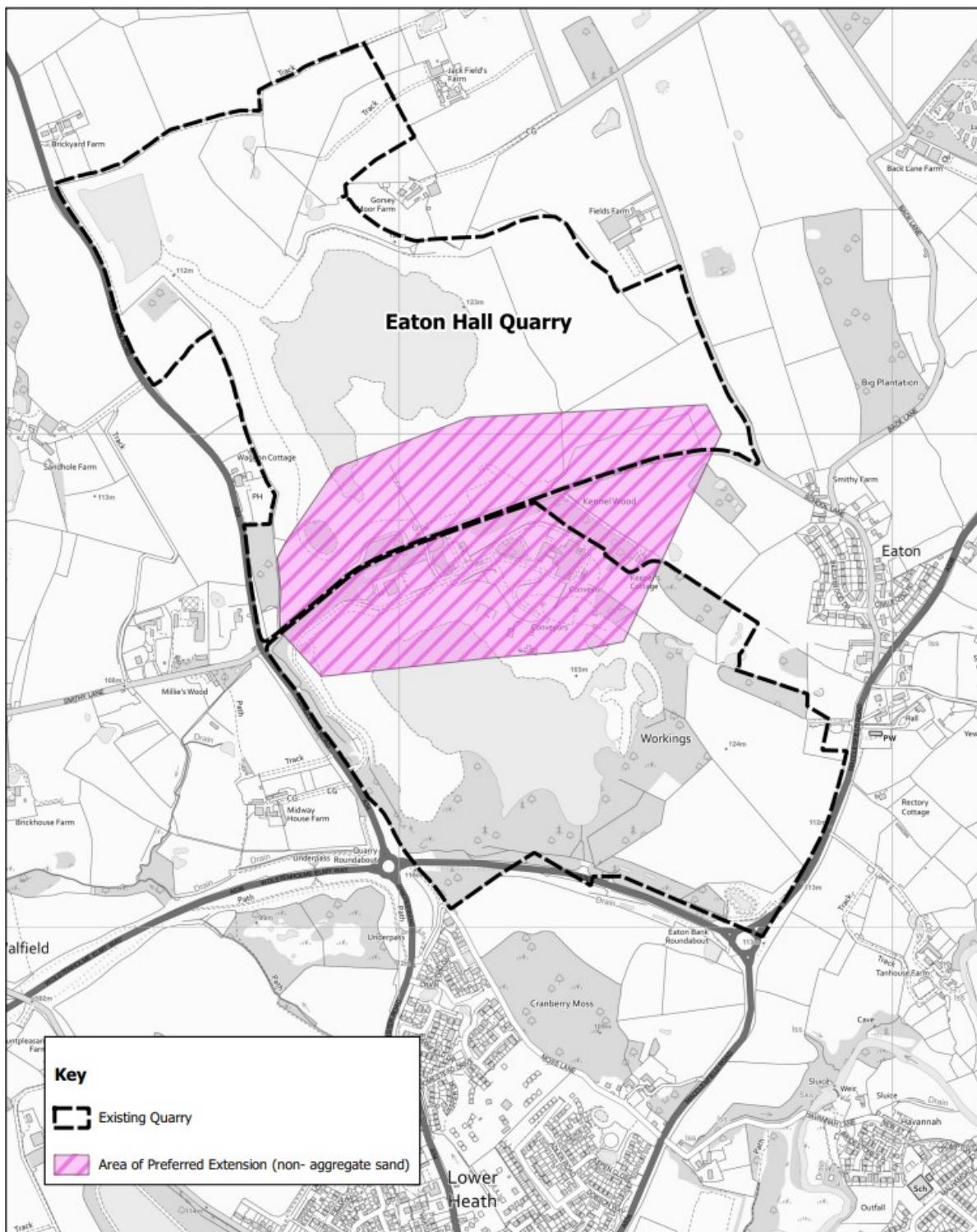
<b>Site Name</b>	<b>Address</b>	<b>Operator</b>	<b>Mineral/Infrastructure Type</b>
Breedon Southern Ltd	Second Avenue, Crewe Gates Industrial Estate, Weston Road, Crewe CW1 6BZ	Breedon Southern Ltd	Concrete Batching Plant
Cemex Northern Ltd	Second Avenue, Crewe Gates Industrial Estate, Weston Road Crewe CW1 6BZ	Cemex Northern Ltd	Concrete Batching Plant
Macclesfield Gawsworth Concrete Plant	Congleton Road, Gawsworth, Macclesfield SK11 9ET	Tarmac	Concrete Batching Plant
British Salt Works	Cledford Lane, Middlewich CW10 0JP	British Salt Ltd	Processing & manufacture of controlled salt brine solution
Aggregate Industries Ltd (Bardon Industries)	Sandbach Concrete Plant, Springvale Industrial Estate, Millbuck Way, Sandbach CW11 3HT	Aggregate Industries Ltd (Bardon Industries)	Concrete Batching Plant
Mincrete Ltd (Bulcon)	Springvale Industrial Estate Millbuck Way, Sandbach CW11 3HT	Mincrete Ltd (Bulcon)	Concrete Batching Plant
Enviro Skip Hire	Unit 3a Norton Way, Sandbach, CW11 3WL	Enviro Skip Hire Ltd	Substitute, Secondary & Recycled Aggregates
Nick Brookes Demolition & Waste Disposal	Wardle Industrial Estate, Green Lane, Wardle Nr Nantwich CW5 6DB	Scanlans Plant Hire Ltd	Substitute, Secondary & Recycled Aggregates
Scanlan's Plant Hire	Tricketts Lane, Willaston, Nantwich CW5 6PZ	Scanlans Plant Hire Ltd	Substitute, Secondary & Recycled Aggregates
Nick Brookes Demolition &	Wardle Industrial Estate, Green Lane, Wardle Nr	Nick Brookes Group	Substitute, Secondary & Recycled Aggregates

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<b>Site Name</b>	<b>Address</b>	<b>Operator</b>	<b>Mineral/Infrastructure Type</b>
Waste Disposal	Nantwich CW5 6DB		
Concrete Panel Systems	The Old Creamery, Wrenbury Industrial Estate, Station Road, Wrenbury, CW5 8EX	Graham Heath Construction Ltd	Concrete Products

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## Appendix H. Proposed Sand Allocations and AOS designations (Policy MIN 4)

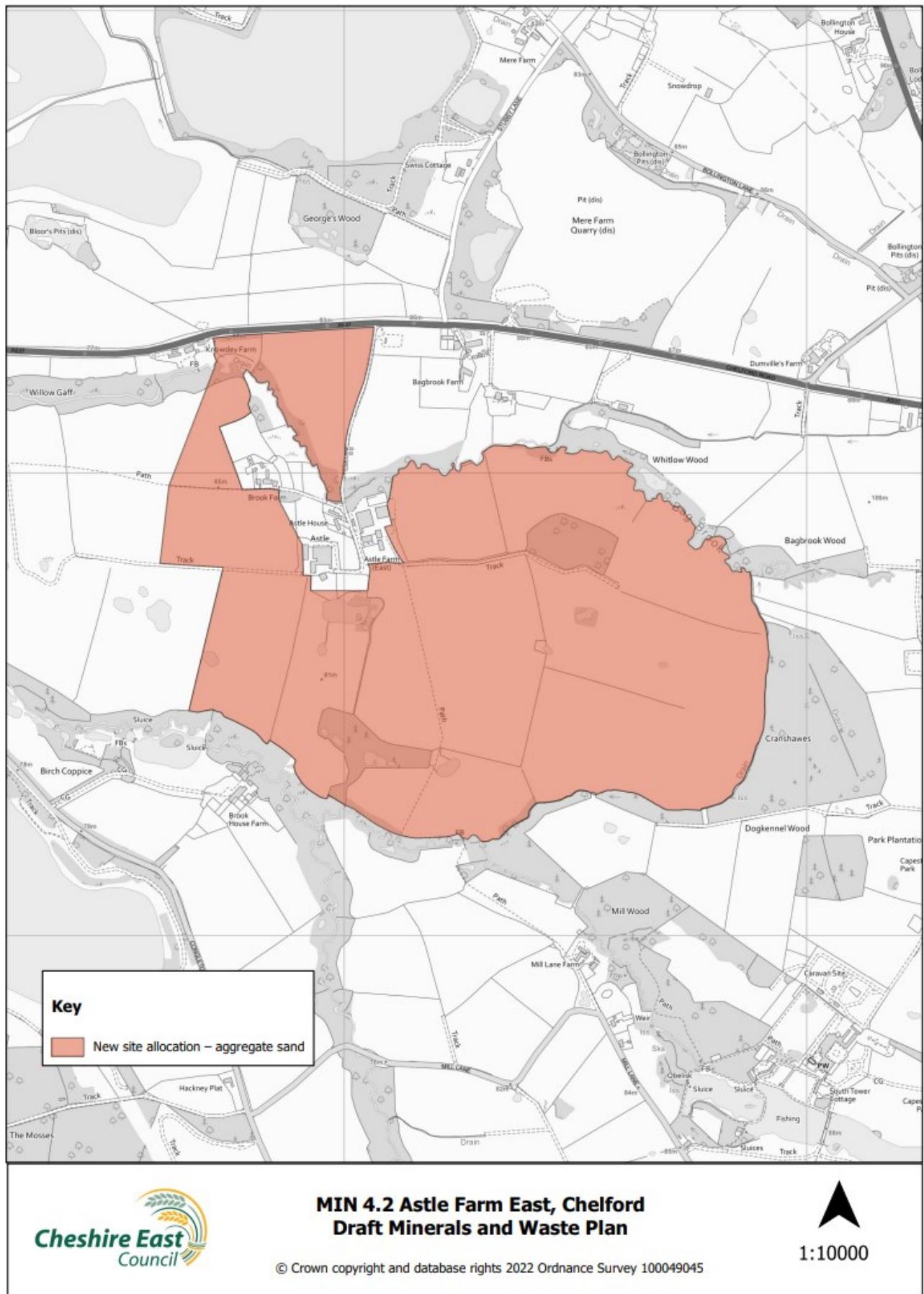


**MIN 4.1 Eaton Hall Quarry, Congleton  
Draft Minerals and Waste Plan**

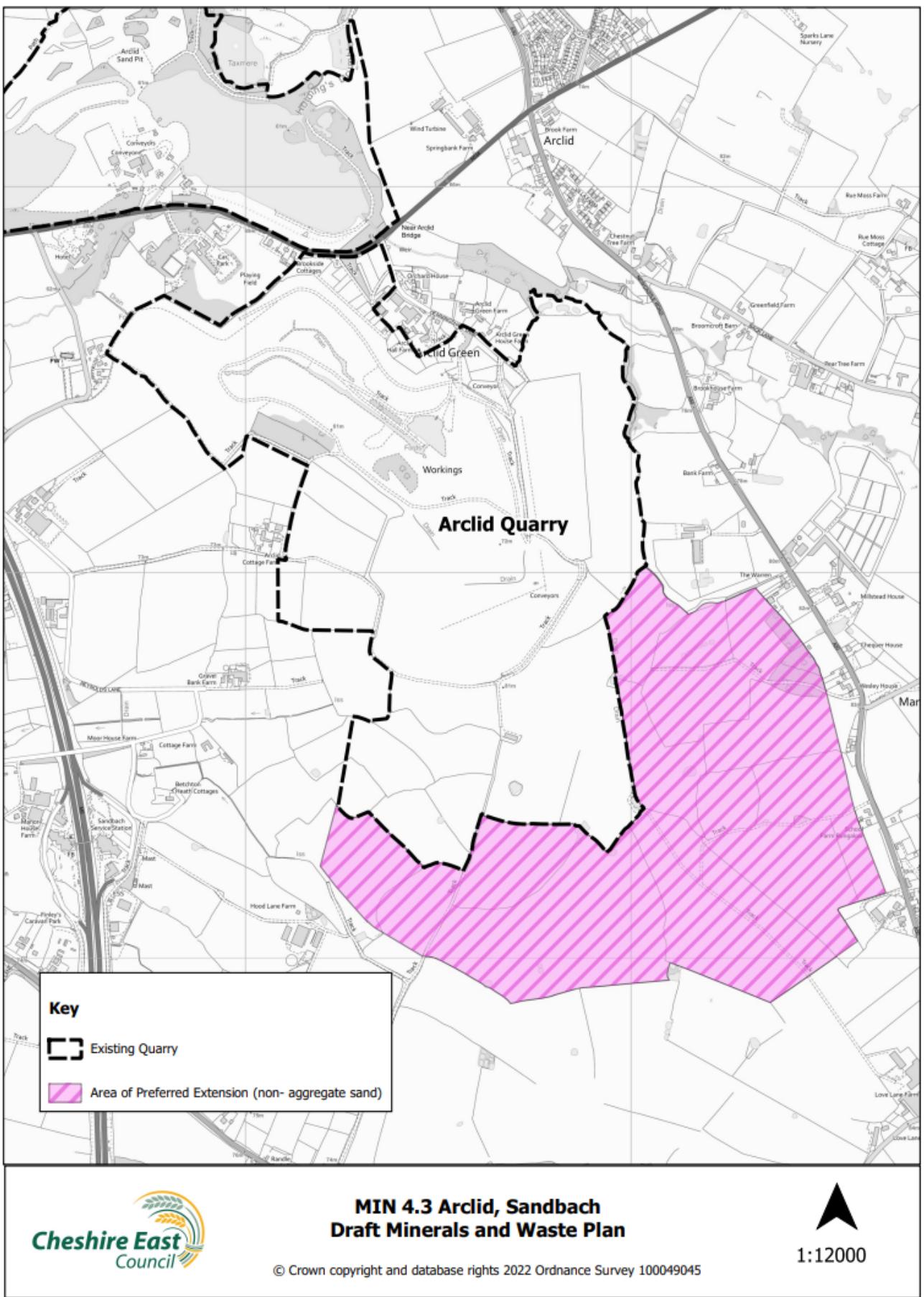
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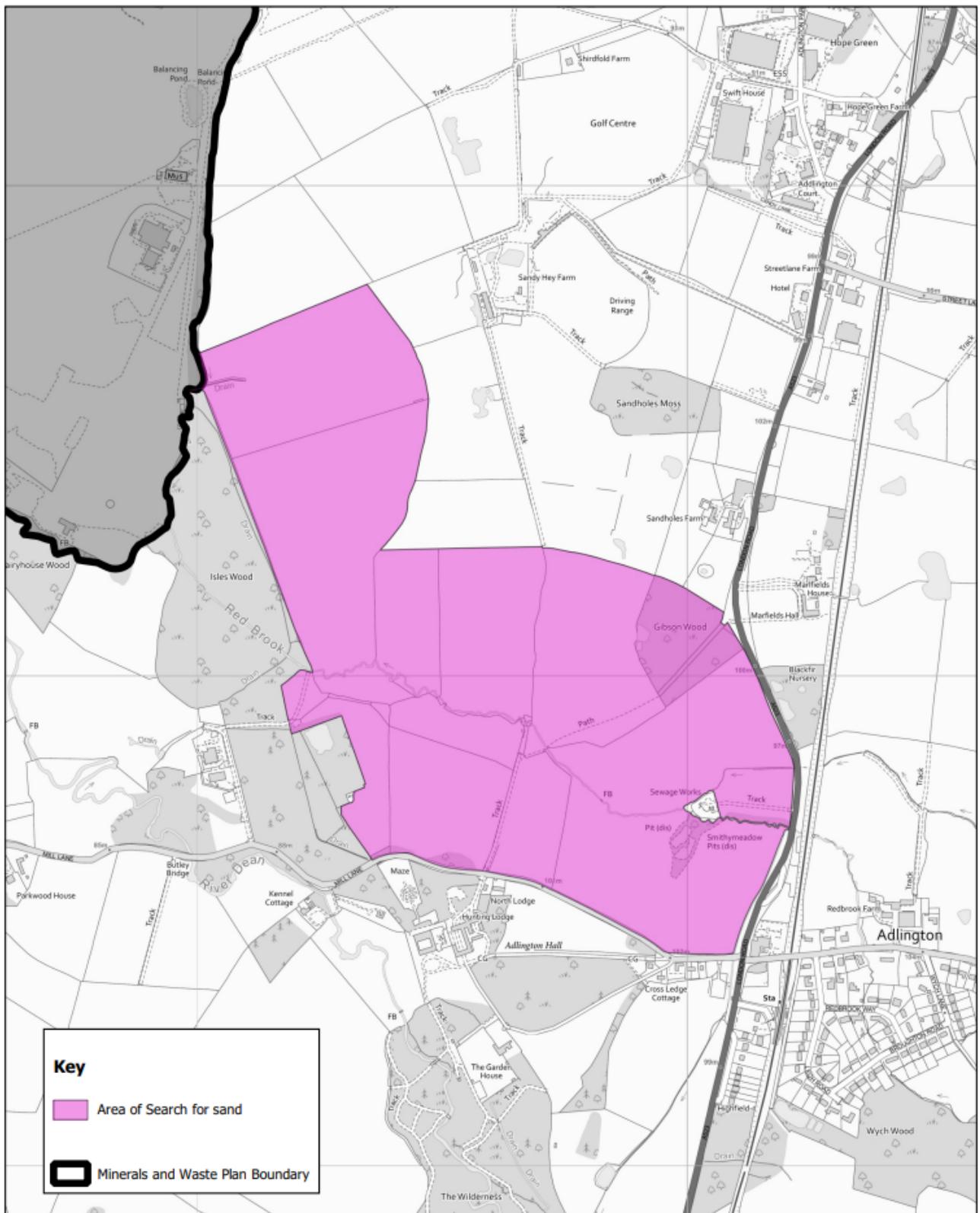
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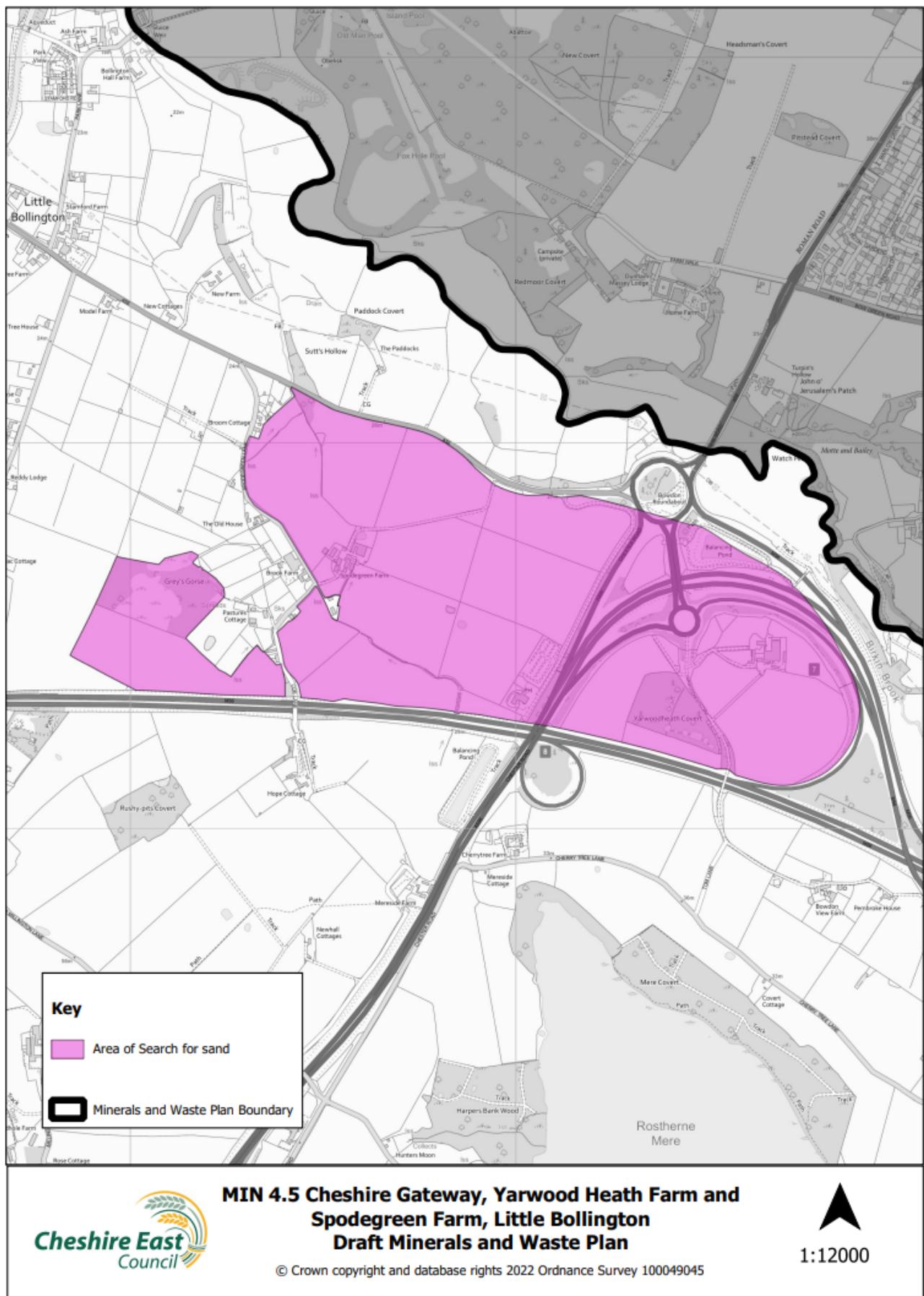


