



Cheshire East Local Plan

Site Allocations and Development Policies Document

Cheshire East Council Hearing Statement

Matter 2: Planning for Growth

**Hearing dates: Tues 12, Wed 13,
Thurs 14 & Fri 15 Oct 2021**

Introduction

1. This hearing statement has been prepared by Cheshire East Council in response to the Inspector's Matters, Issues and Questions for the Examination Part 1 [INS/08] and addresses Matter 2: Planning for Growth.
2. The abbreviations used in this hearing statement are as defined in the Inspector's MIQs.

Key Documents

3. The following key documents are relevant to this response:
 - Cheshire East Local Plan Strategy [BD 01]
 - Authority Monitoring Report 2019/20 [BD 04]
 - Council's Response to Inspector's Initial Questions [CEC/01]
 - Letter to Inspector regarding Sports Mitigation Strategy for Poynton 23 August 2021 [CEC/02]
 - Sports Mitigation Strategy for Poynton [CEC/02a]
 - Revised Publication Draft SADPD Sustainability Appraisal [ED 03]
 - The provision of housing and employment land and the approach to spatial distribution [ED 05]
 - Settlement and infill boundaries review [ED 06]
 - Site Selection Methodology Report [ED 07]
 - Strategic Green Gap Boundary Definition Review [ED 08]
 - Alderley Edge Settlement Report [ED 21]
 - Audlem Settlement Report [ED 23]
 - Bollington Settlement Report [ED 24]
 - Bunbury Settlement Report [ED 25]
 - Chelford Settlement Report [ED 26]
 - Congleton Settlement Report [ED 27]
 - Disley Settlement Report [ED 29]
 - Goostrey Settlement Report [ED 30]
 - Haslington Settlement Report [ED 32]
 - Holmes Chapel Settlement Report [ED 33]
 - Middlewich Settlement Report [ED 36]
 - Mobberley Settlement Report [ED 37]
 - Poynton Settlement Report [ED 39]
 - Prestbury Settlement Report [ED 40]
 - Shavington Settlement Report [ED 42]
 - Wrenbury Settlement Report [ED 44]
 - Other Settlement and Rural Areas Report [ED 46]
 - Local Service Centres Safeguarded Land Distribution Report [ED 53]
 - SADPD Consultation Statement (Revised Publication Draft Version) [ED 56]
 - SADPD Regulation 20 Representations Statement (Consultation Statement Part II) [ED 56a]

Development at Local Service Centres (Policy PG 8 and Site HCH 1)

Q11 Is Policy PG 8 consistent with the strategy in the LPS for growth and the spatial distribution of development at the LSCs, and with the relevant provisions of national policy? In particular:

- a. Should it include a disaggregation of the indicative levels of development for the LSCs, of 3,500 dwellings and 7ha of employment land, to individual settlements, in order to ensure decisions are plan-led and that the needs of individual settlements are met?**
 - b. Should it set out indicative housing levels for designated neighbourhood areas, to provide an effective framework for neighbourhood plans?**
 - c. Is it positively prepared and justified in relying on existing commitments and windfall development to meet the indicative level of housing development for LSCs, set in Policy PG 7, rather than allocating additional sites at the LSCs?**
4. The Council's response to Inspector's initial questions [CEC/01] (¶¶1-4) and 'The provision of housing and employment land and the approach to spatial distribution' [ED 05] (¶¶2.1-2.9) explain that the LPS growth strategy set out in Policy PG 1 'Overall Development Strategy' is to ensure that a minimum of 36,000 new dwellings and 380 hectares of employment land are delivered over the plan period.
5. The SADPD is consistent with the LPS and also with national planning policy (¶35 of the NPPF (2021)) as the two parts of the Plan, together, provide an appropriate strategy to ensure that, as a minimum, the objectively assessed needs for the Borough of 36,000 new dwellings and 380ha of employment land are met in full.

Q11a

6. LPS Policy PG 7 'Spatial Distribution of Development' provides a spatial distribution however, all figures are indicative, being expressed as 'in the order of'. Housing supply at LSCs of 3,210 dwellings is considered to lie 'in the order of' the indicative figure of 3,500 dwellings for that tier. Indicative employment figures are also met as set out in 'The provision of housing and employment land and the approach to spatial distribution' [ED 05] (¶¶4.29-4.34 & ¶6.51).
7. In considering the need to disaggregate indicative housing and employment figures further at LSCs, regard has been had to various factors including housing supply and delivery. Based on these, further disaggregation is not necessary (see [ED 05] ¶¶4.29-4.66 & ¶¶6.38-6.75).