**MIN 4.4 Land North of Mill Lane, Adlington  
Draft Minerals and Waste Plan**

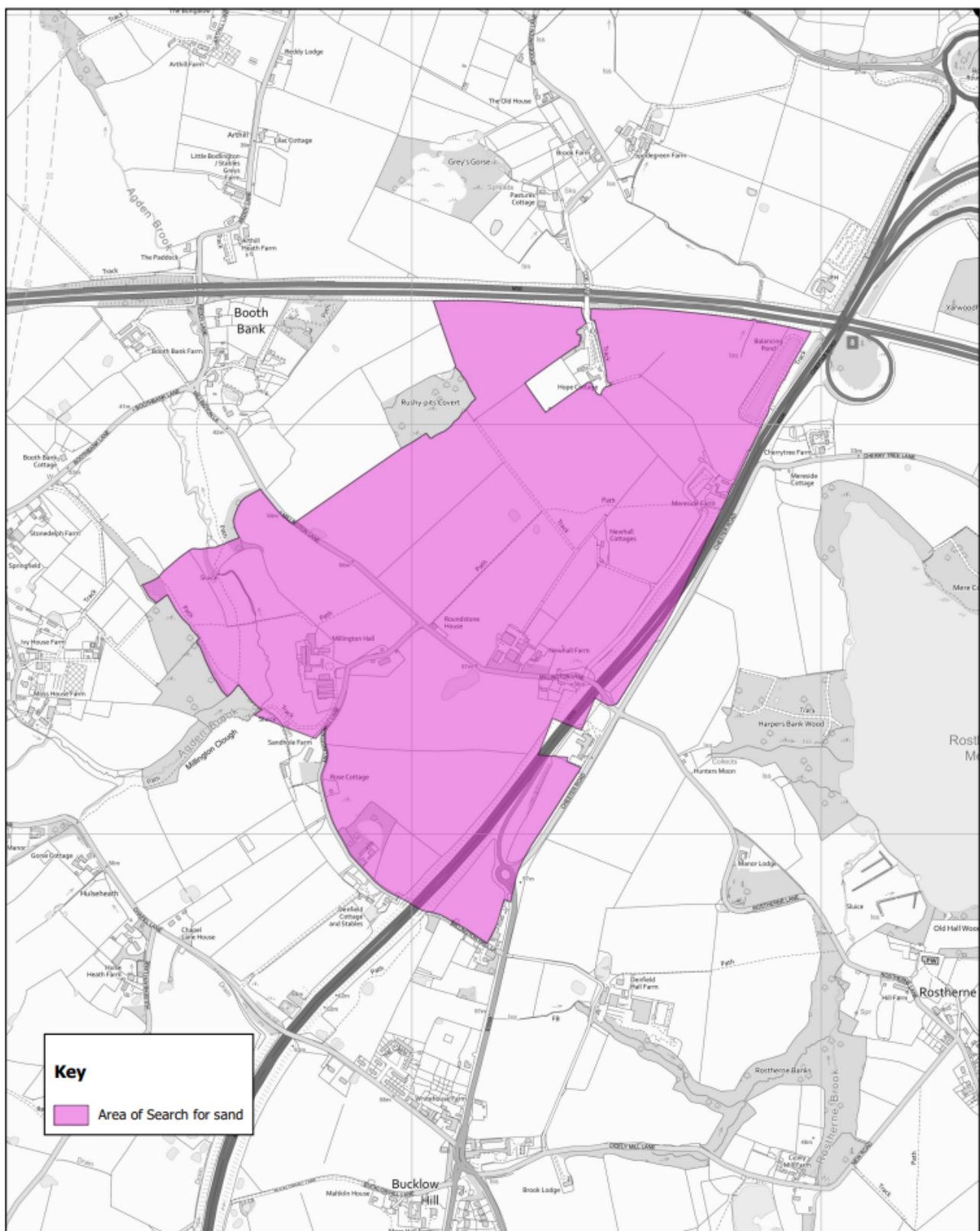
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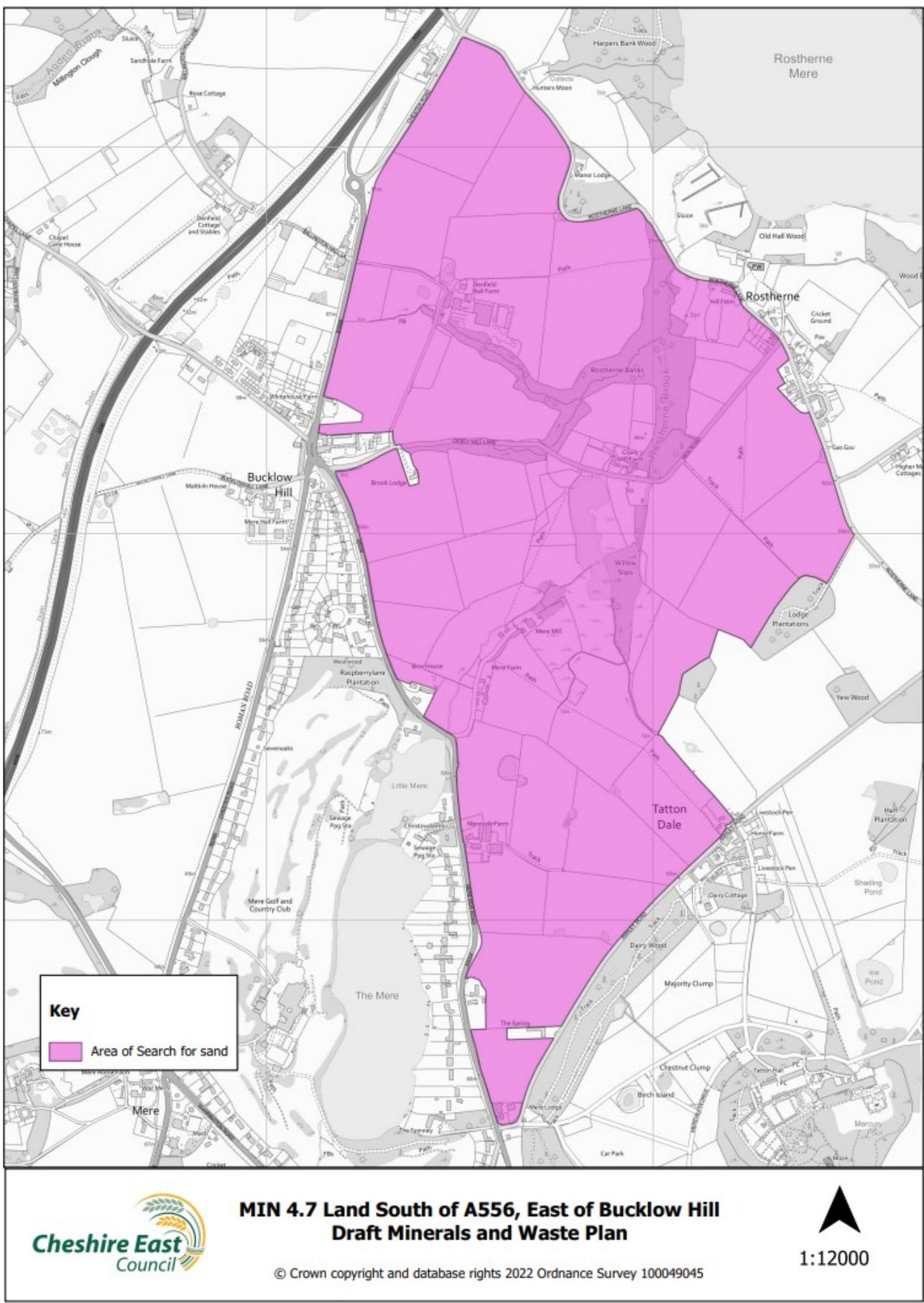
**MIN 4.6 Land West of A556, Near Altrincham  
Draft Minerals and Waste Plan**

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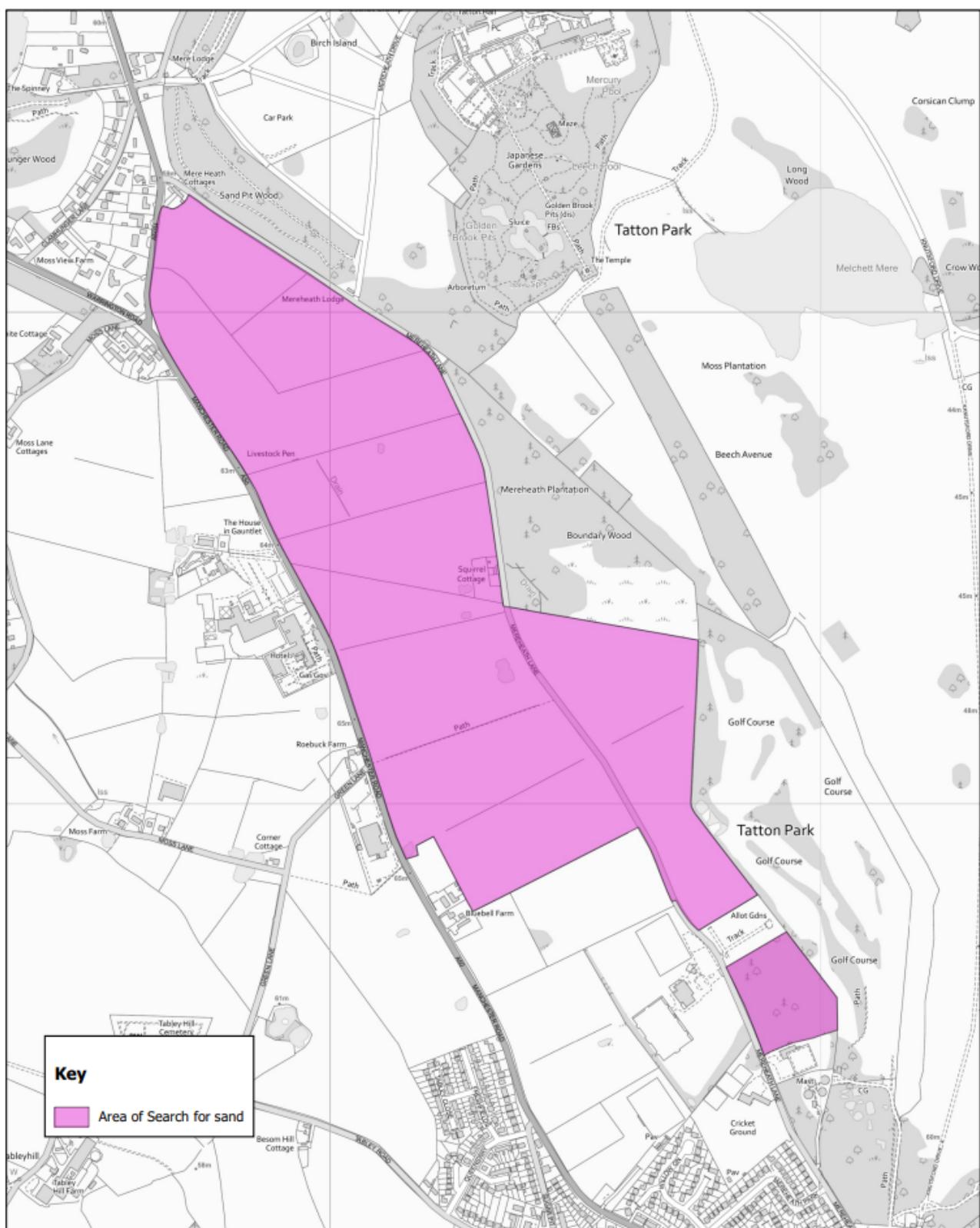


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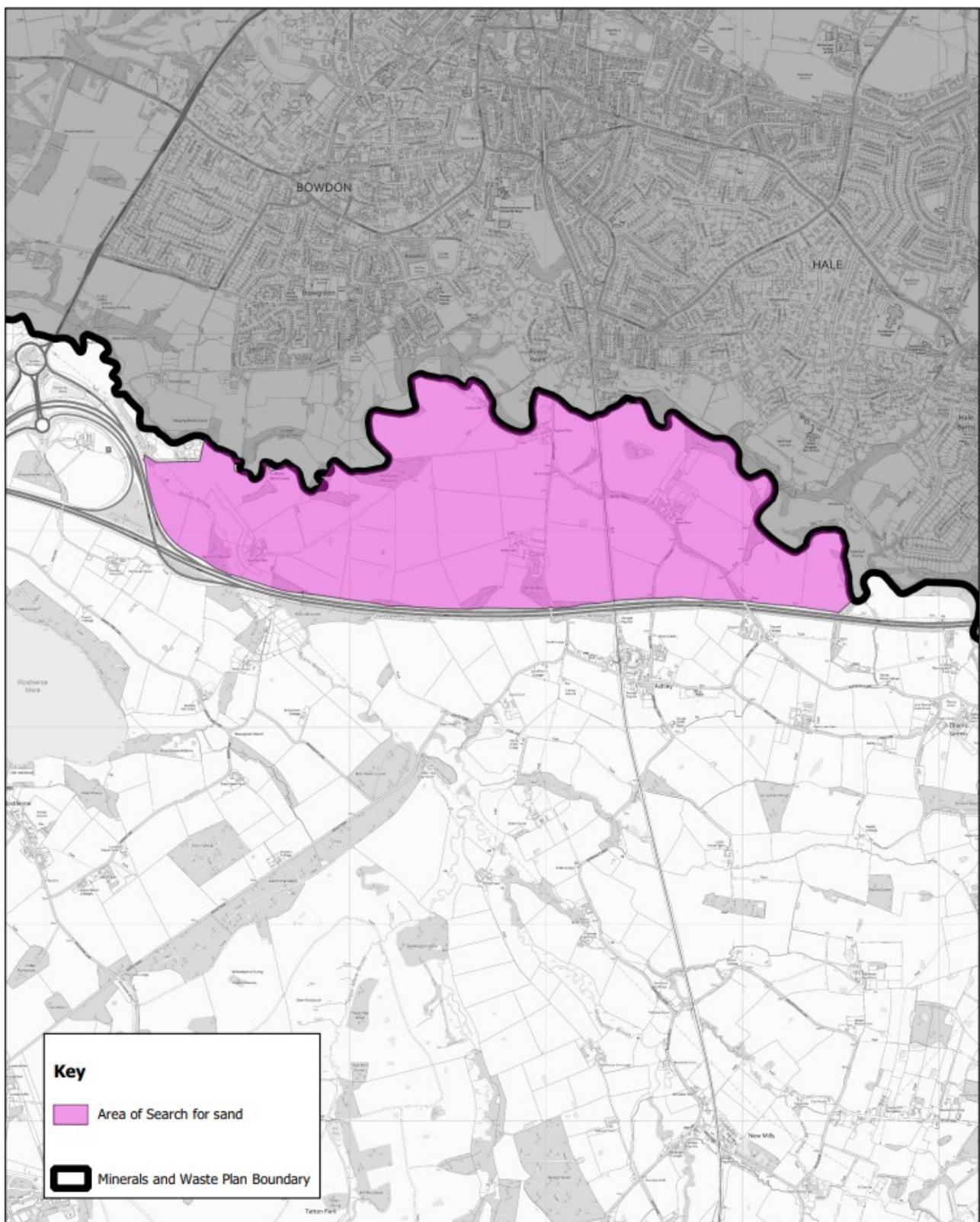
**MIN 4.8 Land North of Knutsford Farm,  
North-West Knutsford  
Draft Minerals and Waste Plan**

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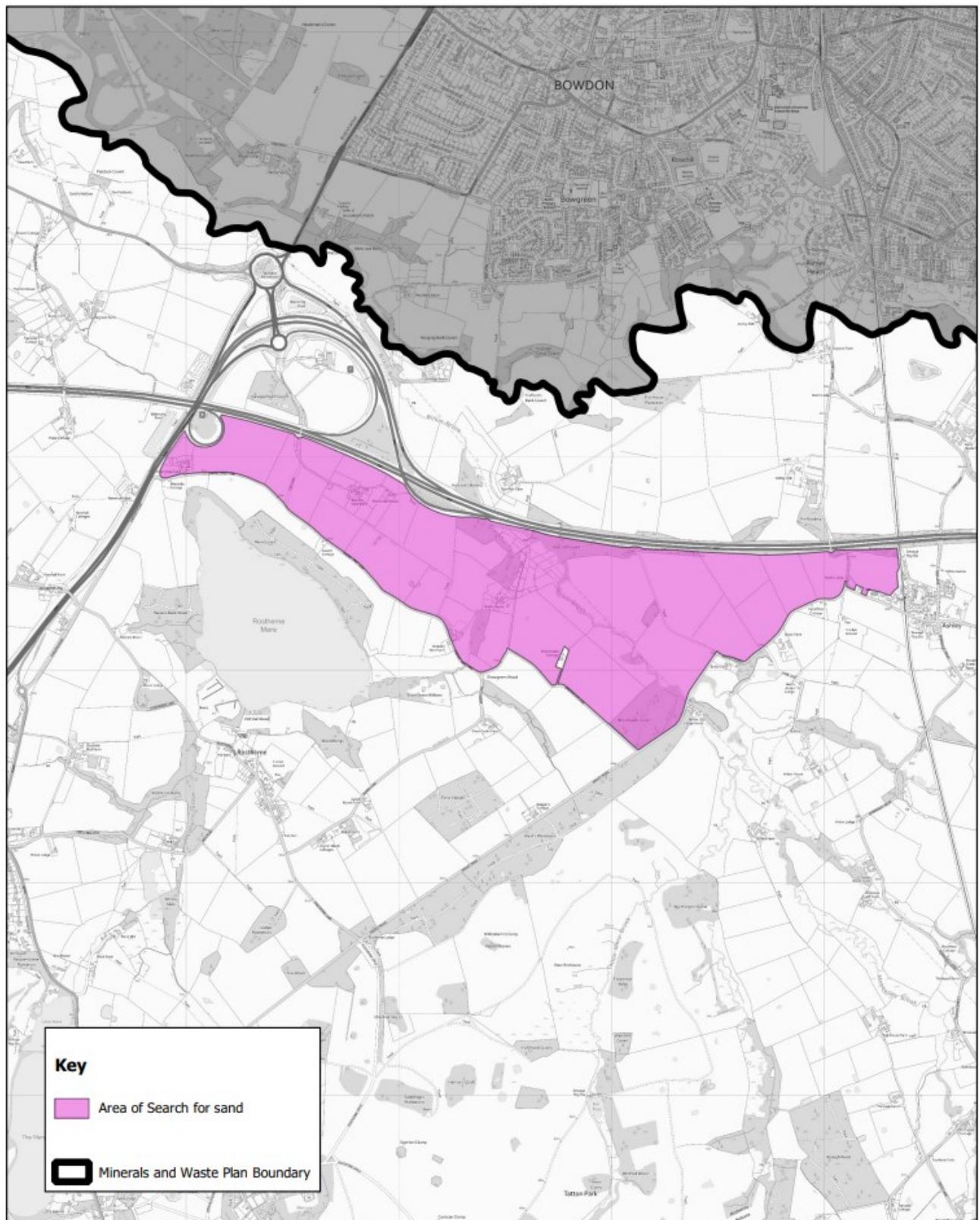
**MIN 4.9 Land North of M56, Near Altringham  
Draft Minerals and Waste Plan**



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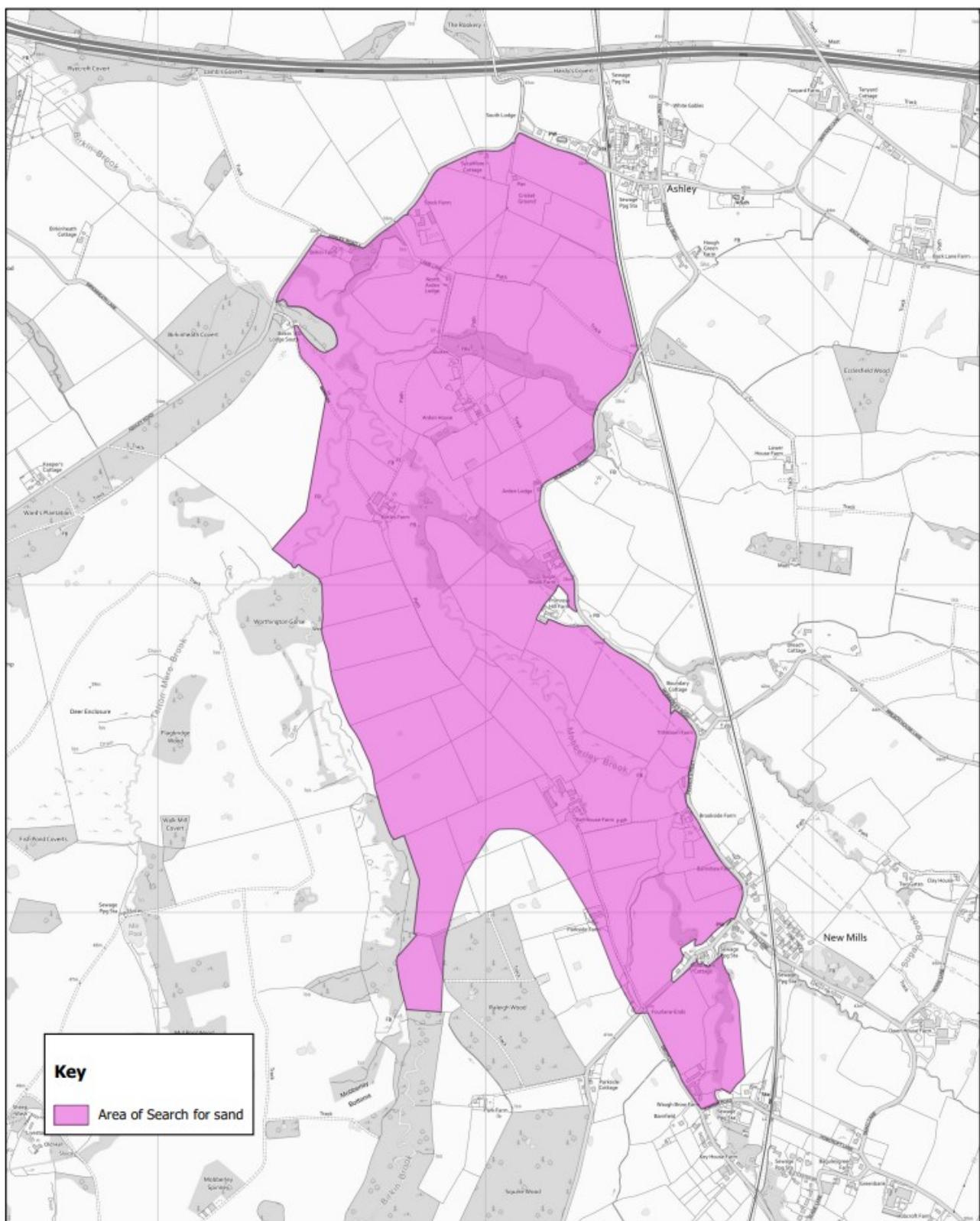
**MIN 4.10 Land South of M56, Near Altrincham  
Draft Minerals and Waste Plan**



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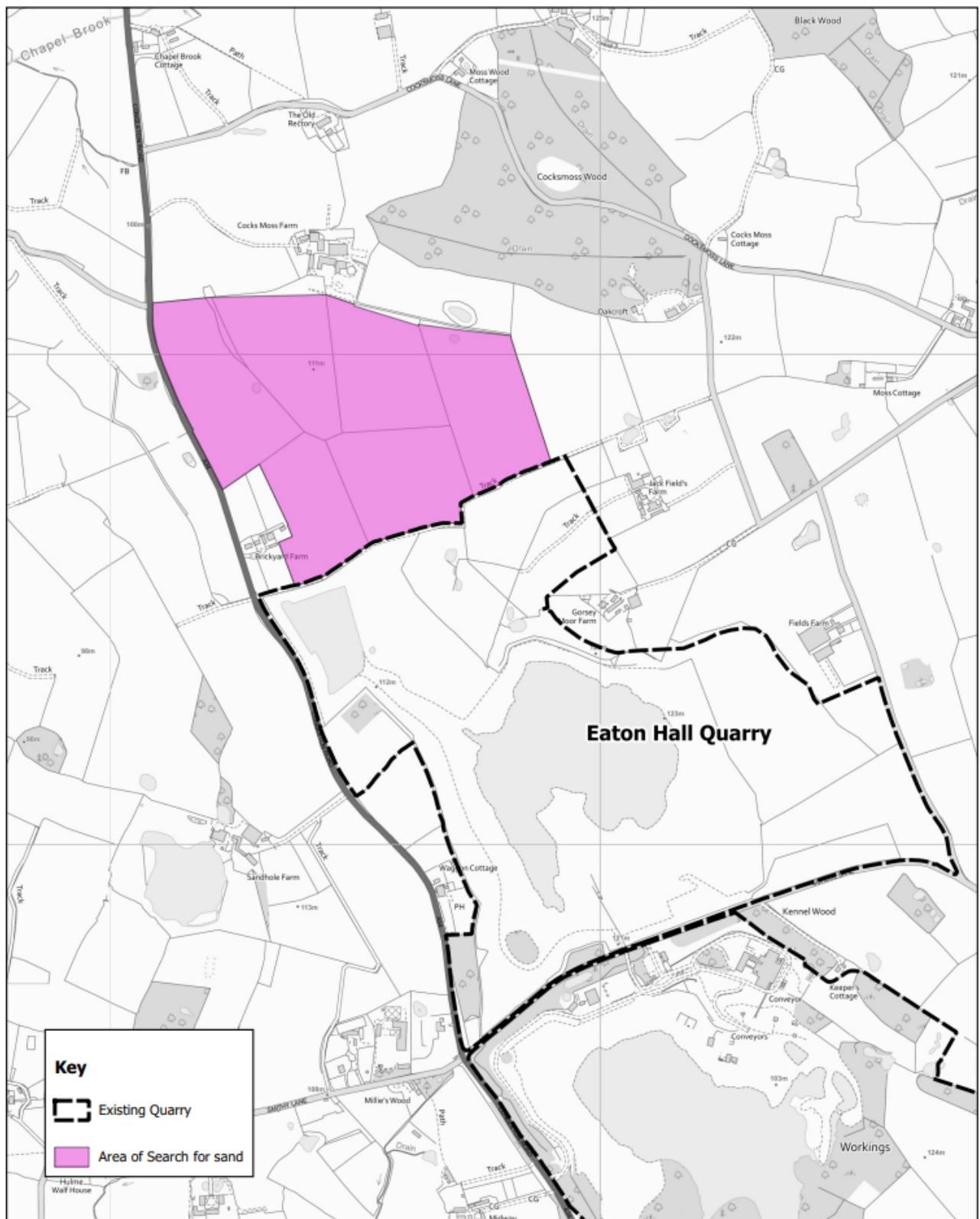
**MIN 4.11 Land East of Tatton Park, Knutsford  
Draft Minerals and Waste Plan**

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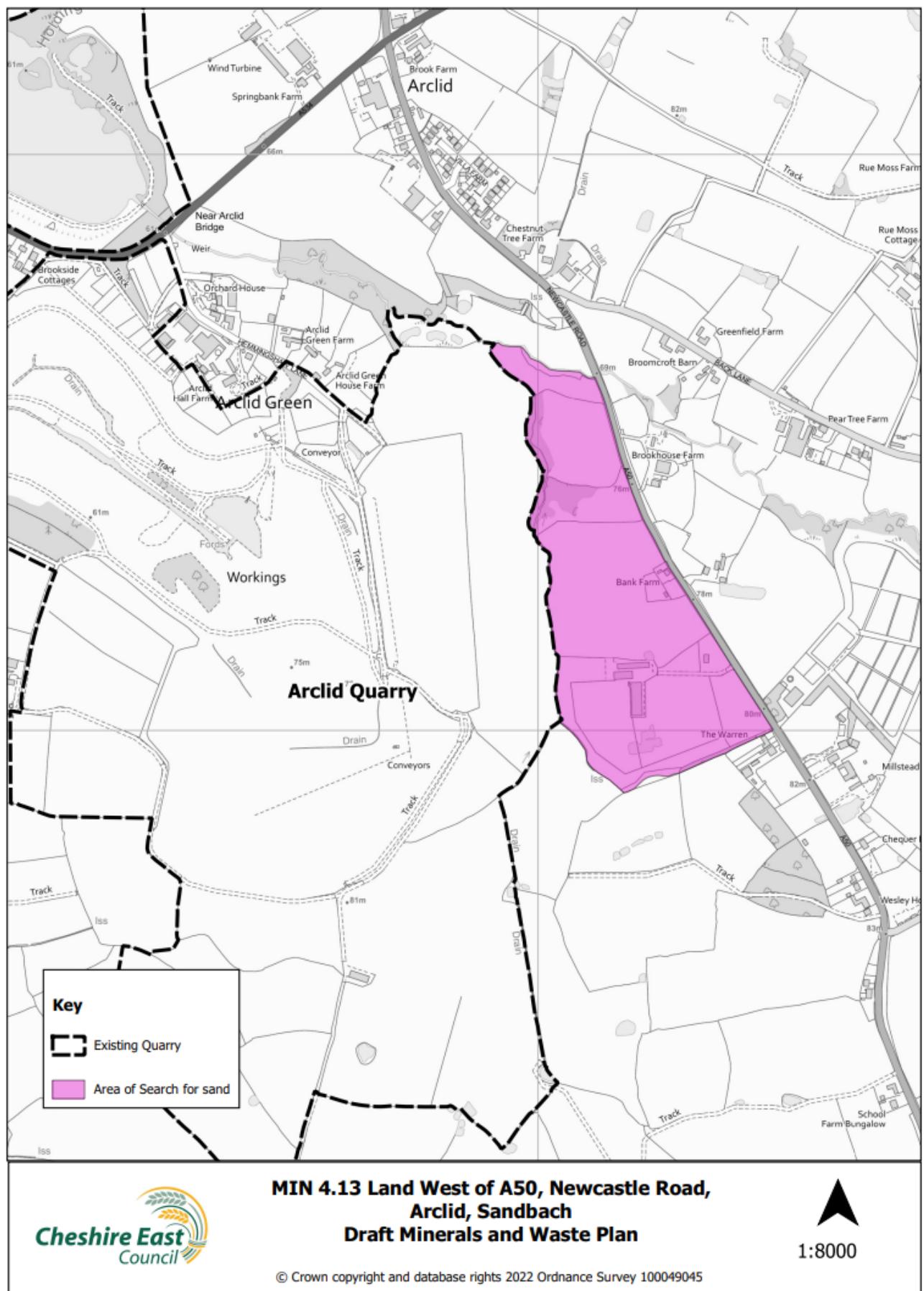
**MIN 4.12 Land North of Eaton Hall Quarry and  
South of Cockmoss Farm, Eaton, Congleton  
Draft Minerals and Waste Plan**



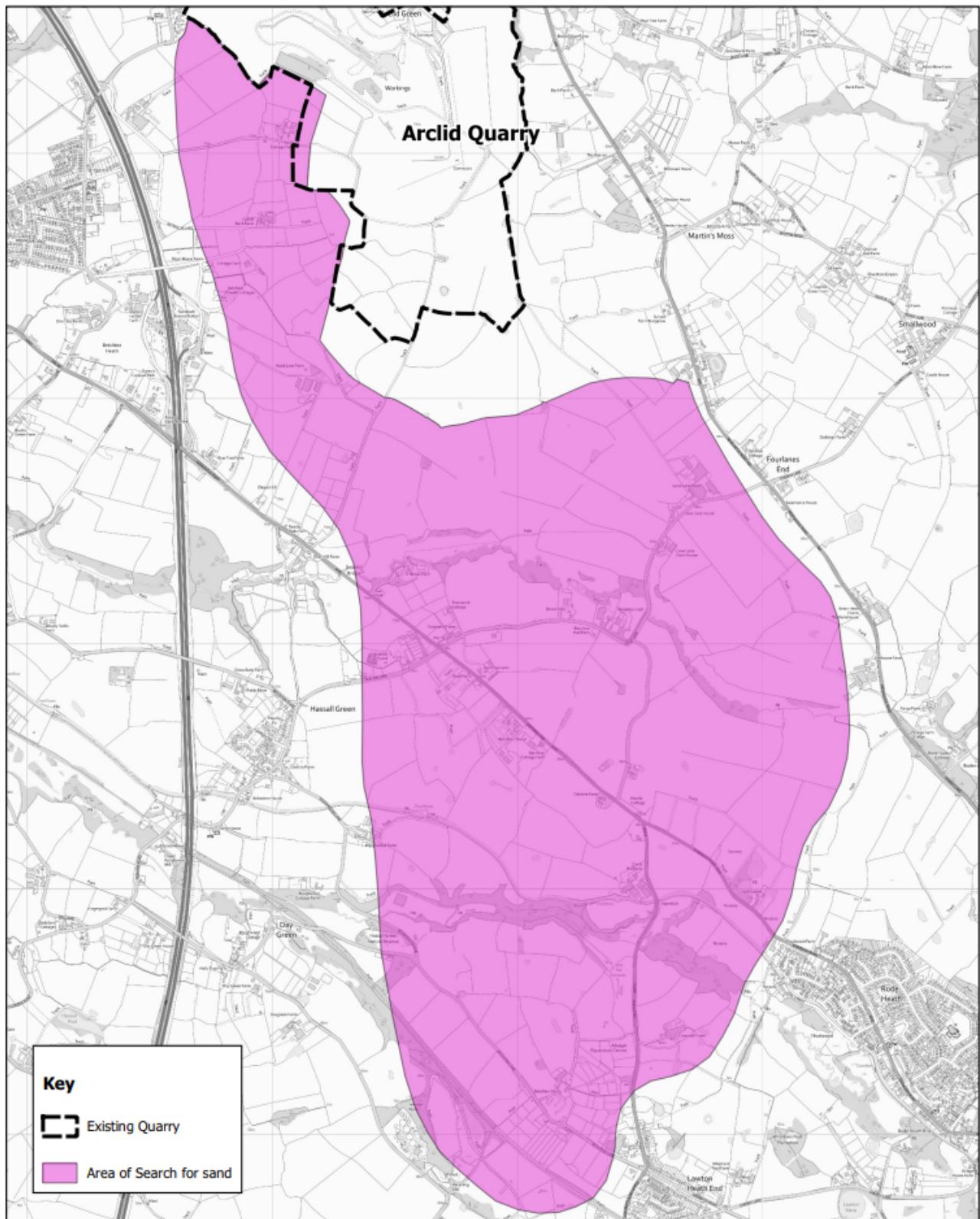
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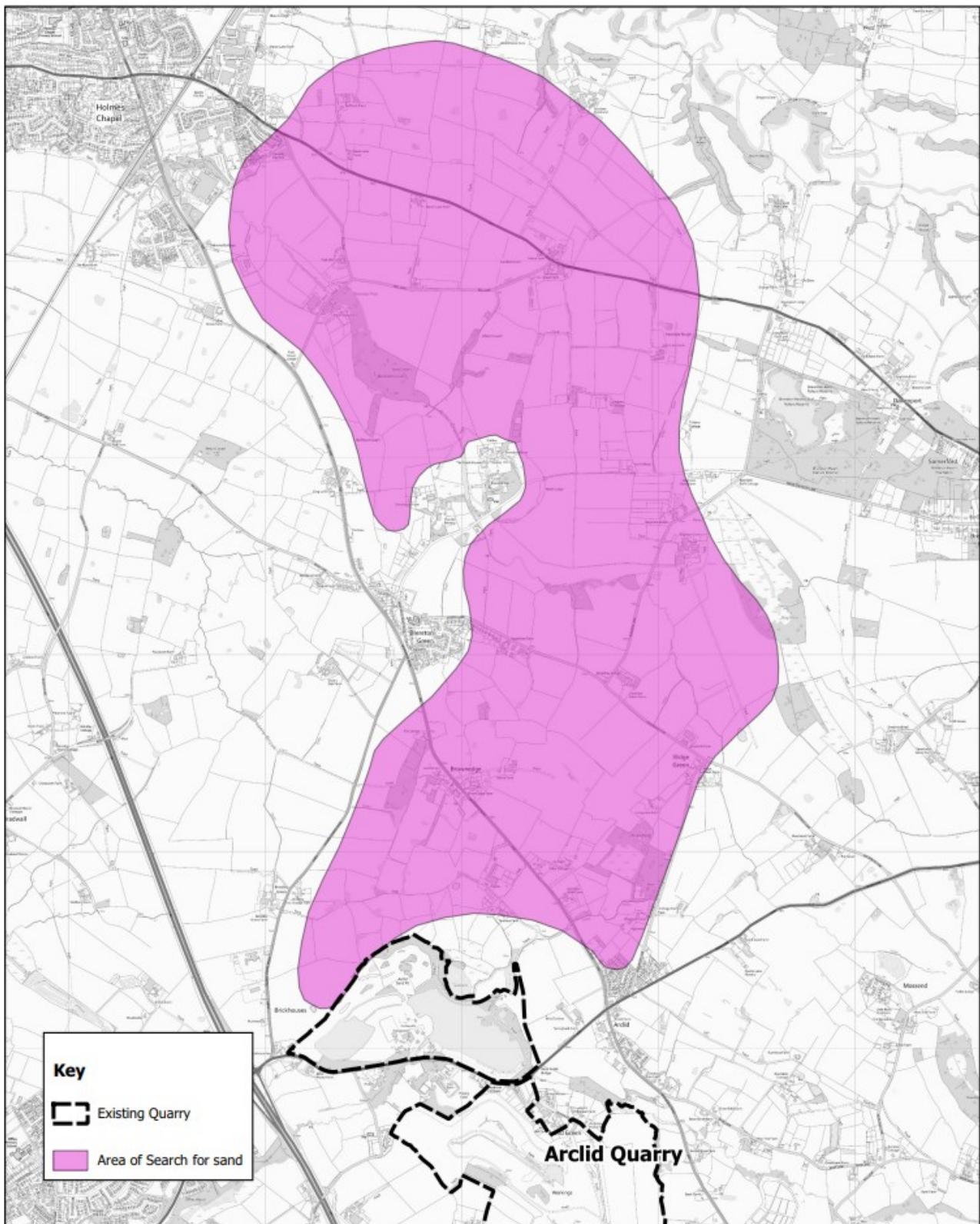
**MIN 4.14 Land South of Arclid Quarry, Sandbach  
and South-East of Sandbach  
Draft Minerals and Waste Plan**



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**MIN 4.15 Land Between Holmes Chapel  
and Arclid, Sandbach  
Draft Minerals and Waste Plan**