Q11b

8. This question is addressed in ¶¶16-19 of the Council response to the Inspector's initial questions [CEC/01]. The response notes ¶66 of the NPPF (2021), that the setting of housing requirements is a matter for strategic rather than non-strategic policy-making. As such, it is not a matter that national planning policy would expect the SADPD to deal with.
9. The response also notes that, based on the current housing supply position, there would be no imperative for neighbourhood planning bodies to plan for further housing development, although they could still do so, subject to meeting the basic conditions, including being in general conformity with strategic policies in the development plan.

Q11c

10. The SADPD is positively prepared and justified in accordance with ¶35 of the NPPF (2021). The LPS and the SADPD together provide an appropriate strategy that ensures that, as a minimum, the objectively assessed needs for the Borough of 36,000 new dwellings and 380ha of employment land are met in full.
11. As set out in Table 1 of 'The provision of housing and employment land and the approach to spatial distribution' [ED 05], the LPS relied on a proportion of completions since 2010, commitments and windfall in order to facilitate the overall levels of housing development envisaged by LPS Policy PG 1 'Overall Development Strategy'.
12. The SADPD is being prepared approximately half-way through the LPS plan period and has regard to the latest available housing land supply position as at 31 March 2020 (Table 2 'The provision of housing and employment land and the approach to spatial distribution' [ED 05]) in considering whether to allocate further sites.
13. As set out in the Council's response to the Inspector's initial questions [CEC/01] (¶¶1-15) and 'The provision of housing and employment land and the approach to spatial distribution' [ED 05] (¶¶4.29-4.34), housing supply at LSCs of 3,210 dwellings is considered to lie 'in the order of' the indicative figure of 3,500 dwellings for that tier and further allocations are not necessary.
14. In addition, regard has been had to various factors in determining whether to allocate further housing sites at LSCs. The allocation of additional sites for housing would most likely require development on land outside settlement boundaries and/or Green Belt release (see [ED 05] ¶¶4.35-4.66).

Q12 Are the other policies in the LPS and SADPD sufficiently flexible to enable the remaining part of the indicative level of housing development for LSCs, set in Policy PG 7, to be met from further windfall sites? Is there any substantive evidence of opportunities for further windfall development on sites within the proposed Settlement and Village Infill Boundaries?

15. There is sufficient flexibility in other policies in the LPS and SADPD to support the development of additional sites at LSCs including:
- LPS Policy PG 2 'Settlement Hierarchy', which supports small scale development in LSCs to meet needs and priorities where they contribute to the creation and maintenance of sustainable communities;
 - LPS Policy PG 3 'Green Belt', which supports limited infilling in villages, redevelopment of previously developed sites and limited affordable housing for local community needs;
 - LPS Policy SC 6 'Rural Exceptions Housing for Local Needs', which allows for exceptions sites at LSCs and Other Settlements to meet local needs, including an element of cross subsidy where justified;
 - SADPD Policy PG 9 'Settlement boundaries', which states that development proposals (including change of use) within the boundaries of LSCs will be supported where they are in keeping with the scale, role and function of that settlement;
 - SADPD Policy HOU 3 'Self and custom build dwellings', which is supportive of self and custom build dwellings in suitable locations;
 - SADPD Policy HOU 14 'Small and medium sized sites', which gives positive weight to proposals for small and medium sized housing sites.
16. For clarification purposes, LSCs have proposed settlement boundaries. Village infill boundaries relate to villages within the OSRA tier of the LPS settlement hierarchy (see SADPD Policy PG 10 'Infill villages').
17. By their nature it is not possible to fully anticipate where future windfall development opportunities may land. However, there is evidence, based on past trends, to show that windfall developments (of all sizes) have occurred across all LSCs including those inset within the Green Belt (Tables 14 & 17 'The provision of housing and employment land and the approach to spatial distribution' [ED 05]). In addition, as set out in the council's response to Inspector's initial questions [CEC/01], windfall completions and commitments of all sizes have been granted on sites at LSCs before and after the adoption of the LPS (¶¶5-11).
18. There is also evidence of sites being promoted for housing development in the SADPD within LSC settlement boundaries. This evidence is available in Appendix 1 of each LSC settlement report in the Stage 1 and Stage 2 site maps and tables.

19. Table 1, below, provides examples of sites within LSC settlement boundaries that were promoted for residential development in the SADPD and not sifted out at Stage 2 of the site selection process¹.