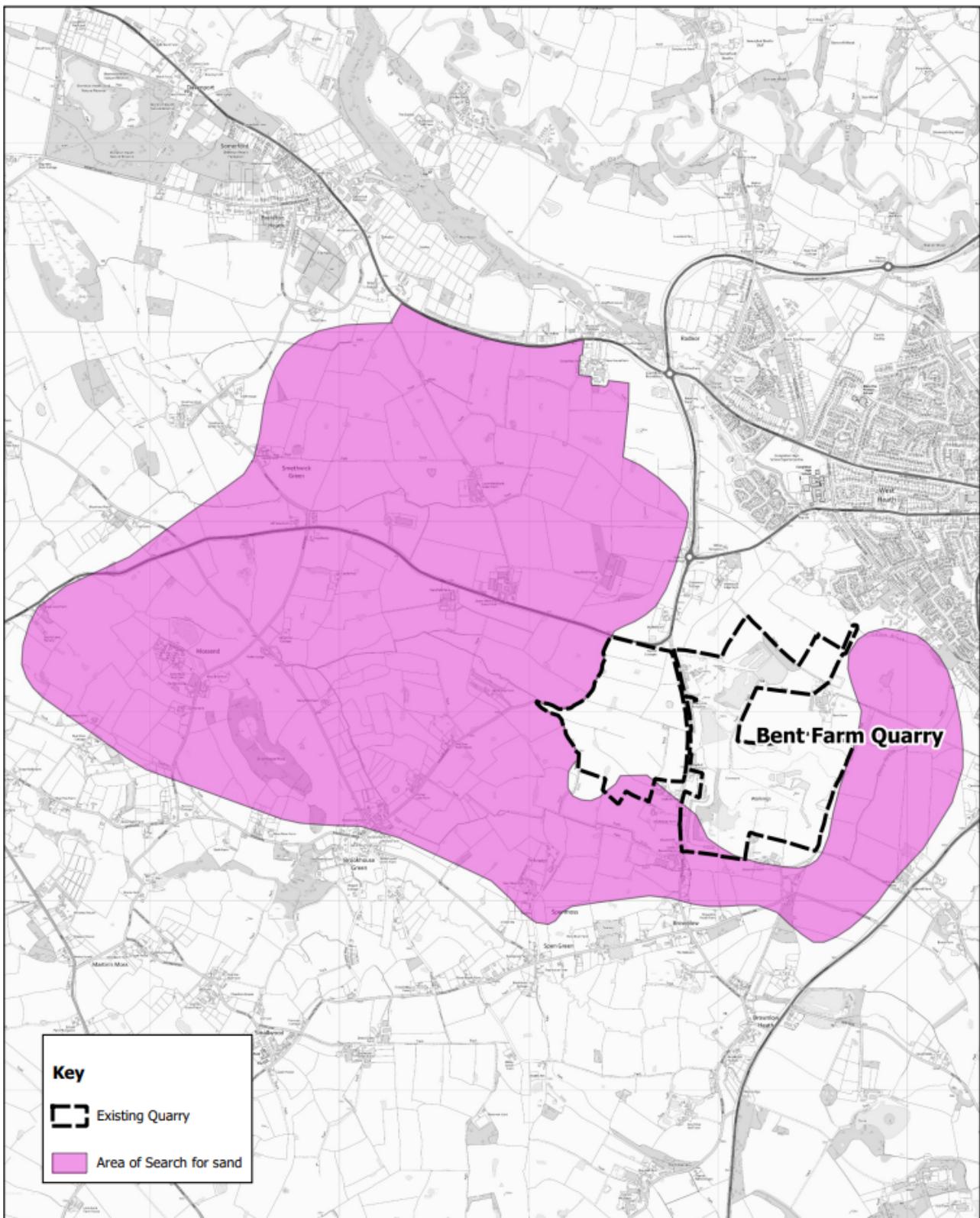


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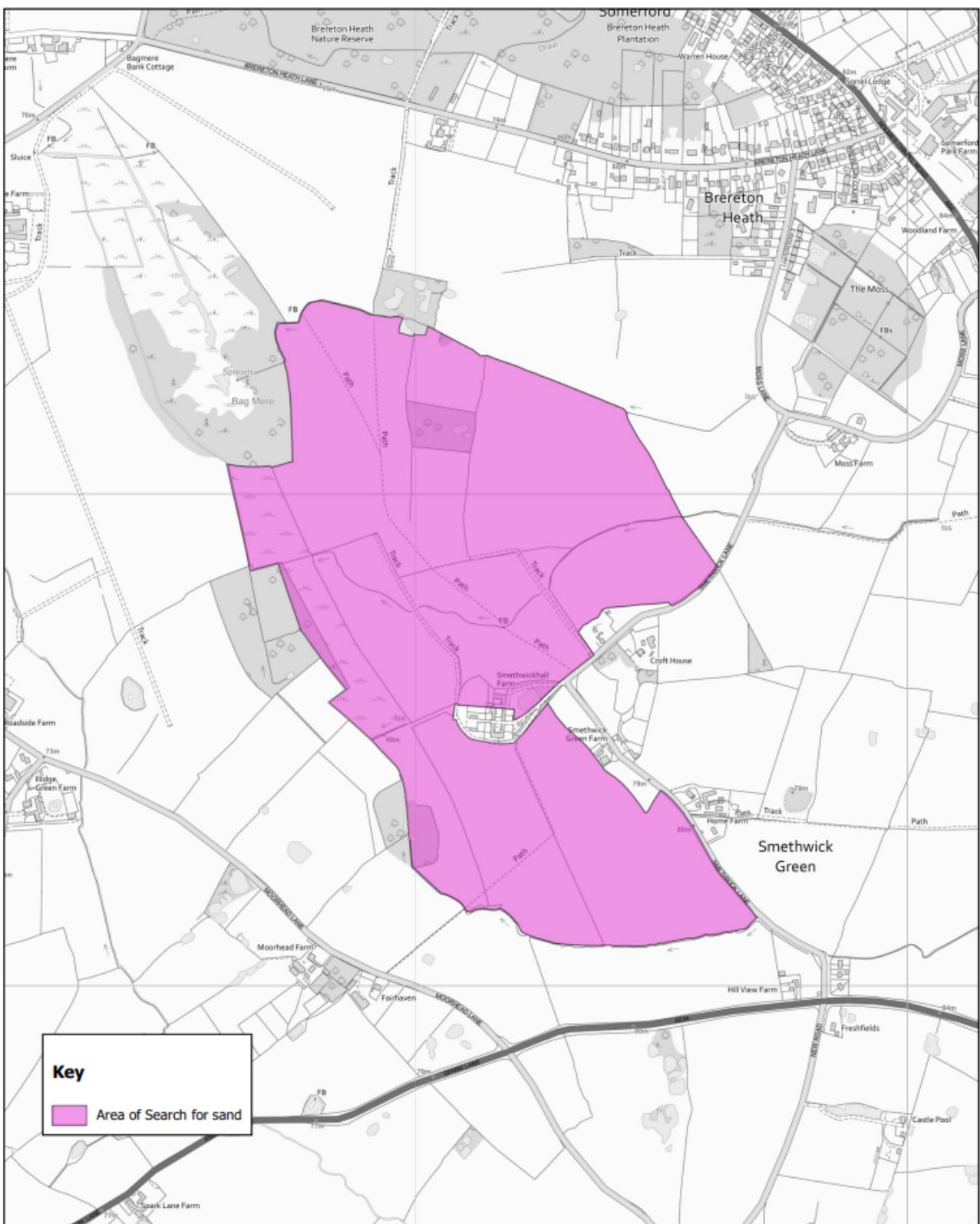
**MIN 4.16 Land West & South-West of Congleton and  
Somerford New House, Holmes Chapel Road,  
Somerford, Congleton  
Draft Minerals and Waste Plan**



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**MIN 4.17 Land Surrounding Smethwick Farm,  
Smethwick Green, South of Brereton Heath  
Draft Minerals and Waste Plan**

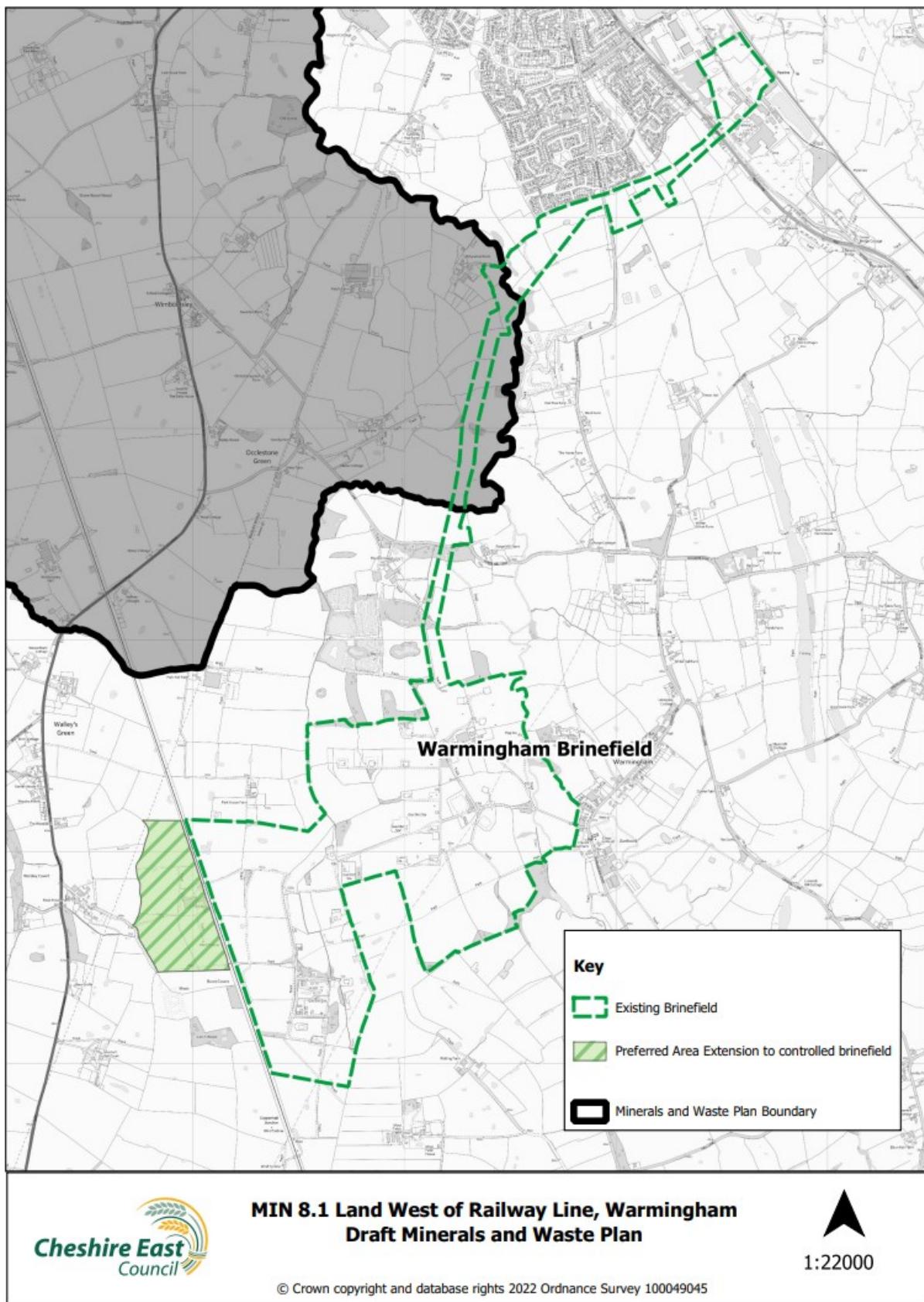
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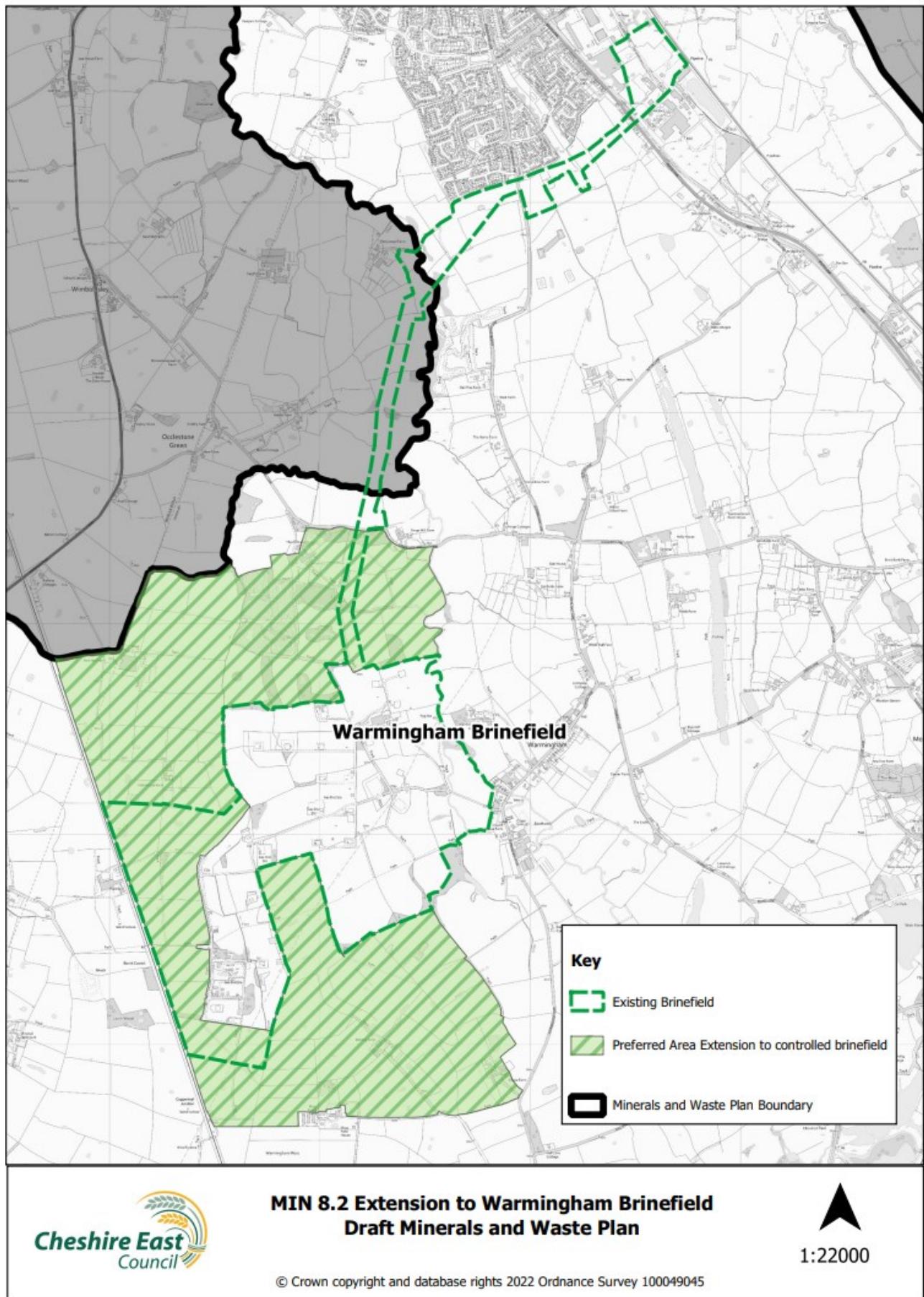
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## Appendix I. Proposed Preferred Area Extensions for Salt (Policy MIN 8)

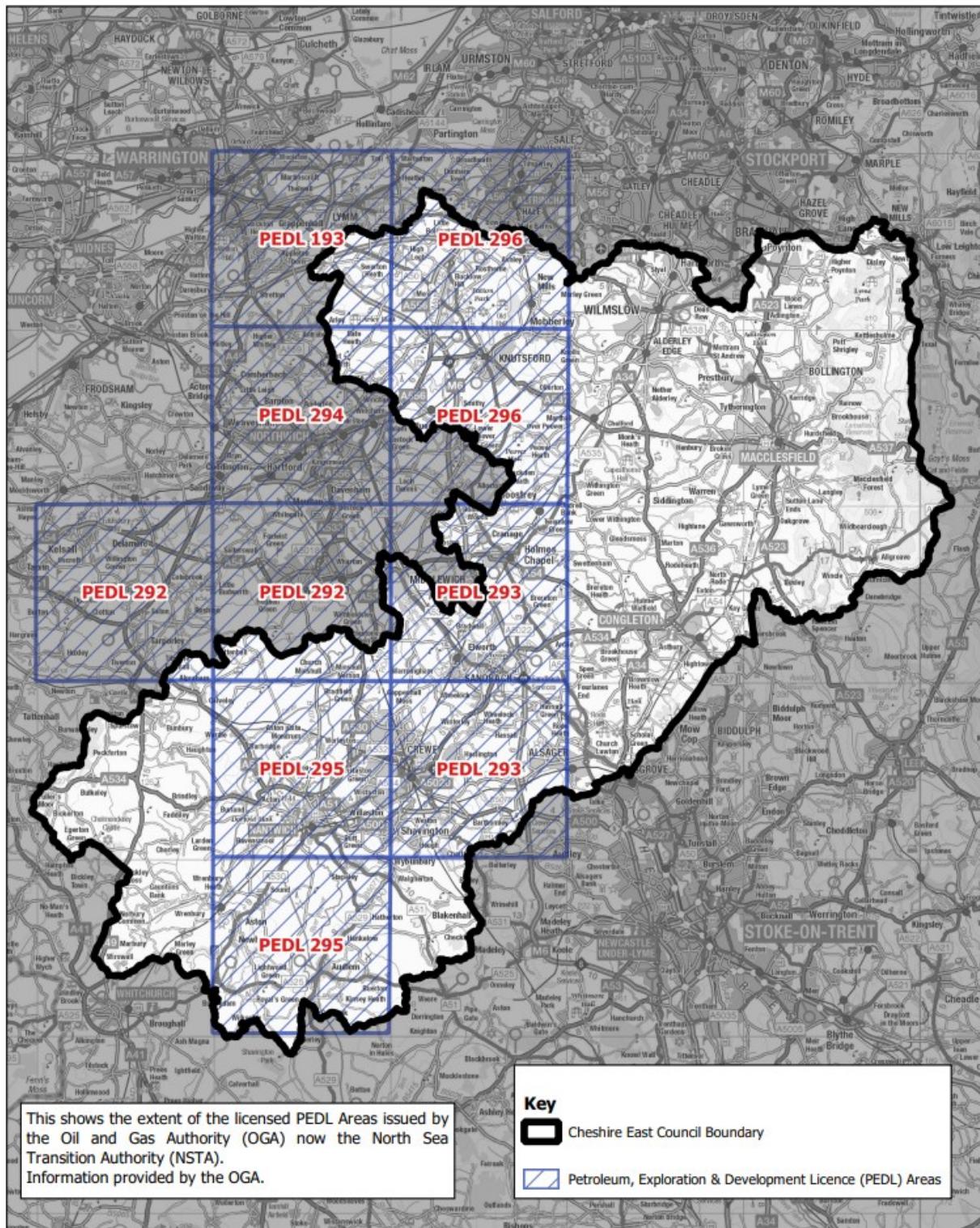


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## Appendix J. PEDL Licences Map



**PEDL Areas in Cheshire East issued through the  
14th Onshore Licensing round in December 2015  
Draft Minerals and Waste Plan**

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## Appendix K. Proposed Safeguarded Existing Waste Management Facilities (Policy WAS 6)

<b>Site Name</b>	<b>Address</b>	<b>Operator</b>	<b>Waste Management Type</b>
Tanyard Farm	Castle Mill Lane, Ashley Nr Altrincham WA15 OQT	PG & HM Jackson	Organic Treatment Facility
Alsager Household Waste Recycling Centre	Hassall Road, Alsager ST7 2SJ	HW Martin Waste Ltd	Household Waste Recycling Centre/Waste Transfer Facility
Dry Matter Ltd	Gore Farm, Feldy Green Road, Aston by Budworth, Nr Northwich CW9 6LU	Dry Matter Ltd	Material Recycling Facility
Enviro Skip Hire, Station Yard, nr Alsager	Radway Green Road, Barthomley, Crewe, CW2 5PH	Enviro Skip Hire Ltd	Waste Transfer Facility/ Aggregate Recycling Facility
W Beech Skip Hire Ltd	Betchton Cottage, Cappers Lane, Betchton, Sandbach CW11 2TW	William Beech Skip Hire Ltd	Waste Transfer Facility
Bollington Household Waste Recycling Centre	Albert Road, Bollington SK10 5HS	HW Martin Waste Ltd	Household Waste Recycling Centre/Waste Transfer Facility
Brinsford Wharf Depot	Brook Street Congleton CW12 1RG	Ringway Jacobs Ltd	Waste Transfer Facility (LACW & C&I)
Bill & Ben Recycling Centre	The Yard Brunswick Wharf, Brook Street Congleton CW12 1RG	Bill & Ben Skip Hire Ltd	Waste Transfer Facility (CDEW Recycling & C&I/LACW)
Tandom Metallurgical Group Ltd	Third Avenue, Radnor Park Industrial Estate, Congleton, CW12 4XE	Tandom Metallurgical Group Ltd	Waste Transfer Facility/Material Recycling Facility

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<b>Site Name</b>	<b>Address</b>	<b>Operator</b>	<b>Waste Management Type</b>
Curzn Alloys Ltd	Radnor Park Industrial Estate, 2 <sup>nd</sup> Avenue, Congleton, CW12 4XJ	Curzn Alloys Ltd	Material Recycling Facility
Leighton Grange IVC	Middlewich Road, Leighton, Crewe CW1 4QQ	Biowise Ltd	Organic Treatment Facility
Maw Green Landfill	Maw Green Road, Crewe, CW1 5NG	3C Waste Ltd	Inert & non -hazardous Landfill/ Material Recycling Facility
Crewe Household Waste Recycling Centre	Pyms Lane, Crewe CW1 3PJ	HW Martin Waste Ltd	Household Waste Recycling Centre/Waste Transfer Facility
Basford Sidings	Basford Sidings, off Gresty Road, Crewe	Network Rail	Waste Transfer Facility (rail ballast)
Houston & Sons	Victoria Avenue Crewe CW2 7SR	Houston & Sons Ltd	Material Recycling Facility
S.L. Metals Ltd	Unit 3 Cotton Farm, Middlewich Road, Holmes Chapel, CW4 7ET	S.L. Metals Ltd	Material Recycling Facility
Knutsford Household Waste Recycling Centre	Mobberley Road, Shaw Heath, Knutsford WA16 8HT	HW Martin Waste Ltd	Household Waste Recycling Centre/Waste Transfer Facility
Macclesfield Household Waste Recycling Centre	Congleton Road, Gawsworth, Macclesfield, SK11 9QP	HW Martin Waste Ltd	Household Waste Recycling Centre/Waste Transfer Facility
Gawsworth Quarry	Off London Rd, Gawsworth SK11 0JN	O'Gara Developments Ltd	Inert Landfill
Environmental Hub	Cledford Lane, Middlewich, CW10 OJR	ANSA Environmental Services Ltd	Waste Transfer Facility
Middlewich Household Waste Recycling Centre	Croxton Lane, Middlewich CW10 9EZ	HW Martin Waste Ltd	Household Waste Recycling Centre/Waste Transfer Facility

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<b>Site Name</b>	<b>Address</b>	<b>Operator</b>	<b>Waste Management Type</b>
Spares 4 Your Car Ltd	Unit 3 King Street Industrial Estate, King Street, Middlewich, CW10 9LF	Spares 4 Your Car Ltd	Material Recycling Facility
WPI Group	King Street Trading Estate, King Street, Middlewich CW10 9LF	WPI Group	Waste Transfer Facility
Whittaker's Green Farm	Whittaker's Green Farm, Pewit Lane, Hunsterson, Nr Nantwich CW5 7PP	WGR Ltd	Organic Treatment Facility
Garratts Metals	Windy Arbour Alvaston Business Park Nantwich CW5 6PF	Garratts Metals Ltd	Material Recycling Facility
Car Transplants Recycling (Syneiq Ltd)	Chester Road, Nantwich, CW5 6BU	Syneiq Ltd	Material Recycling Facility
Nick Brookes Group	Wardle Industrial Estate, Green Lane, Wardle, CW5 6DB	Nick Brookes Group	Organic Treatment Facility/ Waste Transfer Facility/Aggregate Recycling Facility/Material Recycling Facility
Scanlan's Plant Hire Ltd	Tricketts Lane, Willaston Nantwich CW5 6PZ	Scanlan's Plant Hire Ltd	Waste Transfer Facility (CDEW Recycling including skip waste)
Poynton Household Waste Recycling Centre	Anson Road, Poynton SK12 1TD	HW Martin Waste Ltd	Household Waste Recycling Centre/Waste Transfer Facility
Fields Farm	Fields Farm, Clay Lane, Moston, Sandbach CW11 3QX	CRJ Services Ltd	Organic Treatment Facility

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<b>Site Name</b>	<b>Address</b>	<b>Operator</b>	<b>Waste Management Type</b>
Sandbach Recycling Centre	Booth Lane, Sandbach CW11 3PU	HW Martin Waste Ltd	Waste Transfer Facility
Enviro Skip Hire, Sandbach	Unit 3a Norton Way Moss Lane Industrial Estate Sandbach CW11 3WL	Enviro Skip Hire Ltd	Waste Transfer Facility
Sandbach Commercial Dismantlers Ltd	The Yard, Moston Road, Sandbach, CW11 3HL	Sandbach Commercial Dismantlers Ltd	Material Recycling Facility
Green Contract Services Ltd	Old Hall Brickhouse 2 Congleton Road, Sandbach, CW11 4SR	Green Contract Services Ltd	Waste Transfer Facility
Higher Smallwood Farm	Walkers Lane, Scholar Green ST7 3SU	HSF Recycling Ltd	Organic Treatment Facility

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## Appendix L. Glossary

To be added

## Appendix M. Acronyms

To be added



*Working for a brighter future together*

## Environment and Communities Committee

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**Date of Meeting:** 1 July 2022

**Report Title:** Local Plan Strategy Review

**Report of:** Jayne Traverse, Executive Director of Place

**Report Reference No:** EC/07/22-23

**Ward(s) Affected:** All

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### 1. Purpose of Report

1.1. The purpose of this report is to review the Local Plan Strategy (“LPS”), adopted on 27 July 2017, in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 and to conclude whether the LPS needs updating.

### 2. Executive Summary

2.1. This report reviews the LPS in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, which requires policies in local plans to be reviewed at least every five years. The review assesses whether the LPS needs updating.

2.2. The review has complied with national planning policy on plan reviews in the National Planning Policy Framework (“NPPF”) and associated guidance in the National Planning Practice Guidance (“PPG”) and accordingly considered a range of relevant information. This includes assessing conformity with national planning policy, the performance of the LPS and whether any other changes in circumstances have arisen that warrant an update to the LPS’s policies or undermine the delivery of the LPS.

2.3. The review has found:

- Although the NPPF has been revised on several occasions since the LPS was examined and adopted, most recently in 2021, the LPS remains well aligned with national policy overall. However, there are some aspects of national planning policy that have changed, and which are not reflected in the LPS, most notably the introduction of the standard method for assessing housing needs for planning purposes and the expectation that 25% of all affordable homes provided on development

sites will be First Homes, a specific kind of discounted market sale housing.

- The housing requirement in the LPS (1,800 homes/year) established through evidence prepared around 7 years ago is significantly different to the Local Housing Need for Cheshire East calculated using the standard method (currently 1,070 homes/year).
  - The Council maintains a strong supply of deliverable housing land (five-year supply), a healthy overall housing and employment land supply to 2030 and continues to perform well in terms of the Housing Delivery Test.
  - Taking into account the results of ongoing LPS policy monitoring within the Authority Monitoring Report (“AMR”), the LPS is generally being successfully implemented. However, between 2010 and 2020, the first half of the Plan period, the net take-up of employment land has been significantly lower than planned. This is in contrast with job growth which, between 2010 and 2019, is reported as being 1.6%/year on average, significantly higher than the 0.7%/year rate upon which the employment land requirement was based.
  - There have been changes in two key local circumstances since the adoption of the LPS that indicate an update should be carried out. These are, firstly, HS2, with services to Crewe potentially commencing as early as 2029, and, secondly, the publication of the new Corporate Plan 2021-25 with its increased emphasis on achieving outcomes related to social and environmental well-being. These include the Council’s strong commitment to tackling climate change.
- 2.4.** After considering all relevant aspects of the review it is recommended that an update to the LPS is carried out.

### **3. Recommendations**

- 3.1.** That the Committee consider the findings of the LPS review set out in this report.
- 3.2.** That an update to the LPS is carried out.
- 3.3.** That a further report be brought back to the Committee with a revised Local Development Scheme setting out the timetable for the update.

### **4. Reasons for Recommendations**

- 4.1.** The review has considered a range of relevant information including changes in national policy and other circumstances and has found that an update to the LPS should be carried out.

### **5. Other Options Considered**

- 5.1.** Do not carry out an update of the LPS - This is not a recommended option. Although the review has found that the LPS, overall, remains well aligned with

national planning policy and that, overall, the Plan is generally performing well, there are a number of matters, as set out in this report, indicating that an update to the Plan should be carried out.

- 5.2.** Do not carry out a review of the LPS until further information is available about the government's proposed national planning reforms which are likely to have a major bearing on the content of any update and how it is carried out – This is not a recommended option. The Council would be in breach of the legal requirement to carry out a review of the LPS within 5 years of its adoption if this is not carried out before 27 July 2022.

## 6. Background

- 6.1.** The Council has a statutory duty to prepare a local plan and keep it up to date. The Cheshire East Local Plan is being prepared through a number of development plan documents. The LPS is the first part of the Local Plan. It was adopted on 27 July 2017 and contains strategic policies which provide the overall strategy for the sustainable development of the borough to 2030. This includes establishing the amount and location of new housing and employment development as well as allocating strategic sites to help meet these requirements.
- 6.2.** The second part to the Local Plan, the Site Allocations and Development Policies Document ("SADPD"), is currently the subject of independent examination. The purpose of the SADPD is to set more detailed, non-strategic policies to guide planning decisions and allocate additional sites for development to assist in meeting the overall development requirements set out in the LPS. The SADPD was submitted for examination to the Secretary of State in April 2021. Ten days of examination hearings took place in October and November last year. Following the receipt of the Inspector's post-hearing comments at the end of January, six weeks' public consultation took place on main modifications to the Plan between 19 April and 31 May 2022. Main modifications are those changes considered necessary by the Inspector to make the plan sound and legally compliant. Subject to the consideration by the examining Inspector of the representations made during the consultation, the next step would be the Council's receipt of the Inspector's Report along with a final list of main modifications. If a decision is made to update the LPS, it is likely that the Inspector will also want to consider whether this has any implications for the SADPD prior to finalising his Report to the Council<sup>1</sup>. The receipt of an Inspector's Report that recommends adoption subject to modifications, would then enable the Council to adopt the Plan, incorporating the final main modifications. Once adopted, it would, importantly, provide a comprehensive, up to date and consistent suite of policies that can be applied borough-wide and replace the ageing saved policies in the three legacy borough Local Plans.

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<sup>1</sup> If a decision is made accepting the recommendations of this Committee report and to initiate the process of updating the LPS, this would be communicated to the SADPD Inspector. The Council's position would be that a decision to commence an update to the LPS should not affect the content of the SADPD and therefore its progression through the examination process to adoption.

- 6.3. The third part of the development plan, a Minerals and Waste Plan (“MWP”), is also in preparation covering a different plan period to the LPS and is the subject of a separate report. The MWP includes a mixture of strategic and non-strategic policies. Once adopted, some of these will replace strategic policies in the LPS, notably the LPS policies on minerals (SE10) and waste (SE11).
- 6.4. Under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) local planning authorities (“LPAs”) are required to review their local plans within every 5 years from the date of their adoption. This is re-affirmed in NPPF paragraph 33, which advises that 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.
- 6.5. PPG advises that local planning authorities must review local plans at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. It adds that most plans are likely to require updating in whole or in part at least every 5 years. Reviews should be proportionate to the issues in hand. There will be occasions where there are significant changes in circumstances which may mean it is necessary to review the relevant strategic policies earlier than the statutory minimum of 5 years, for example, where new cross-boundary matters arise. It advises that “Local housing need will be considered to have changed significantly where a plan has been adopted prior to the standard method being implemented, on the basis of a number that is significantly below the number generated using the standard method...This is to ensure that all housing need is planned for as quickly as reasonably possible”<sup>2</sup>.
- 6.6. The overall purpose of the review is therefore to ensure that local plans are kept up to date and are responding to changing local needs and circumstances. If the outcome of a review is that a plan update is necessary, the LPA should then update its Local Development Scheme to set out a timetable for when these policy changes will be consulted on and examined. Where an authority reviews a local plan but decides not to update it, they must publish their reasons, in the light of proportionate, relevant and up-to-date evidence.

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<sup>2</sup> Paragraph: 062 Reference ID: 61-062-20190315 <https://www.gov.uk/guidance/plan-making>

- 6.7. The LPS must be reviewed by 27 July 2022. This report sets out the findings of the review and recommends that the LPS should be updated.
- 6.8. Although a five-year plan review is a legal requirement, statute does not prescribe how a review should be carried out. Beyond the policy and guidance in the NPPF and PPG identified above, the PPG provides a non-exhaustive list of information, bulleted below, that LPAs can consider when determining whether an update to a local plan should be carried out. Each aspect of the guidance is considered in this report.
- Conformity with national planning policy.
  - Changes to local circumstances such as a change in Local Housing Need.
  - Housing delivery and supply performance.
  - Whether issues have arisen that may impact on the deliverability of key site allocations.
  - Appeals performance.
  - The success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report.
  - The impact of changes to higher tier plans.
  - Plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their housing need<sup>3</sup>;
  - Significant economic changes that may impact on viability.
  - Whether any new social, environmental or economic priorities may have arisen.

#### Conformity with national planning policy

- 6.9. There are aspects of national planning policy that have changed since the adoption of the LPS. The LPS was prepared under the 2012 NPPF. It has subsequently been updated in 2018, 2019 and most recently in 2021. Some of the post 2012 changes are being addressed through the preparation of the SADPD. These include:
- the further emphasis given to the front-loading of viability assessments at a plan-making stage;
  - the need to clearly distinguish between strategic and non-strategic policies;
  - the encouragement to provide greater flexibility between uses to support town centre diversification; and
  - ensuring that new streets are tree-lined.

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<sup>3</sup> LPAs are also advised to have due regard to the Duty to Co-operate when undertaking a review to assess if policies need updating. The Duty to Cooperate is a legal requirement applying to LPAs when preparing local plans. It requires that councils and public bodies 'engage constructively, actively and on an ongoing basis' regarding strategic cross-boundary matters, for example the provision of strategic infrastructure or the provision of housing where one authority cannot fully meet its own housing needs in its area.

**6.10.** An assessment of each strategic policy in terms of its consistency with national planning policy has been carried out and is appended to this report. LPS policies are given a green-amber-red rating, based on their degree of consistency:

- Green – Close alignment.
- Amber – Good alignment, however limited amendments could be made to the LPS policy to fully align it with national planning policy, but there is no urgent need for these changes.
- Red – There have been significant changes to national policy that require an update to the LPS policy.

**6.11.** The assessment has resulted in two policies being rated red:

- Policy PG 1 (Overall Development Strategy) – Although the overall development strategy of the LPS is consistent with the government's objective to significantly boost the supply of homes (NPPF ¶60), the way in which the requirement for new homes is calculated has changed. The LPS housing requirement reflects the objectively assessed need for housing in the borough (as determined at the time of the evidence base for the LPS). Changes to national planning policy now direct authorities to carry out an assessment of local housing need based on the standard method, unless, by exception, an alternative approach can be fully justified. NPPF paragraph 33 states "Relevant strategic policies will need updating at least once every 5 years if their applicable local housing need figure has changed significantly...". The LPS housing requirement is 1,800 homes/year which is much higher than the current local housing need for the borough of 1,070 homes/year. This represents a significant change (see also paragraphs 6.14 to 6.25, below).
- Policy SC 5 (Affordable Homes) – There have been a number of changes in the NPPF that would need to be reflected in an update to this policy, most significantly the promotion of First Homes. These are a specific kind of discounted market sale housing falling within the definition of 'affordable housing' for planning purposes. They are the government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. The Written Ministerial Statement that introduced First Homes in May last year highlighted the need for councils to include these requirements in local plans at the earliest opportunity<sup>4</sup>.

**6.12.** It was announced in May, alongside and complimentary to a range of planning reforms to be brought about by the Levelling Up and Regeneration Bill, that a new NPPF will be drafted and brought into effect in 2024 following public consultation. The proposed reforms would introduce significant changes to the

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<sup>4</sup> <https://questions-statements.parliament.uk/written-statements/detail/2021-05-24/hcws50>

way in which local plans are prepared in the future, including any update to the LPS<sup>5</sup>.

- 6.13.** The conclusion on this aspect of the guidance is that LPS policies, generally, remain well aligned with national planning policy. However, Policies PG 1 and SC 5 should be updated to bring them into alignment with significant revisions that have been made to national policy. The update could also address any appropriate updates to “amber” rated policies.

Change in Local Housing Need

- 6.14.** As noted above, since the adoption of the LPS, revisions to the NPPF have amended the basis for the calculation of local housing needs, by establishing a ‘standard method’. The standard method is underpinned by national population projections, with an uplift to take account of local housing affordability.

- 6.15.** Paragraph 33 of the NPPF says that:

“Relevant strategic policies will need updating at least every five years if the applicable local housing need figure has changed significantly.”

- 6.16.** PPG further states<sup>6</sup> that:

“Local housing need will be considered to have changed significantly where a plan has been adopted prior to the standard method being implemented, on the basis of a number that is significantly below the number generated using the standard method....”

- 6.17.** Conversely to the example given in the PPG, the local housing need figure for Cheshire East is currently 1,070 homes/year which is substantially lower than the housing requirement figure in the LPS of 1,800 homes/year.

- 6.18.** Paragraph 74 of the NPPF says that LPAs should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years’ worth of housing against:

- their housing requirement set out in adopted strategic policies, or
- against their local housing need where the strategic policies are more than 5 years old unless these strategic policies have been reviewed and found not to require updating.

- 6.19.** So, a decision to update the housing requirement in the LPS would mean that when the strategic policy becomes more than 5 years old (on 27 July 2022), the local housing need figure would be used to calculate the Council’s deliverable housing supply, pending the preparation of a new housing requirement through an update to the Plan.

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<sup>5</sup> <https://www.gov.uk/government/publications/levelling-up-and-regeneration-further-information>

<sup>6</sup> Paragraph: 062 Reference ID: 61-062-20190315 <https://www.gov.uk/guidance/plan-making>

- 6.20.** Although PPG only refers to a significant change occurring in circumstances where local housing need is higher than an existing local plan requirement, having regard to PPG as a whole as well as the NPPF, this aspect of the guidance does not mean that a significant change will not have occurred where a housing requirement is substantially higher than local housing need, as in the case of Cheshire East.
- 6.21.** It is considered that having regard to NPPF paragraph 33, and changes of circumstances since the requirement was derived, the LPS housing figure should be updated. NPPF paragraph 61 now says that: “To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance...”. In exceptional circumstances, the NPPF allows for alternative approaches which must also reflect current and future demographic trends and market signals. PPG says<sup>7</sup> that: “The government is committed to ensuring that more homes are built and supports ambitious authorities who want to plan for growth. The standard method for assessing local housing need provides a minimum starting point in determining the number of homes needed in an area. It does not attempt to predict the impact that future government policies, changing economic circumstances or other factors might have on demographic behaviour. Therefore, there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates.”
- 6.22.** The LPS housing requirement figure of 1,800 homes/year was not derived using the standard method. It was the objectively assessed need for housing which used the 2012-based household projections as its starting point (1,050 homes/year). This was uplifted to 1,800 homes/year to account for:
- 10-year migration trends (+236);
  - market signals: overcrowding, communal housing and vacant/second homes (+180); and
  - employment trends (+334)
- 6.23.** By contrast, the standard method uses the 2014-based household projections. Further, to the extent that the housing requirement was based on other assumptions these are also now around seven years old.
- 6.24.** It should be recognised that although it is considered that local housing needs have changed significantly, Cheshire East’s current figure of 1,070 homes/year is not a proxy for an alternative housing requirement figure that would be prepared through the update process. It would be a matter for the LPS update to determine the final updated requirement and the extent to which an updated housing requirement should differ from the number generated by the standard method. Further, local housing need can go up or down each year in response

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<sup>7</sup> See Paragraph: 010 Reference ID: 2a-010-20201216

<https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments#housing-need>. See too NPPF paragraph 61. <https://www.gov.uk/guidance/national-planning-policy-framework>

to changes in the level of local housing affordability. It may also change significantly in the future when more up-to-date household projections are used to calculate it.

- 6.25.** Although the LPS housing requirement supports the government's priority to boost the supply of housing, the conclusion on this aspect of the guidance is that Cheshire East's local housing need figure has changed significantly indicating that relevant strategic policies will need updating.

#### Housing delivery performance

- 6.26.** Since the adoption of the LPS, housing delivery each year (2018-21) has exceeded the Plan's annual requirement of 1,800 homes. This has had the effect of reducing the shortfall in housing delivery against the Plan requirement accrued during the years before the LPS was adopted. At 31 March 2021 this shortfall stood at 1,741 homes.
- 6.27.** The Housing Delivery Test (HDT) was introduced in 2018 and is a percentage measurement of the number of homes required against the number of net homes delivered, over a rolling three-year period. The HDT result is published annually by the Department for Levelling Up, Housing and Communities. The Council has performed well against the HDT in every year since it was introduced.
- 6.28.** The most recent is the Housing Delivery Test: 2021 Measurement published in January 2021. It reports on the three-year period of 2018/19 – 2020/21. The measurement for Cheshire East is 300%. The result means that:
- no action plan is required to address a deficit in housing delivery;
  - a 5% rather than a 20% buffer is applicable in terms of the calculation of the five-year housing land supply requirement; and
  - the presumption in favour of sustainable development at paragraph 11d of the NPPF is not triggered (for reasons of poor HDT performance)
- 6.29.** The conclusion on this aspect of the guidance is that the LPS remains effective and there is nothing to suggest that the Council's housing delivery performance requires an update to the LPS.

#### Housing supply performance

- 6.30.** The latest published Housing Monitoring Update (base date 31 March 2021)<sup>8</sup> shows that Cheshire East has a 6.3 year supply of deliverable housing land, above the required minimum of 5 years. The Council has been able to consistently publish a deliverable housing land supply above 6 years since the adoption of the LPS.
- 6.31.** Council evidence prepared to inform the SADPD confirmed that there is a robust housing land supply overall, giving confidence that the LPS requirement

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<sup>8</sup> See [https://www.cheshireeast.gov.uk/planning/spatial-planning/research\\_and\\_evidence/strategic\\_housing\\_land\\_assmnt/housing-land-supply.aspx](https://www.cheshireeast.gov.uk/planning/spatial-planning/research_and_evidence/strategic_housing_land_assmnt/housing-land-supply.aspx)

of 36,000 homes is capable of being delivered in full. ‘The provision of housing and employment land and the approach to spatial distribution [ED 05], October 2020’, available in the SADPD examination library<sup>9</sup>, identified an overall supply (at 31.3.20) of 41,270 homes (or 40,995 homes without the contribution made by proposed SADPD allocations). This supply comprises completions, commitments, remaining unconsented allocations and a small sites windfall allowance.

- 6.32.** The conclusion on this aspect of the guidance is that the LPS remains effective and there is nothing to suggest that the council’s housing supply performance requires an update to the LPS.

#### Deliverability of key site allocations

- 6.33.** As can be gauged with eight years left of the Plan period to run, key strategic housing site allocations are either coming forward or remain capable of coming forward within the Plan period, albeit not every site may be fully built out by 2030. However, as noted above, the level of housing supply provides flexibility and gives confidence that at least 36,000 homes will be built over the Plan period, 2010 to 2030. The Council regularly monitors housing delivery and supply including the contribution from strategic housing sites<sup>10</sup>. Progress with strategic sites is reported in the Authority Monitoring Report<sup>11</sup>.
- 6.34.** The conclusion on this aspect of the guidance is that the LPS remains effective, and no issues have arisen with the delivery of key site allocations to suggest that an update to strategic policy is necessary.

#### Appeals performance

- 6.35.** Within appeal decisions no pattern has emerged indicating that particular strategic policies are failing or attracting reduced weight which would point to a need for them to be updated at this stage. This supports the conclusion that LPS policies remain generally well-aligned with national planning policy.
- 6.36.** At the time this Committee report was prepared, the latest data that the Council had published on appeals covered the period January 2020 to March 2021<sup>12</sup>. The Council’s appeal performance was slightly below the national average;

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<sup>9</sup> [https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire\\_east\\_local\\_plan/site-allocations-and-policies/sadpd-examination/examination-library.aspx](https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire_east_local_plan/site-allocations-and-policies/sadpd-examination/examination-library.aspx)

<sup>10</sup> See [https://www.cheshireeast.gov.uk/planning/spatial-planning/research\\_and\\_evidence/strategic\\_housing\\_land\\_assmnt/housing-land-supply.aspx](https://www.cheshireeast.gov.uk/planning/spatial-planning/research_and_evidence/strategic_housing_land_assmnt/housing-land-supply.aspx)

<sup>11</sup> See the ‘Development Plan Sites and Strategic Locations’ section  
[https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire\\_east\\_local\\_plan/authority-monitoring-report/authority-monitoring-report.aspx](https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire_east_local_plan/authority-monitoring-report/authority-monitoring-report.aspx)

<sup>12</sup> See Strategic Planning Board minutes 21 April 2021, Item 111  
<https://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?MId=8027>

29% of all section 78 appeals were allowed in the reporting period, compared to a national average of 24%.