Settlement Report	Site Ref	Site name	Site size (ha)	No. dwellings	Initial Publication Draft Allocation?
Disley [ED 29]	CFS199	Greystones Allotment Site, Buxton Road, Disley	0.36	20	Yes - DIS 1 (around 20 dwellings)
Mobberley [ED 37]	CFS354	Ilford Way, Town Lane, Mobberley	10.6	300	Yes - MOB 1 (mixed use including up to 50 dwellings)
Prestbury [ED 40]	CFS391 Plot 1	Land at White Gables Farm, Prestbury (land south of cricket ground)	1.2	10	Yes - PRE 1 (around 10 dwellings)
Holmes Chapel [ED 33]	FDR2226	Land at London Road, Holmes Chapel (north of Recipharm)	3.56	110	No

Table 1: Sites submitted for consideration for allocation in the SADPD within LSC settlement boundaries

20. These examples serve to illustrate that there are sites located within LSC boundaries with active interest from a landowner/promoter to bring the site forward for residential development.
21. There are also examples within the OSRA tier of sites being promoted for residential development within village infill boundaries. For further information about these please see the Council's response to Q37.

¹ Sites were removed at Stage 2 of the SSM that could not: 1. accommodate 10 dwellings or more, unless they are in the Green Belt or Open Countryside, as defined in the LPS and are not currently compliant with those policies 2. are not being actively promoted 3. have planning permission as at 31/03/20 4. are in use (unless there is clear indication that this will cease) 5. contain showstoppers (i.e. SPA, SAC, Ramsar, SSSI, functional floodplain (flood zone 3b), historic battlefield) 6. are LPS Safeguarded Land; or are allocated in the LPS.

Q13 Is there a need for further site allocations for housing at the LSCs to be included in the SADPD to ensure the indicative level of housing development set in Policy PG 7 of the LPS will be met in full and the need for affordable housing addressed, in particular at settlements within the North Cheshire Green Belt?

22. No, the Council's response to the Inspector's initial questions ([CEC/01] ¶¶1-15) and 'The provision of housing and employment land and the approach to spatial distribution' ([ED 05] ¶¶2.1-2.9 & 4.29-4.66) explain that the LPS growth strategy set out in Policy PG 1 'Overall Development Strategy' is to ensure that a minimum of 36,000 new dwellings and 380ha of employment land are delivered over the plan period.
23. LPS Policy PG 7 'Spatial Distribution of Development' provides an indicative spatial distribution with all figures being expressed as 'in the order of'. Housing supply at LSCs of 3,210 dwellings is considered to lie 'in the order of' the indicative figure of 3,500 dwellings for that tier. This supply has been achieved through windfall sites to date.
24. In deciding whether to allocate further housing sites at LSCs, regard has been taken of several factors including housing supply and delivery. The allocation of additional sites for housing at LSCs would most likely require development on land outside settlement boundaries and/or Green Belt release. Based on these factors further site allocations are not necessary.
25. As set out in the SADPD Regulation 20 Representations Statement (Consultation Statement Part II) [ED 56a] (Chapter 8: Housing (general issues) and Policy PG 8 'Development at Local Service Centres') the LPS identified an objectively assessed need for 7,100 affordable dwellings over the plan period (equivalent to 355 dwellings per annum). This figure is not disaggregated to individual settlements. The level of affordable housing delivery is set out in the 2019/20 AMR [BD 04] and is in line with the identified need across the borough.
26. Given that the borough's housing development needs (36,000 new dwellings over the plan period) can be met in full, and provision is being made for affordable housing in line with assessed need (355 dwellings per annum), exceptional circumstances would not exist to make alterations to the Green Belt boundary to allocate further housing development sites around northern LSCs.
27. In the event that an identified need exists for affordable housing particularly in Green Belt villages, national planning policy (NPPF (2021) ¶149) and LPS Policies PG 3 'Green Belt' and SC 6 'Rural Exceptions Housing for Local Needs' make provision for affordable housing to be brought forward to meet local needs. Neighbourhood Development Plans can also allocate sites for affordable housing, subject to meeting the basic conditions, including being in general conformity with strategic policies in the development plan.

Q14 Is Site HCH 1 at Holmes Chapel justified as an appropriate location to meet the remaining indicative need for employment land at the LSCs identified in Policy PG 7 of the LPS, taking into account the reasonable alternatives, and based on the evidence available? In particular:

- a. Is there a reasonable prospect that site HCH 1 will be available and could be viably developed within the plan period, given the likely presence of mineral resources and the need for a Mineral Resource Assessment, which may require minerals to be extracted before development proceeds to avoid sterilisation of the mineral resource?**
 - b. Given its location on the edge of Holmes Chapel, is site HCH 1 accessible by a choice of means of transport or to make it sustainable, is it necessary and reasonable for future development proposals to contribute to the provision of the proposed cycle route into the village centre?**
28. The approach to meeting indicative employment figures in LSCs is presented in 'The provision of housing and employment land and the approach to spatial distribution' [ED 05]. As set out in ¶¶6.38-6.75, the existing employment supply at LSCs of 6.1ha is slightly below the LPS indicative employment figures for LSCs of 7ha. However, supply will reduce to 4.54ha when the existing employment allocation at Bollington is removed upon adoption of the SADPD.
29. In considering the need to make employment allocations at LSCs, ¶6.47 of 'The provision of housing and employment land and the approach to spatial distribution' [ED 05] highlights that a limited number of employment sites were put forward, with only one for purely employment use – HCH 1. This site was assessed using the SSM set out in the 'Site Selection Methodology Report' [ED 07], the results of which are presented in Chapter 4 of the 'Holmes Chapel Settlement Report' [ED 33] – on this basis the site was recommended for inclusion as an allocated site in the SADPD, delivering around 6ha of employment land. Therefore, Site HCH 1 at Holmes Chapel is justified as an appropriate location to address the indicative need for employment land at the LSCs, taking into account the reasonable alternatives and the evidence available.