- 6.37.** Performance has been mixed in terms of the outcome of Gypsy and Traveller appeals. An ongoing issue has been the absence of a 5-year supply of deliverable sites. However, the Council is seeking to address this through the SADPD which makes provision for further sites, including allocations, to meet the needs identified in the Gypsy and Traveller Accommodation Assessment, published in 2018.
- 6.38.** Members will recall the Council's poor appeals performance a number of years ago associated with a lack of a 5 year supply of deliverable housing land and the application of the 'tilted balance' in decision-making. It resulted in a number of unplanned schemes on the edge of towns and villages being permitted in the southern part of the borough outside the Green Belt. This issue has, however, fallen away since the LPS was adopted. The Council's ability in recent years to report a robust 5 year supply underlines the valuable role that the allocation of sites through the LPS plays, and continues to play, in providing a pipeline of housing development opportunities.
- 6.39.** It is also important to note in the context of ongoing appeals performance that the SADPD, once adopted, will provide an up-to-date suite of more detailed development management policies to support clear and robust decision making.
- 6.40.** The conclusion on this aspect of the guidance is that LPS remains effective, and no issues have arisen across planning appeal decisions to suggest that an update to strategic policy is necessary.

#### Indicators in the Authority Monitoring Report

- 6.41.** The AMR<sup>13</sup> is published annually and contains information on the extent to which the planning policies set out in the LPS are being achieved. It enables the effects of LPS policies to be monitored transparently and provides evidence to judge whether local plan policies need to be updated. Its monitoring and implementation framework proposes actions where identified triggers indicate that corresponding targets are not being met. These include "consider a review of the relevant policies" (amongst other actions such as working with stakeholders to better manage the delivery of development) in respect of the following triggers: shortfall in housing and affordable housing completions of more than 20% on a rolling three-year average; shortfall of more than a year on five-year housing land supply; net take up of employment land performing less than 20% above a three- year rolling average take up of land; jobs growth rate falling below an average of 0.7% pa; and loss of employment land exceeding a three-year rolling average by more than 20%. The latest published AMR, covering the monitoring year 2019/20, identifies that one trigger was reached -

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<sup>13</sup> [https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire\\_east\\_local\\_plan/authority-monitoring-report/authority-monitoring-report.aspx?msclkid=cc8e1a55b5ca11ec90af7605427f901e](https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire_east_local_plan/authority-monitoring-report/authority-monitoring-report.aspx?msclkid=cc8e1a55b5ca11ec90af7605427f901e)

for Indicator MF7. This measures the take-up of employment land with a target to exceed the previous three-year average level of take-up by at least 20%. In 2019/20, this increase was 9%. Although this snapshot information is useful, it is perhaps more important to look at performance results over a longer period, and back to 2010, the start of the Plan period. Employment land take-up since 2010 is addressed below, along with a number of other key aspects of the Plan's performance reported in the AMR.

- 6.42.** Affordable housing targets - Evidence supporting the LPS identified that a minimum of 7,100 affordable homes over the Plan period were needed, equating to an annual average of 355 affordable homes/year. Delivery performance is tracked through AMR Indicator MF4 (Gross total of affordable housing units provided). Over the first half of the Plan period, 2010-2020, 4,247 affordable homes have been built, which is 60% of the minimum identified need over the entire plan period 2010-2030.
- 6.43.** Employment land take-up - The LPS established a requirement for 380ha of employment land. This reflected a jobs growth rate of 0.7% each year between 2010 to 2030. The 380ha figure comprises a net employment land requirement of 195ha, an allowance for employment land losses of 120ha over the Plan period (6ha/year) and 20% flexibility to provide for a range and choice of land to meet demand. The take-up of employment land is monitored in the AMR Indicator MF7 (Net take-up of employment land). Annual monitoring indicates that during the first half of the Plan period, just under 20% of the overall net requirement for employment land has been taken up. This level of take-up, in part, may be explained by the fact that the LPS employment allocations only obtained development plan status in 2017, seven years into the Plan period and that during the early part of the Plan period the country was recovering from the recession that took place in 2008 and 2009. The net take-up, by year, is shown in the table below.

Year	Net employment land take-up
2010/11	0.73
2011/12	1.03
2012/13	1.94
2013/14	2.29
2014/15	1.66
2015/16	4.18
2016/17	5.07
2017/18	3.36
2018/19	11.60
2019/20	7.29
<b>Total</b>	<b>38.15</b>

- 6.44.** AMR Indicator PG3 (Employment land available) shows that, at 31 March 2020, there was a healthy employment land supply of 408.55 hectares made up of allocated sites (54%), sites with planning permission (27%) and sites under construction (19%).
- 6.45.** Jobs growth – In contrast to the level of employment land take-up, AMR Indicator PG3 (Net jobs growth rate) identifies that the annual average rate of jobs growth has been 1.6% between 2010 and 2019, exceeding the level of 0.7% growth that the LPS employment land requirement was intended to facilitate. However, the AMR notes that the jobs growth figures are based on the results of a national employment survey, and survey sampling error margins (due to samples of businesses not being completely representative of the whole business population) are much larger for small geographical areas such as local authorities. Nevertheless, the AMR is indicating that the level of jobs growth may be exceeding that forecasted and is being achieved with a lower than expected take-up of employment land.
- 6.46.** Spatial distribution of development – The AMR tracks where new housing development has been constructed and committed through Indicator PG 5 (Housing completions by location since 2010) and PG6 (Location of housing commitments by type). It shows that housing development is generally coming forward in line with the Plan strategy – to steer most housing development to the Principal Towns and Key Service Centres, these being the most sustainable places for growth in the borough. In terms of employment land, this is coming forward at the Principal Towns and Key Service Centres but, as noted above, at a level below the amount planned for. A limited amount of employment land is coming forward at Local Service Centres with a much higher amount at Other Settlements and the Rural Area. The latter is consistent with the Plan strategy and reflects the allocation of 61 hectares of land at LPS 60 ‘Wardle Employment Improvement Area’.
- 6.47.** Infrastructure provision – No new risks have arisen that affect the delivery of key infrastructure or other spatial priorities. The implementation of key highway schemes, which support the development of number of strategic allocations, is tracked through Indicator MF17 (Progress on key highway schemes listed in Policy CO2). These schemes include the Congleton Link Road, Poynton Relief Road and Middlewich Eastern Bypass.
- 6.48.** In summary, the AMR identifies that:
- the LPS has been effective in delivering sufficient affordable housing;
  - development is taking place in line with the Plan’s spatial strategy;
  - employment land take-up has been lower than planned, however there continues to be healthy employment land supply;
  - jobs growth is exceeding the rate forecasted in the Plan (although there is an issue with the reliability of the monitoring figure); and
  - planned highway infrastructure schemes are successfully coming forward or progressing

The conclusion on this aspect of the guidance is that there is no urgent need to update the LPS.

Higher tier plans or plan-making by other authorities

- 6.49. There are no higher-tier plans that affect the continued implementation of the LPS or warrant an update to strategic policies within the LPS.
- 6.50. As would be expected, other councils continue to progress their own local plan preparation, however none of this plan-making activity, particularly those authorities adjoining Cheshire East, has given rise to any strategic, cross-boundary matters that would have a material impact on the LPS or indicate that a new or altered strategic policy approach was needed in Cheshire East.
- 6.51. The conclusion on this aspect of the guidance is that an update the LPS is not required.

Significant economic changes

- 6.52. The Coronavirus pandemic – The pandemic has had a major impact on many aspects of our lives. It has highlighted the critical role of good design in supporting people's well-being, including access to open space and the design of new homes. It has driven a change in working patterns for many which may have implications for how new employment and housing development is planned for in the future. The pandemic has also exacerbated changes that were already taking place in shopping patterns, heightening the need to find ways to revitalise and repurpose the high street. As the country emerges from the pandemic the planning implication of any longer-lasting effects will need to be considered in updating strategic policies in due course. However, this issue alone does not point to any urgent need to update LPS policies.
- 6.53. High Speed 2 - The LPS recognised that HS2 would connect into Crewe, but it was viewed as a long-term opportunity. While some economic benefits were expected to occur in advance of the connection arriving, it was expected that the full impact of HS2 would arise after 2030. Phase 2a of HS2, that will link Fradley in the West Midlands (the northern end of Phase 1) and Crewe, is expected to start operations between 2029 and 2033. Phase 2b of HS2 completes the route through to Manchester from Crewe. It is expected to start operations between 2036 and 2040 and is currently the subject of a hybrid Bill. HS2 will mean that Crewe's role as a major interchange on the rail network will be substantially elevated. With the possibility of HS2 services to Crewe starting as early as 2029, there is a need to put in place appropriate policies to enable Crewe to fully benefit from the opportunities it will bring.
- 6.54. Members may recall that the Council progressed a Crewe Hub Area Action Plan (CHAAP) to a pre-submission draft stage in March 2020. However, in November 2021 the Corporate Policy Committee approved the formal withdrawal of the Plan<sup>14</sup>. It was considered that circumstances had changed

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<sup>14</sup> Policy Review Committee 4<sup>th</sup> November 2021

<https://moderngov.cheshireeast.gov.uk/ecMinutes/ieListDocuments.aspx?CId=959&MId=8661&Ver=4>

during the pandemic which meant that the proposals outlined in the draft CHAAP were unlikely to be delivered. These circumstances included changes in the commercial development market meaning that investment prospects relating to HS2 were likely to be constrained for several years to come and that the economic growth associated with HS2 would take longer to realise than anticipated before the pandemic. It was also highlighted that, because of a shift in Government investment priorities, including the establishment of the levelling up fund, there was no funding available that could support the Crewe Southern Link Road Bridge, a pivotal component of the transport plan for Central Crewe. An update to the LPS will need to proceed with a clear understanding of what the commercial development market may deliver in Crewe and the transport priorities for the area.

- 6.55.** Development viability – There have been no changes in viability since the adoption of the LPS that would prevent its overall spatial strategy from being realised. Further viability assessment work has been carried out as part of the preparation of the SADPD. The Local Plan Site Allocations and Development Policies Viability Assessment 2020 Update and Refresh<sup>15</sup>, prepared by HDH Planning and Development for the Council considers the effect of policy requirements within the SADPD alongside those of the LPS. The HDH Report concludes:

“12.98 ...The CEC area has a vibrant and active property market. All types of residential and non-residential development are coming forward. In the current market, the analysis in this report shows that the Council can be confident that the sites in the emerging SADPD are deliverable when taking into account the full cumulative impact of the polices in the SADPD and the adopted LPS. Further the additional polices in the SADPD are unlikely to prejudice the allocations in the adopted LPS.”

...and...

“12.100 Whilst the non-residential uses are not viable, they are not rendered unviable by the cumulative impact of the Council’s policies, rather by the general market conditions. The employment uses (office and industrial) are coming forward.

12.101 There is uncertainty around the impact of Covid 19 and Brexit on the economy. It is important that the Council monitors these changes as they occur and if necessary, makes any required changes.”

- 6.56.** There is no evidence from planning decisions and appeal decisions that there is any across the board problem in achieving planning policy requirements, including affordable housing, because of viability. There may be schemes

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<sup>15</sup> The report is available in the SADPD examination library, reference [ED 52]  
[https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire\\_east\\_local\\_plan/site-allocations-and-policies/sadpd-examination/examination-library.aspx](https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire_east_local_plan/site-allocations-and-policies/sadpd-examination/examination-library.aspx)

where the level of affordable housing is reduced below the expected minimum of 30%, however these cases generally reflect the particular circumstances of individual sites. However, as highlighted in paragraph 6.42 of this report, the number of affordable homes delivered during the first half of the Plan period has exceeded half of the identified need for such homes.

**6.57.** Engagement with the housing development sector through the course of preparing the Council's annual Housing Monitoring Update has re-affirmed that the housing market in Cheshire East is generally strong and they are able to bring forward housing sites viably.

**6.58.** The conclusion on this aspect of the guidance is that:

- the long-term effect of the coronavirus pandemic will need to be considered in updating the LPS, however this issue alone would not warrant an immediate update to LPS policies;
- the prospect of HS2 services reaching Crewe potentially before the end of the current plan period points to the need for an update to the LPS to enable Crewe to fully benefit from the opportunities it will bring; and
- there have been no changes in viability since the adoption of the LPS that would prevent its overall spatial strategy from being realised.

#### Changes to social, environmental or economic priorities

**6.59.** The climate crisis remains the biggest long-term threat facing humanity and it is generally accepted that action to mitigate climate change needs to be increased and accelerated. The Council has established a series of goals through its Environment Strategy and Carbon Neutral Action Plan including the intention for its own operations to be carbon neutral by 2025. In joining the UK 100 Network in January this year, the Council has made a further pledge to make the entire borough carbon neutral by 2045. Planning has an important role to play in tackling climate change and an update to the LPS provides an opportunity to take policies further in this effort, consistent with national planning policy.

**6.60.** The Council has also published a new Corporate Plan 2021-2025. It sets out a vision for Cheshire East under the headline priorities of 'Open' 'Fair' and 'Green'. It promotes the achievement of sustainable development in terms of environmental, social and economic well-being. Maintaining thriving urban and rural economies remains an important priority, however there is an elevated emphasis on achieving good health and well-being for all its residents and the protection and enhancement of the environment. The latter includes a reinforcement of the Council's commitment to tackle climate change. Although all three strands of sustainable development feature in the LPS's Strategic Priorities, the greater emphasis now given to achieving fairer social and environmental outcomes (whilst acknowledging that these do not exist independently from a thriving economy) should be reflected in any LPS update, including, as noted above, further actions to mitigate climate change.

- 6.61.** The conclusion on this aspect of the guidance is that LPS policies should be updated to more closely reflect the local priorities set out in the Council's latest Corporate Plan 2021-25, specifically the increased emphasis now given to achieving outcomes relating to social and environmental well-being.

Other changes in local circumstances

- 6.62.** There have been no other changes in local circumstances that are seriously undermining the delivery of the LPS. In July 2019, Jodrell Bank Observatory was inscribed on to the UNESCO World Heritage List in recognition of its tremendous scientific endeavours and its role in achieving a transformational understanding of the Universe. Although its inscription took place after the adoption of the LPS, Policy SE 14 of the LPS already provided protection of the Observatory's significant scientific and historical value. Its World Heritage Site status elevates the importance of this policy protection and the inclusion of Policy HER 9 within the SADPD specifically recognises the Observatory as a designated heritage asset of the highest significance. As policy protection was already in place to limit development that could harm the efficiency of its telescopes, its inscription on the World Heritage List has had no significant impact on the delivery of the LPS's overall housing or employment requirements.
- 6.63.** The conclusion on this aspect of the guidance is that an update to the LPS is not required.

Recommended way forward

- 6.64.** The review has found that the LPS remains generally well-aligned with national planning policy. There are aspects of national planning policy that have changed, most notably through updates to the National Planning Policy Framework, with associated changes in PPG. Some of these changes have been addressed through the preparation of the SADPD. However, the assessment of individual LPS policies, appended to this report, identifies that two policies require updating to reflect important changes to national planning policy, namely Policy PG1 (Overall Development Requirements) and Policy SC5 (Affordable Housing). Policy PG1 sets out overall development requirements, including the housing requirement. Changes to national policy indicate that local housing needs have changed significantly, and, in such circumstances, relevant strategic policies will need updating. An update to Policy SC5 is necessary to reflect the government's policy for First Homes introduced in 2021 which it expects local planning authorities to implement at the earliest opportunity. The update could also address any appropriate updates to "amber" rated policies.
- 6.65.** The LPS is generally performing well. The Council's current housing supply and delivery performance is strong which is consistent with the government's ambition to boost the supply of new homes. Development is generally taking place in accordance with the spatial strategy. Less employment land has been taken up than planned, however there remains a healthy supply of sites

providing a range of employment development opportunities. The AMR indicates that annual jobs growth has been considerably higher than that forecasted. Based solely on the performance of the Plan there is no urgent need to update the LPS.

- 6.66.** There have been two significant changes in local circumstances that warrant an update to LPS policies. The first is HS2. With the potential for HS2 services to Crewe commencing as early as 2029, there is a need to put in place development plan policies so that the development opportunities HS2 will bring can be achieved in a plan-led way. The cessation of work on the Crewe Hub Area Action Plan adds to the need for new policies to be prepared through an update to the LPS. The second change is the Council's Corporate Plan 2021-25 with its added emphasis on outcomes that support social and environmental well-being. This includes a commitment to tackling climate change with the ambition for the borough to be carbon neutral by 2045.
- 6.67.** Having carried out a review that has looked at all the aspects highlighted in national planning policy and guidance, it is recommended that a LPS update is commenced. This report has not sought to define the exact scope of any update since this would be a matter for the update process itself. A LPS update would also be brought forward in the context of the government's proposed planning reforms. These would introduce changes to the way in which local plans are prepared and the scope of the policies they would contain<sup>16</sup>. However, even setting aside the likely changes expected through planning reforms, the update to the LPS would be extensive and include the setting of development requirements post 2030 which, in turn, would also necessitate updates to a range of other key strategic policies. Given the current national planning policy requirement that strategic policies should look ahead over a minimum 15-year period from adoption, any new Plan period would extend into the 2040s<sup>17</sup>.
- 6.68.** Subject to a decision to update the LPS, the next step would be for officers to bring back a further report to the Committee with a revised Local Development Scheme. This would set out a proposed timetable for the preparation of the updated LPS<sup>18</sup>.

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<sup>16</sup> For example, in the future, policies on issues that apply in most areas (such as general heritage protection) are proposed to be set out in a suite of National Development Management Policies. It is intended that these will be given statutory weight alongside the development plan in determining planning applications.

<sup>17</sup> NPPF Paragraph 22 states "Where larger-scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery." <https://www.gov.uk/guidance/national-planning-policy-framework>

<sup>18</sup> The timetable for preparing the next iteration of the Local Plan will need to take account of the implications of national planning reforms once the details of these emerge in due course.

- 6.69.** Pending new or amended policies being prepared and adopted as part of any update, all policies in the LPS would remain part of the development plan for the borough until they were replaced by any newly adopted Local Plan.

## **7. Implications**

### **7.1. Legal**

- 7.1.1.** This report addresses the requirement under Regulation 10A of The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012 (as amended) to carry out a review of the Local Plan Strategy within 5 years from the date of its adoption.

### **7.2. Finance**

- 7.2.1.** An update of the LPS will be a major undertaking involving significant costs due to the procedures that have to be followed and the preparation of a robust evidence base. Further detail, quantifying the likely financial implications, would be reported back to the Committee alongside the revised Local Development Scheme.
- 7.2.2.** The review of the LPS has involved officer time and has also been informed by senior external legal advice. The latter has been paid for from the Planning earmarked reserve.

### **7.3. Policy**

- 7.3.1.** The Local Plan Strategy sets out the Council's policy for sustainable development in the Borough. Key policy implications are addressed in the body of the report.

### **7.4. Equality**

- 7.4.1.** The LPS was accompanied and informed by an integrated Sustainability Appraisal incorporating an Equality Impact Assessment. A similar Appraisal would be carried out as part of any update to the LPS<sup>19</sup>.

### **7.5. Human Resources**

- 7.5.1.** There are no additional human resource implications arising from this report.

### **7.6. Risk Management**

- 7.6.1.** An update to the LPS would be a significant undertaking, involving multiple work-streams. Appropriate risk management would be carried out as integral part of its project management.

### **7.7. Rural Communities**

- 7.7.1.** An update to the LPS would contain planning policies for the whole of the Borough, including rural areas.

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<sup>19</sup> The government is proposing to replace Sustainability Appraisals with 'Environmental Outcomes Reports' through the Levelling Up and Regeneration Bill.

## **7.8. Children and Young People/Cared for Children**

- 7.8.1.** The well-being of young people and cared for children would be an important objective that any revised policies should seek to support.

## **7.9. Public Health**

- 7.9.1.** Good health would be an important objective that any revised policies should seek to support.

## **7.10. Climate Change**

- 7.10.1.** A LPS update would provide an opportunity to go further with planning policies to mitigate climate change as highlighted in paragraphs 6.59 and 6.60 of the report.

### **List of abbreviations**

AMR	Authority Monitoring Report
LPA	Local planning authority
LPS	Local Plan Strategy
NPPF	National Planning Policy Framework
PPG	National Planning Practice Guidance
SADPD	Site Allocations and Development Policies Document

<b>Access to Information</b>	
Contact Officer:	Jeremy Owens, Development Planning Manager <a href="mailto:jeremy.owens@cheshireeast.gov.uk">jeremy.owens@cheshireeast.gov.uk</a>
Appendices:	Appendix 1 – Assessment of Local Plan Strategy policies against the requirements of national policy
Background Papers:	These are referenced in the report and links are provided in footnotes.

<b>Appendix - Assessment of Local Plan Strategy (“LPS”) policies against the requirements of national policy</b>			
<b>LPS Policy</b>	<b>Policy Title</b>	<b>Compliance with National Planning Policy Framework (“NPPF”) (2021)</b>	<b>Rating</b>
Policy MP 1	Presumption in Favour of Sustainable Development	This policy is still consistent with national policy to achieve sustainable development. It reflects the approach required towards decision making, albeit that NPPF ¶11(d), in applying the presumption in decision-making where development plan policies are out of date, now makes reference to the policies which are the most important for determining the application’ rather than ‘relevant policies’. NPPF 2021 changes the ordering of the two circumstances where the presumption is disapplied in decision making (¶11(d)(i) and (ii)), however this does not change the overall effect of this national policy.	Amber
Policy PG 1	Overall Development Strategy	Although overall development strategy of the LPS is consistent with the government’s objective to significantly boost the supply of homes (NPPF ¶60), the way in which the requirement for new homes is calculated has changed. The LPS housing requirement reflects the objectively assessed need for housing in the borough and was established through evidence prepared around seven years ago. It was derived using the 2012-based household projections along with a set of assumptions at that time. Changes to national planning policy now direct authorities to carry out an assessment of local housing need based on the standard method, unless, by exception, an alternative approach can be fully justified. The standard method uses the 2014-based household projections. NPPF paragraph 33 states “Relevant strategic policies will need updating at least once every 5 years if their applicable local housing need figure has changed significantly....”. The LPS housing requirement is 1,800 homes/year which is much higher than the current local housing need for the borough of 1,070 homes/year. This represents a significant change.	Red
Policy PG 2	Settlement Hierarchy	The LPS’s settlement hierarchy remains closely aligned with national policy. For example:	Green

<b>Appendix - Assessment of Local Plan Strategy (“LPS”) policies against the requirements of national policy</b>			
<b>LPS Policy</b>	<b>Policy Title</b>	<b>Compliance with National Planning Policy Framework (“NPPF”) (2021)</b>	<b>Rating</b>
		<ul style="list-style-type: none"> <li>NPPF ¶119 looks for strategic policies to set out a clear strategy for accommodating development needs; and</li> <li>NPPF ¶105 states that the planning system should actively manage patterns of growth to meet a range of transport objectives and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.</li> </ul>	
Policy PG 3	Green Belt	The policy is broadly consistent with the current NPPF. The purpose of Green Belt and the presumption against inappropriate development, except in very special circumstances remain closely aligned. Since adoption of the LPS, the NPPF has introduced some minor changes to the types of development that are not inappropriate. Where development involves limited infilling or the partial or complete redevelopment of previously developed land and contributes to meeting an identified affordable housing need, it is now not inappropriate if it does not cause substantial harm to the openness of the Green Belt (rather than not having a greater impact than the existing development). In addition, material changes in the use of land where the proposals preserve the openness of the Green Belt and do not conflict with the purposes of including land within it are no longer inappropriate. These changes affect very few development proposals and can be fully considered in decision-making as a material consideration.	Amber
Policy PG 4	Safeguarded Land	The safeguarded land policy remains closely aligned with the latest NPPF which considers safeguarded land at ¶143. The LPS identifies the necessary safeguarded land between urban areas and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period; and it makes clear that safeguarded land is not allocated for development at the present	Green

<b>Appendix - Assessment of Local Plan Strategy (“LPS”) policies against the requirements of national policy</b>			
<b>LPS Policy</b>	<b>Policy Title</b>	<b>Compliance with National Planning Policy Framework (“NPPF”) (2021)</b>	<b>Rating</b>
		time and development will not be permitted unless a review of the Plan has taken place to allocate the land for development.	
Policy PG 5	Strategic Green Gaps	Strategic Green Gaps (SGGs) aim to provide long-term protection to prevent the coalescence of Crewe and the settlements around it, protect their setting and separate identity and retaining the existing settlement pattern, with positive effects on sustainability objectives. The policy remains closely aligned with national policy. NPPF ¶130 states that planning policies should ensure that developments are sympathetic to local character including their landscape setting. Policy PG5 identified the general extent of the SGGs and, in line with that policy, detailed boundaries are now being defined around them through the SADPD.	Green
Policy PG 6	Open Countryside	The key objective of the open countryside policy is the preservation of the countryside. This remains in closely aligned with the NPPF (¶174b) which requires planning policies to recognise the intrinsic character and beauty of the countryside. In general, the policy restricts development to that appropriate to a rural area, but also makes a number of exceptions to allow for certain types of development, which are in accordance with various paragraphs of the NPPF. In addition, the SADPD includes a number of policies related to rural areas that have been tested through examination against the latest version of the NPPF. These SADPD rural policies give further guidance on when certain types of development can be considered to be a use appropriate to a rural area and permitted under the LPS Open Countryside policy.	Green
Policy PG 7	Spatial Distribution of Development	The LPS policy is in general conformity with the NPPF, in particular, achieving sustainable development objectives (¶8), guiding development towards sustainable solutions, taking account of local circumstances and the character, needs and opportunities of each area (¶9), setting out an overall strategy for the	Amber

<b>Appendix - Assessment of Local Plan Strategy (“LPS”) policies against the requirements of national policy</b>			
<b>LPS Policy</b>	<b>Policy Title</b>	<b>Compliance with National Planning Policy Framework (“NPPF”) (2021)</b>	<b>Rating</b>
		pattern and scale of development (¶20) and building a strong, competitive economy (¶¶ 81 – 83). ¶66 of the NPPF (2021) sets out that strategic planning authorities should set out a housing requirement for their whole area and for designated neighbourhood areas within their strategic policies. ¶67 goes on to say that if it is not possible to provide a requirement figure for a neighbourhood area, local planning authorities should provide an indicative figure on request. The LPS was adopted in 2017, prior to the 2018 NPPF update, which introduced this requirement. Therefore, the LPS does not establish a local requirement for any neighbourhood area. However, in supporting the development of neighbourhood plans in the borough, the council does provide as much assistance as it can on this matter when requested.	Yellow
Policy SD 1	Sustainable Development in Cheshire East	Policies SD1 & SD2 set out broad criterion for development, reflecting the economic, social & environmental objectives and core principles defining sustainable development set out in NPPF ¶¶ 7-10	Green
Policy SD 2	Sustainable Development Principles		
Policy IN 1	Infrastructure	The LPS policy is in general conformity with the NPPF, in particular, supporting sustainable development objectives (¶8) in identifying and coordinating the provision of infrastructure. The policy, supported by an infrastructure delivery plan, makes sufficient provision for infrastructure to support the LPS, in line with NPPF ¶20 (b, c & d). The Plan seeks to support the necessary infrastructure to support larger scale development (NPPF ¶73) and seek to address barriers to economic investment (NPPF ¶82(c)).	Green
Policy IN 2	Developer Contributions	The LPS policy is in general conformity with the NPPF. The Plan sets out the approach to affordable housing provision in line with NPPF ¶34, alongside other	Green

<b>Appendix - Assessment of Local Plan Strategy (“LPS”) policies against the requirements of national policy</b>			
<b>LPS Policy</b>	<b>Policy Title</b>	<b>Compliance with National Planning Policy Framework (“NPPF”) (2021)</b>	<b>Rating</b>
		contributions. The SADPD also provides further guidance on the approach to contributions, particularly sports provision. Both the LPS and SADPD are supported by Plan wide viability assessments to ensure that policies do not undermine the deliverability of the Plan.	Green
Policy EG 1	Economic Prosperity	This policy is supportive of proposals for employment development in appropriate locations and is in line with the NPPF which requires policies to help create the conditions in which businesses can invest, expand and adapt.	Green
Policy EG 2	Rural Economy	Policy EG 2 encourages developments that supports the rural economy in line with NPPF ¶84.	Green
Policy EG 3	Existing and Allocated Employment Sites	Policy EG 3 seeks to protect existing employment sites for employment uses where it is appropriate to do so. The NPPF ¶123 does require a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified needs. However, the Plan already makes full provision for identified housing needs and the NPPF (¶20) also requires policies to make provision of employment uses, and to support business investment (¶¶81-82). Policy EG 3 does allow use of existing employment sites for alternative uses where this is evidenced as appropriate. It strikes an appropriate balance and remains closely aligned with the NPPF.	Green
Policy EG 4	Tourism	The policy supports tourism development in higher order settlements, supporting the economy in line with NPPF ¶¶81-83. It also supports tourism development in rural areas where appropriate and respectful of the landscape in line with NPPF ¶84c.	Green

<b>Appendix - Assessment of Local Plan Strategy (“LPS”) policies against the requirements of national policy</b>			
<b>LPS Policy</b>	<b>Policy Title</b>	<b>Compliance with National Planning Policy Framework (“NPPF”) (2021)</b>	<b>Rating</b>
Policy EG 5	Promoting a Town Centre First Approach to Retail and Commerce	The LPS policy is in broad conformity with ¶¶86 – 90 of the NPPF, particularly in respect of the application of the sequential and impact retail tests, alongside setting out a hierarchy of retail centres in the borough. The emerging SADPD provides further guidance on retail / town centre matters including reviewing town centre / primary shopping area boundaries.	Green
Policy SC 1	Leisure and Recreation	Policies SC1, SC2 & SC3 seek the evidence-based delivery/protection of leisure/recreation/sports facilities in sustainable locations and that health/wellbeing is consistently considered/improved. The policies achieve the social objectives of sustainable development defined within the NPPF, particularly chapter 8: ‘Promoting healthy and safe communities’, ¶92 and 93. SADPD Chapter 11: ‘Recreation and community facilities’ also addresses the differences between NPPF 2012 and 2021.	Green
Policy SC 2	Indoor and Outdoor Sports Facilities		Green
Policy SC 3	Health and Well-Being		Green
Policy SC 4	Residential Mix	The policy is generally consistent with the NPPF in seeking a mix of dwelling types, tenures and sizes on residential development (NPPF ¶62). The policy also seeks to support a mix of housing for different groups including but not limited to older people and people wishing to commission or build their own home. Policy SC4 is further supplemented by the emerging SADPD policies HOU 1 (Housing Mix), HOU 2 (Specialist housing provision), HOU 3 (Self and Custom Build Dwellings) and policies on Gypsies and Travellers and Travelling Showpeople in the SADPD which provide for further policy guidance on housing for different groups in the community.	Green
Policy SC 5	Affordable Homes	Policy SC5 supports the provision of affordable housing and looks to secure 30% affordable housing on qualifying market housing-led schemes. The identification of thresholds for affordable housing and, in the supporting text to the policy, in setting out an indication of the type of affordable housing required it is consistent with	Red

<b>Appendix - Assessment of Local Plan Strategy (“LPS”) policies against the requirements of national policy</b>			
<b>LPS Policy</b>	<b>Policy Title</b>	<b>Compliance with National Planning Policy Framework (“NPPF”) (2021)</b>	<b>Rating</b>
		<p>NPPF ¶62. In line with NPPF ¶20 the policy makes sufficient provision for affordable housing to meet objectively assessed needs.</p> <p>However, the definition of affordable housing has been updated since the 2012 NPPF and the adoption of the LPS. The emerging SADPD includes the updated definition in its glossary. ¶64 of the NPPF states that provision of affordable housing should only be sought for residential development involving 10 or more homes. By contrast, the LPS does not reflect this threshold for affordable housing provision. It sets a threshold of 15 or more homes in Principal Towns and Key Services Centres and 11 or more homes in Local Service Centres and other locations. In addition the LPS identifies site size thresholds which the NPPF does not.</p> <p>¶65 of the NPPF expects at least 10% of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups (with listed exemptions). This is not reflected in LPS policy SC 5.</p> <p>Policy SC 5 also does not reflect the introduction of First Homes, announced through a Written Ministerial Statement in May 2021 and included in National Planning Practice Guidance. First Homes are a specific kind of discounted market sale housing falling within the definition of ‘affordable housing’ for planning purposes. They are the government’s preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. Councils are expected to implement First Homes by updating their local plan policies. Under transitional arrangements, because the SADPD had been submitted for examination before the Ministerial Statement, it is not required to address this new national policy. However, the</p>	

<b>Appendix - Assessment of Local Plan Strategy (“LPS”) policies against the requirements of national policy</b>			
<b>LPS Policy</b>	<b>Policy Title</b>	<b>Compliance with National Planning Policy Framework (“NPPF”) (2021)</b>	<b>Rating</b>
		Ministerial Statement makes clear that the government wishes to see the introduction of First Homes requirements in local plans at the earliest opportunity.	Red
Policy SC 6	Rural Exceptions Housing for Local Needs	The approach is consistent with ¶78 of the NPPF in providing opportunities to bring forward rural exception sites that provide affordable housing to meet identified local needs and a policy approach to the consideration of whether allowing some market housing (through cross subsidy) would help facilitate this.	Green
Policy SC 7	Gypsies and Travellers and Travelling Showpeople	The LPS policy is consistent with NPPF ¶62 (footnote 27) in setting out the need for pitches and plots in the borough, albeit the SADPD (once adopted) will update Gypsy and Travellers and Travelling Showpeople housing needs in line with the definition included in Annex 1 of the Planning Policy for Traveller Sites. Policy SC7 is in general conformity with the Planning Policy for Travellers Sites (2015) and will be further supplemented by policies and allocations in the emerging SADPD to provide for a five-year deliverable supply of sites and sufficient sites to meet needs across the Plan period, once adopted.	Green
Policy SE 1	Design	Chapter 12 (achieving well-designed places) of the 2021 NPPF has placed an increased focus on making beautiful and sustainable places and the use of plans, design policy, guidance and codes is encouraged. LPS policy SE1 is broadly consistent with the approach in seeking to support development proposals that make a positive contribution to their surroundings. LPS Policy SE1 refers to the importance of masterplanning, design coding and Building for a Healthy Life 12, which are still referenced in the NPPF. The SADPD, through emerging policies GEN 1 (Design Principles) and policy ENV 6 ‘Trees, Hedgerows and Woodland Implementation) also seeks to reflect the updated guidance contained in the NPPF, for example, the consideration of ensuring new streets are tree-lined.	Green

<b>Appendix - Assessment of Local Plan Strategy (“LPS”) policies against the requirements of national policy</b>			
<b>LPS Policy</b>	<b>Policy Title</b>	<b>Compliance with National Planning Policy Framework (“NPPF”) (2021)</b>	<b>Rating</b>
Policy SE 2	Efficient Use of Land	Policy SE2 encourages the re-use of brownfield land, safeguards natural resources and resists windfall development likely to place excessive demand upon existing infrastructure (without mitigation). These are consistent themes throughout national policy. Prioritising the re-use of brownfield land is specifically cited within NPPF Chapter 11 ‘Making effective use of land’.	Green
Policy SE 3	Biodiversity and Geodiversity	This policy remains closely aligned with national policy set out in Chapter 15 of the NPPF, ‘Conserving and enhancing the natural environment’.	Green
Policy SE 4	The Landscape	This policy remains closely aligned with national policy set out in NPPF Chapter 12 ‘Achieving well designed places which, in ¶130, states that planning policies should ensure that development are sympathetic to local character including the surrounding landscape setting. Policy SE 4 is also closely aligned with NPPF chapter 15, ‘Conserving and enhancing the natural environment’ which, amongst other things, in ¶174 states that planning policies should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.	Green
Policy SE 5	Trees, Hedgerows and Woodland	This policy remains closely aligned with national planning policy, including ¶131 which further recognises the contribution that trees make to the character and quality of urban environments. NPPF ¶174 states that planning policies should contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services, including the economic and other benefits of trees and woodland.	Green
Policy SE 6	Green Infrastructure	This policy remains closely aligned with national planning policy. Councils are encouraged to have planning policies to protect and enhance green infrastructure to support healthy lifestyles in the interests of health and well-being, to achieve attractive places and to support biodiversity.	Green

<b>Appendix - Assessment of Local Plan Strategy (“LPS”) policies against the requirements of national policy</b>			
<b>LPS Policy</b>	<b>Policy Title</b>	<b>Compliance with National Planning Policy Framework (“NPPF”) (2021)</b>	<b>Rating</b>
Policy SE 7	The Historic Environment	Policy SE7 seeks to conserve and enhance the historic environment in line with NPPF Chapter 16: Conserving and enhancing the historic environment. LPS policy SE7 has been supplemented by policies in Chapter 5 : ‘The historic environment’ of the SADPD which have provided additional non-strategic policy detail.	Green
Policy SE 8	Renewable and Low Carbon Energy	This policy is consistent with the NPPF in seeking to achieve national aims to provide a positive approach to renewable energy schemes and low carbon energy generation, while ensuring that adverse impacts are addressed satisfactorily – including cumulative landscape and visual impacts (NPPF ¶155). LPS policy SE8 has been supplemented by policies in the SADPD which have provided additional detailed guidance on this matter, including on wind & solar energy and supporting infrastructure including battery storage. In line with NPPF ¶158 (& footnote 54), the SADPD also identifies areas as suitable for wind energy development. The LPS is consistent with footnote 54 with reference to the planning impacts and community views on wind turbines.	Green
Policy SE 9	Energy Efficient Development	This policy is consistent with NPPF ¶157 in providing local requirements for decentralised energy supply including District Heating Network Priority Areas. Policy SE9 is also consistent with ¶152 in supporting transition to a low carbon future and seeking to reduce greenhouse gas emissions. This is supported in the emerging SADPD with policy ENV 7 (Climate Change) which seeks to provide additional guidance including references to energy efficiency and low carbon energy targets and also reference to physical protection measures for vulnerable development and infrastructure to ensure the future resilience of communities and infrastructure to climate change impacts, in line with ¶153 of the NPPF.	Green

<b>Appendix - Assessment of Local Plan Strategy (“LPS”) policies against the requirements of national policy</b>			
<b>LPS Policy</b>	<b>Policy Title</b>	<b>Compliance with National Planning Policy Framework (“NPPF”) (2021)</b>	<b>Rating</b>
Policy SE 10	Sustainable Provision of Minerals	The policy remains broadly consistent with national planning policy, however the Council is bringing forward further planning policies for minerals through a separate Minerals and Waste Plan (MWP). LPS Policy SE 10 is proposed to be updated as part of the MWP. A separate report about the next steps in preparing the MWP is included on this agenda.	Amber
Policy SE 11	Sustainable Management of Waste	The policy remains broadly consistent with national planning policy, however the Council is bringing forward further planning policies for waste through a separate Minerals and Waste Plan. This Policy SE 11 is proposed to be updated as part of the MWP. A separate report about the next steps in preparing the MWP is included on this agenda.	Amber
Policy SE 12	Pollution, Land Contamination and Land Instability	Policy SE12 aims to prevent development causing pollution that would harm people or the environment. This is consistent with the environmental objectives of sustainable development and cited particularly within NPPF ¶¶183-188. SADPD policies ENV12, ENV13 and ENV14 will also provide detailed policies to help manage air, noise, and light pollution (respectively).	Green
Policy SE 13	Flood Risk and Water Management	Policy SE13 seeks to protect development from unacceptable flood risks and seeks to avoid increasing flood risk elsewhere through new development by requiring Flood Risk Assessments, applying the sequential tests and providing SUDS. These are also required within NPPF paras 159-169.	Green
Policy SE 14	Jodrell Bank	This policy remains closely aligned with NPPF Chapter 16: ‘Conserving and enhancing the historic environment’ by affording the significance of this internationally important historic asset appropriate protection. Since the adoption of the LPS, the Jodrell Bank Observatory has been inscribed on the World Heritage List, recognised in Policy HER 9 of the emerging SADPD.	Green

<b>Appendix - Assessment of Local Plan Strategy (“LPS”) policies against the requirements of national policy</b>			
<b>LPS Policy</b>	<b>Policy Title</b>	<b>Compliance with National Planning Policy Framework (“NPPF”) (2021)</b>	<b>Rating</b>
Policy SE 15	Peak District National Park Fringe	This policy remains closely aligned with national planning policy, in particular NPPF ¶174 which expects planning policies to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.	Green
Policy CO 1	Sustainable Travel and Transport	Policy CO 1 supports sustainable travel and transport by seeking to reduce the need to travel (in line with NPPF ¶105), improve conditions for pedestrians and cyclists (in line with NPPF ¶¶92,104,106 and 112), improve public transport provision and integration (in line with NPPF ¶¶104 and 112) and to improve freight transport routes (in line with NPPF ¶¶106,110 and 112). Sustainable travel remains an important part of the NPPF which Policy CO 1 reflects.	Green
Policy CO 2	Enabling Business Growth Through Transport Infrastructure	Policy CO 2 seeks to reduce the need to travel (in line with NPPF ¶105), enables development by supporting transport infrastructure and modal shift (in line with NPPF Chapter 9 ‘Promoting sustainable transport’ and various sections requiring support for investment in infrastructure) and encourages recreational and other uses for disused transport corridors. It remains closely aligned with the NPPF.	Green
Policy CO 3	Digital Connections	Policy CO3 supports improvements to digital communication networks, which is also a priority set out in NPPF chapter 10: ‘Supporting high quality communications’.	Green
Policy CO 4	Travel Plans and Transport Assessments	Policy CO 4 requires proposals for major developments that are likely to generate significant additional journeys to provide transport assessments and travel plans where appropriate. This remains closely aligned with the NPPF (¶113).	Green



*Working for a brighter future together*

## **Environment and Communities Committee**

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**Date of Meeting:** 1 July 2022

**Report Title:** Environment and Communities budgets 2022/23

**Report of:** CLT Lead Officer: Alex Thompson, Director of Finance & Customer Services

**Report Reference No:** EC/01/22-23

**Ward(s) Affected:** All wards and all members will be affected and impacted by the content of the MTFS and Corporate Plan.

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### **1. Report Summary**

- 1.1.** This report determines the allocation of the approved budgets for 2022/23 to the Environment and Communities Committee.
- 1.2.** The report contributes to the Council's objective of being an open and enabling organisation.

### **2. Executive Summary**

- 2.1.** The Medium Term Financial Strategy (MTFS) for Cheshire East Council for the four years 2022/23 to 2025/26 was approved by full Council on 24 February 2022.
- 2.2.** Cheshire East Council provides in the region of 500 local services every day. The Corporate Plan articulates a vision of how these services will make Cheshire East an Open, Fairer and Greener borough. The MTFS matches forecast resources to the costs associated with achieving the Council's vision.
- 2.3.** The Finance Sub Committee meeting on the 2 March approved the allocation of the approved capital and revenue budgets, related policy proposals and earmarked reserves to each of the service committees.

### **3. Recommendations**

- 3.1.** To note the decision of the Finance Sub-Committee to allocate the approved capital and revenue budgets, related policy proposals and

earmarked reserves to the Economy and Growth Committee, as set out in **Appendix A**.

- 3.2.** To approve the supplementary revenue estimates set out in **Appendix B**, Table A.
- 3.3.** To approve the supplementary capital estimates set out in **Appendix B**, Table B.
- 3.4.** To approve capital budget virements set out in **Appendix B**, Table C.
- 3.5.** To note the financial reporting timetable as set out in **Appendix C**.

#### **4. Reasons for Recommendations**

- 4.1.** The Environment and Communities Committee has the responsibility for the oversight, scrutiny, reviewing of outcomes and performance, budget monitoring and risk management of the Directorates of Environment and Neighbourhood, including: Development Management; Spatial Planning; Building Control and Planning systems; Neighbourhood Planning; Environmental Services; Regulatory Services; Libraries; Leisure Commissioning; Emergency Planning; and Neighbourhood Services.
- 4.2.** Finance Sub-Committee met on 2 March and set out the budgets in accordance with the above responsibilities.

#### **5. Other Options Considered**

- 5.1.** Not applicable.

#### **6. Background**

- 6.1.** All councils are legally required to set a balanced budget each year. The MTFS was approved by full Council on 24 February 2022.
- 6.2.** Finance Procedure Rules set limits and responsibilities for movement of funds within this balanced position, treating reserves as part of this overall position. Any movement within this balanced position is treated as a virement. To increase the overall size of the MTFS requires a supplementary estimate, which must be backed with appropriate new funding and approved in line with the Procedure Rules.
- 6.3.** To support accountability and financial control the 2022/23 budget is reported across the Committees based on their associated functions. This report sets out the allocation of the revenue and capital budgets and earmarked reserves to the Environment and Communities committee in accordance with its functions.
- 6.4.** Each committee Function has been associated with a Director budget. Budget holders are responsible for budget management. Where a team supports multiple Directors (most notable in Corporate Services) the budget remains with the Director and is not split, for example, Governance and

Democratic Services are aligned to the Corporate Policy Committee even though the activity of the team is split across all teams.

- 6.5.** The financial alignment of budgets to each Committee is set out in Table 1 with further details on the Environment and Communities Committee budgets in Appendix A.

**Table 1: Revenue and Capital Budgets allocated to service committees as per the approved MTFS**

Committee	Expenditure £m	Income £m	Net Budget £m	Total Capital Budget £m	Total Rev + Cap £m
Health and Adults	178.126	-57.287	120.839	-	120.839
Highways and Transport	20.673	-8.871	11.802	77.435	89.237
Children and Families	77.272	-3.495	73.777	33.793	107.570
Economy and Growth	32.654	-9.144	23.510	52.001	75.511
Environment and Communities	54.795	-10.422	44.373	10.973	55.346
Corporate Policy	94.672	-56.350	38.322	7.043	45.365
Finance Sub Committee	16.007	-0.900	15.107	4.000	19.107
<b>Original Budget (MTFS Feb 22)</b>	<b>474.199</b>	<b>-146.469</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>

- 6.6.** The 2022-25 MTFS includes a net revenue budget of £327.7m and an approved capital programme of £185.3m for the financial year 2022/23. Further details on the schemes within the capital programme for the Environment and Communities Committee are provided in Appendix A.
- 6.7.** Council wide budget control rests with the Corporate Policy Committee (and Finance Sub Committee) and Council. Budgets have been aligned with service committees to facilitate expenditure assurance but committees do not hold 'a budget'. Responsibility for budget management remains with officers but the Committee is responsible for assuring the budget is spent on delivering the objectives set out in the policy framework of the Corporate Plan.

## 7. Consultation and Engagement

- 7.1.** The annual business planning process involves engagement with local people and organisations. Local authorities have a statutory duty to consult on their Budget with certain stakeholder groups including the Schools Forum and businesses. In addition, the Council chooses to consult with other stakeholder groups. The Council continues to carry out stakeholder analysis to identify the different groups involved in the budget setting process, what information they need from us, the information we currently provide these groups with, and where we can improve our engagement process.

- 7.2. Cheshire East Council conducted an engagement process on its Medium-Term Financial Plans through a number of stages running from November 2021 to Council in February 2022.
- 7.3. The budget consultation launched on-line on the 24 November 2021, included details of the proposals against each Corporate Plan aim. This consultation was made available to various stakeholder groups and through a number of forums.

## **8. Implications**

### **8.1. Legal**

- 7.1.1. The legal implications surrounding the process of setting the 2022 to 2026 Medium Term Financial Strategy were dealt with in the reports relating to that process.

### **7.2. Finance**

- 7.2.1. Contained within the main body of the report.

### **7.3. Policy**

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

### **7.4. Equality**

- 7.4.1. The Council needs to ensure that in taking decisions on the Medium Term Financial Strategy, the Budget and the Corporate Plan, the impacts on those with protected characteristics are considered. The Council undertakes equality impact assessments where necessary and continues to do so as proposals and projects develop across the lifetime of the Corporate Plan. The process assists us to consider what actions could mitigate any adverse impacts identified. Completed equality impact assessments form part of any detailed Business Cases.
- 7.4.2. 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.

### **7.5. Human Resources**

- 7.5.1. 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.

### **7.6. Risk Management**

- 7.6.1. 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 2022/23 budget and the level of general reserves were factored into the 2022/23 financial scenario, budget and reserves strategy.

## **7.7. Rural Communities**

**7.7.1.** The report provides details of service provision across the borough.

## **7.8. Children and Young People/Cared for Children**

**7.8.1.** The report provides details of service provision across the borough.

## **7.9. Public Health**

**7.9.1.** 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.

## **7.10. Climate Change**

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

<b>Access to Information</b>	
Contact Officer:	Alex Thompson Director of Finance and Customer Services (Section 151 Officer) <a href="mailto:alex.thompson@cheshireeast.gov.uk">alex.thompson@cheshireeast.gov.uk</a>
Appendices:	<b>A</b> - Allocation of capital and revenue budgets, earmarked reserves and policy proposals to service committees <b>B</b> – Supplementary Estimates <b>C</b> – Financial Reporting Timetable 2022-23
Background Papers:	The following are links to key background documents: <a href="#">Medium-Term Financial Strategy 2022-26</a>

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**Appendix A – Allocation of capital and revenue budgets, earmarked reserves and policy proposals to service committees.**

<b>2022/23</b> <b>Environment and Communities Committee</b> <b>MTFS page 175</b>	<b>Expenditure</b> £000	<b>Income</b> £000	<b>Net</b> £000	<b>Capital Budget</b> £m	<b>Total Rev + Cap</b> £m
Environmental Services	35.647	-2.849	<b>32.798</b>	<b>5.321</b>	<b>38.119</b>
Leisure Commissioning	1.471		<b>1.471</b>	<b>5.387</b>	<b>6.858</b>
Libraries	4.006	-0.304	<b>3.702</b>		<b>3.702</b>
Spatial & Neighbourhood Planning	1.074	-0.230	<b>0.844</b>		<b>0.844</b>
Development Management	4.277	-3.967	<b>0.310</b>		<b>0.310</b>
Building Control and Planning Systems	2.305	-1.805	<b>0.500</b>	<b>0.265</b>	<b>0.765</b>
Regulatory Services	3.799	-1.210	<b>2.589</b>		<b>2.589</b>
Emergency Planning	0.206	-0.049	<b>0.157</b>		<b>0.157</b>
Director / HOS / ASB/CEO	0.687	-0.008	<b>0.679</b>		<b>0.679</b>
Pay inflation and NI increase	1.323		<b>1.323</b>		<b>1.323</b>
<b>Total</b>	<b>54.795</b>	<b>-10.422</b>	<b>44.373</b>	<b>10.973</b>	<b>55.346</b>

Earmarked Reserves	Estimated Opening Balance as at 1 April 2022 £m
<b>Environment and Communities Committee</b>	
Strategic Planning	0.44
Trees/Structure Risk Management	0.00
Other reserves	0.05

<b>CAPITAL PROGRAMME 2022/23 - 2025/26</b>						
<b>Scheme Description</b>	<b>Forecast Expenditure</b>					
	Prior Years £000	Budget 2022/23 £000	Budget 2023/24 £000	Budget 2024/25 £000	Budget 2025/26 £000	Total Budget £000
<b>Environment and Neighbourhood</b>						
<b>Committed Schemes</b>						
Congleton Leisure Centre	7,050	4,700	0	0	0	11,750
Green Investment Scheme	93	3,857	0	0	0	3,950
Kerbside Wheeled Bins		50	50	0	0	100
Litter and Recycling Bins		50	50	0	0	100
Planning & Building Control Replacement System		265	0	0	0	265
Poynton Leisure Centre	3,919	687	0	0	0	4,606
<b>New Schemes</b>						
Carbon Offset Investment		250	250	250	250	1,000
Fleet Electric Vehicle Charging		164	164	141	116	585
Household Waste Recycling Centres		500	360	0	0	860
Park Development Fund		150	150	150	0	450
Solar Energy Generation		300	13,880	0	0	14,180
<b>Total Schemes</b>	<b>11,062</b>	<b>10,973</b>	<b>14,904</b>	<b>541</b>	<b>366</b>	<b>37,846</b>

Budget Policy Proposal	2022/23 £000	2023/24 £000	2024/25 £000	2025/26 £000
[17] Orbitas income and management fee	21			
[18] Strategic leisure review	-250			
[20 part] Review of governance of ASDVs and seeking increased opportunities for savings/commercial opportunities	-100	-100		
[10] CCTV migration to wireless networks	-85			
[21] Everybody Sport and Recreation Annual Management Fee	-42	-41	-40	
[13] Regulatory Services and Environmental Health ICT procurement	-9			
[53] Waste Contract Inflation and Tonnage Growth	644	657	613	
[54] Tree Risk Management	500			
[56] Environment Strategy & Carbon Neutrality	20	-81		

Budget Policy Proposal	2022/23 £000	2023/24 £000	2024/25 £000	2025/26 £000
[58] Investment in improving the customer experience in Planning Services	500	-500*		
[3 + 4] Pay inflation and NI increase	1,323	793	813	833

\*Item represents one-off spend in 2022/23. As it is not a permanent part of the budget the value of the proposal is reversed in 2023/24

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## Appendix B – Supplementary Estimates

**Table A Supplementary Revenue Estimates for Approval**

Committee	Year	Type of Grant	£000	Details
Environment and Communities	2021/22	Bikeability Grant	267	The Department for Transport funding covers Bikeability cycle training for the financial year.
Environment and Communities	2021/22	Food Information Grant - Natasha's Law	13	On 1 October, Natasha's Law came in to force. The changes require businesses to label food that is pre-packed for direct sale (PPDS) with the name of the food and a full list of ingredients. The regulations will create new burdens for local authorities. Defra and the Food Standards Agency (FSA) will cover the cost of these burdens (for the period up until 31 March 2022).
<b>Total Environment and Communities</b>				<b>280</b>

**Table B Supplementary Capital Estimates for Approval – up to £1m**

Capital Scheme	Year	£000	Details
Household Bins Schemes	2021/22	78	Quarter 4 Recharge
<b>Total Environment and Communities</b>		<b>78</b>	

**Table C Capital Budget Virements for Approval – up to £5m**

<b>Capital Scheme</b>	<b>Year</b>	<b>£000</b>	<b>Details</b>
Nantwich Leisure Centre	2021/22	100	Virement from the FM Premises capital project to fund the maintenance work that was completed whilst the major refurbishment works were carried out on the site.
Nantwich Leisure Centre	2021/22	141	Virement from the Public Sector Decarbonisation Fund – Facilities capital project to fund the power upgrade that was completed whilst the major refurbishment works were carried out on the site.
<b>Total Environment and Communities</b>		<b>241</b>	

## Appendix C

Report	Financial Cycle	Finance Sub Committee	Corporate Policy Committee	Children and Families Committee	Environment and Communities Committee	Highways and Transport Committee	Adults and Health Committee	Economy and Growth Committee	Audit and Governance Committee	Council (if required)
Alignment of 2022-23 Budgets	Planning	02-Mar-22	09-Jun-22	23-May-22	01-Jul-22	16-Jun-22	30-May-22	31-May-22		27-Apr-22
Final Outturn 2021/22	Reporting	06-Jul-22							28/07/22 Draft SOA	20-Jul-22
First Financial Review of 2022/23 (Update to include progress on policy proposals and material variances from MTFS)	Monitoring	07-Sep-22	06-Oct-22	19-Sep-22	29-Sep-22	22-Sep-22	26-Sep-22	13-Sep-22		19-Oct-22
Second Financial Review of 2022/23	Monitoring	09-Nov-22	01-Dec-22	14-Nov-22	10-Nov-22	24-Nov-22	21-Nov-22	15-Nov-22	24/11/22 Final SOA	14-Dec-22
MTFS Strategies - Treasury Mgt, Investment, Capital and Reserves	Planning	11-Jan-23								22-Feb-23
MTFS Budget Consultation	Planning	11-Jan-23	01-Dec-22	16-Jan-23	02-Feb-23	26-Jan-23	23-Jan-23	17-Jan-23		22-Feb-23
Third Financial Review of 2022/23 - Part A One Page Summary and Narrative	Monitoring		09-Feb-23							22-Feb-23
MTFS 2023/24 - 2026/27	Reporting		09-Feb-23							22-Feb-23
Third Financial Review of 2022/23 - Part B Full Report based on Part A	Monitoring	08-Mar-23	23-Mar-23	20-Mar-23	30-Mar-23	02-Mar-23	27-Mar-23	14-Mar-23		24-May-23

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## Work Programme – Environment and Communities Committee – 2022/23

Reference	Committee Date	Report title	Purpose of Report	Report Author /Senior Officer	Consultation and Engagement Process and Timeline	Equality Impact Assessment Required and Published (Y/N)	Part of Budget and Policy Framework (Y/N)	Corporate Plan Priority	Exempt Item and Paragraph Number
EC/06/22-23	1 Jul 2022	2021-22 Annual Performance Review	To receive a report on the performance of Environment and Neighbourhood Services for 2021-22 against the priorities, actions and performance indicators set out in the Corporate Plan.	Director of Environment and Neighbourhood Services	N/A	N/A	N/A	An open and enabling organisation	N/A
EC/01/22-23	1 Jul 2022	Alignment of 2022/23 Budgets	To receive the alignment of the 2022-23 budgets for Adults, Health and Integration and to note or approve virements and supplementary estimates as required.	Director of Finance and Customer Services (s151 Officer)	N/A	N/A	N/A	An open and enabling organisation	N/A
EC/08/22-23	1 Jul 2022	Housing Supplementary Planning Document (SPD)	To consider the Housing SPD.	Director of Environment and Neighbourhood Services	N/A	N/A	N/A	A thriving and sustainable place	N/A
EC/09/22-23	1 Jul 2022	Implementation of Public Spaces Protection Order (PSPO) for Macclesfield	To consider the implementation of a Public Spaces Protection Order (PSPO) in Macclesfield in order to tackle areas of Anti-social behaviour.	Director of Environment and Neighbourhood Services	A consultation exercise has been undertaken and the majority of the responses have been supportive of the proposal.	N/A	N/A	An open and enabling organisation	N/A
EC/07/22-23	1 Jul 2022	Local Plan Strategy Review	To consider the Local Plan Strategy Review.	Director of Environment and Neighbourhood Services	N/A	N/A	N/A	A thriving and sustainable place	N/A
EC/10/21-22	1 Jul 2022	The Minerals and Waste Development Plan	To seek approval to publish the draft Cheshire East Minerals and Waste Development Plan Document (Local Plan part 3) along with its supporting evidence for public consultation.	Director of Environment and Neighbourhood Services	N/A	N/A	Yes	A thriving and sustainable place	No

Reference	Committee Date	Report title	Purpose of Report	Report Author /Senior Officer	Consultation and Engagement Process and Timeline	Equality Impact Assessment Required and Published (Y/N)	Part of Budget and Policy Framework (Y/N)	Corporate Plan Priority	Exempt Item and Paragraph Number
EC/31/21-22	1 Jul 2022	Standing Item: Members Advisory Panel: Cheshire East Cemeteries Strategy Review	To receive an oral update from the Chair of the Member Advisory Panel.	Director of Environment and Neighbourhood Services	N/A	N/A	N/A	An open and enabling organisation	N/A
EC/32/21-22	1 Jul 2022	Standing Item: Member Advisory Panel: Cheshire East Planning Process Review	To receive an oral update from the Chair of the Member Advisory Panel.	Director of Environment and Neighbourhood Services	N/A	N/A	N/A	An open and enabling organisation	N/A
EC/15/21-22	4 Aug 2022	Developer Contributions SPD	To approve the draft supplementary planning document for public consultation.	Director of Environment and Neighbourhood Services	N/A	N/A	N/A	A thriving and sustainable place	No
EC/37/21-22	6 Jun 2022 4 Aug 2022	Hackney Carriage and Private Hire Licensing Policy	To consider the Hackney Carriage and Private Hire Licensing Policy.	Director of Environment and Neighbourhood Services  Director of Environment and Neighbourhood Services	N/A	N/A	N/A	A thriving and sustainable place	N/A
EC/10/22-23	4 Aug 2022	Household Waste Recycling Centre Contract	To inform Councillors of the winning bidder for the HWRC contract that is starting in April 2023. The cost of the procurement could determine if there is appetite for pushing forward with a new Congleton site.	Director of Environment and Neighbourhood Services	N/A	N/A	N/A	An open and enabling organisation	N/A
EC/11/22-23	4 Aug 2022	Household Waste Recycling Centre User Guide/Policy	To consider information concerning the use of household waste recycling centres present on the Council's website. The user guide/policy brings all the information together in one document.	Director of Environment and Neighbourhood Services	N/A	N/A	N/A	An open and enabling organisation	N/A
EC/12/22-23	4 Aug 2022	Single Use Plastics Update	To consider an update on single use plastic items following a notice of motion with regard to the council removing any single use plastics from its operations.	Director of Environment and Neighbourhood Services	N/A	N/A	N/A	An open and enabling organisation	N/A

Reference	Committee Date	Report title	Purpose of Report	Report Author /Senior Officer	Consultation and Engagement Process and Timeline	Equality Impact Assessment Required and Published (Y/N)	Part of Budget and Policy Framework (Y/N)	Corporate Plan Priority	Exempt Item and Paragraph Number
EC/02/22-23	29 Sep 2022	First Financial Review of 2022/23 (Update to include progress on policy proposals and material variances from MTFS)	To receive the first financial review for Adults, Health and Integration and to note or approve virements and supplementary estimates as required.	Director of Finance and Customer Services (s151 Officer)	N/A	N/A	N/A	An open and enabling organisation	NA
EC/13/22-23	10 Nov 2022	Cheshire East Enforcement Policy Review	To consider a report presenting information on the review of the Cheshire East Enforcement Policy including any amendments that have been made to the existing version published in 2019. The report will seek approval of a new 2022 Policy.	Director of Environment and Neighbourhood Services	Yes	N/A	N/A	An open and enabling organisation	N/A
EC/03/22-23	10 Nov 2022	Second Financial Review of 2022/23	To receive the second financial review for Adults, Health and Integration and to note or approve virements and supplementary estimates as required.	Director of Finance and Customer Services (s151 Officer)	N/A	N/A	N/A	An open and enabling organisation	N/A
EC/04/22-23	2 Feb 2023	Medium Term Financial Strategy Budget Consultation	To respond to the budget consultation for Environment, Neighbourhoods and Communities.	Director of Finance and Customer Services (s151 Officer)	N/A	N/A	N/A	An open and enabling organisation	N/A
EC/05/22-23	30 Mar 2023	Third Financial Review of 2022/23 - Part B Full Report based on Part A	To receive the third financial review for Adults, Health and Integration and to note or approve virements and supplementary estimates as required.	Director of Finance and Customer Services (s151 Officer)	N/A	N/A	N/A	An open and enabling organisation	N/A

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