Q14a

30. Site HCH 1 represents the only way to address the indicative employment land figure for the LSCs, taking account of all relevant planning factors including minerals safeguarding.
31. A Minerals Resource Assessment (MRA) is required, not to prevent or delay development where there is a prospect of a mineral resource being present, but to determine the physical and economic feasibility of prior extraction, whether this can be achieved in a timely manner, and to ensure that there is no significant safeguarding risk that would sterilise any future extraction of the wider mineral resource.

32. In the case of Site HCH 1, the Council considers it extremely unlikely that the MRA would find that the development of this relatively small site on the edge of the existing settlement would sterilise any future extraction of the wider mineral resource. This is because British Geological Survey mapping indicates that the site is part of a potentially extensive sand resource area that encompasses the whole of the Holmes Chapel area and beyond. The purpose of the MRA in this instance is to advise the Council on whether there is a realistic opportunity for prior extraction at the site and the likely time frame for it. The Council will require prior extraction to take place only if it is feasible to do so and provided this still allows the site to be developed before the end of the plan period. Therefore, there is every prospect that this site will be available and viably developed within the plan period.

Q14b

33. The accessibility assessment undertaken for Site HCH 1 and presented in Appendix F of the 'Revised Publication Draft SADPD SA' [ED 03] indicates that the Site meets the minimum standard for accessibility to a Public Right of Way and a Railway Station. Although the Site fails to meet the minimum standard for access to a bus stop, this is something that can be considered at planning application stage - Policy CO 1 'Sustainable Travel and Transport' (criterion 4) requires improvements to public transport integration, facilities, capacity, service levels, access for all users and reliability.
34. As set out in the 'SADPD Consultation Statement (Revised Publication Draft Version)' [ED 56], (p378), criterion 4 of the policy was amended to better reflect the Council's intention regarding cycling connectivity. The provision of a cycleway is a potential future objective for the Council, and, although it is not considered necessary or reasonable at this point in time for development proposals to contribute to the provision of a proposed cycle route into the village centre to make it sustainable, the Council does not wish its objective regarding the cycleway to be prejudiced.

Safeguarded Land at LSCs (Policy PG 12)

- Q15 Is the identification of additional safeguarded land at the LSCs justified to meet the longer-term development requirements of the Borough, taking account of the expectations of the LPS, the potential for the development requirements of Cheshire East beyond 2030 to change under the standard method for calculating local housing need, and the requirement in paragraph 140 of the NPPF that Green Belt boundaries should only be altered where justified by exceptional circumstances?**
35. Policy PG 12 proposes to alter Green Belt boundaries to enable the designation of safeguarded land (land between the Green Belt and the urban area) in order to provide for the remainder of the 200ha of safeguarded land identified in the LPS. Safeguarded land is identified in order to meet longer-term development needs, stretching well beyond the plan period. Safeguarded land is necessary in Cheshire East to be able to demonstrate that Green Belt boundaries will not need to be altered again at the end of the plan period.

36. As set out in: the Council's response to Inspector's initial questions [CEC/01] (¶¶20-64); the council's response to main issues raised for Policy PG 12 in Schedule 2 to the SADPD Regulation 20 Representations Statement (Consultation Statement Part II) [ED 56a] (pp146-160); and the Local Service Centres Safeguarded Land Distribution Report [ED 53] (¶¶1.1-1.30), there is a need for 200ha of safeguarded land to give sufficient confidence that Green Belt boundaries will not need to be altered again at the end of the plan period. The exceptional circumstances needed to justify altering Green Belt boundaries and need for 200ha safeguarded land were evidenced through the LPS evidence base, set out in the LPS, and found sound by the LPS examining Inspector.
37. As set out in the Council's response to Inspector's initial questions [CEC/01], the standard method for calculating the minimum local housing need is not a proxy for an updated and fully evidenced future housing requirement proposed through any future plan review. It also does not include a spatial dimension to inform any future housing requirement for the Green Belt areas within Cheshire East.
38. When reviewing the exceptional circumstances demonstrated through the LPS, there have been no changes in circumstances in Cheshire East that indicate that the 200ha of safeguarded land evidenced through the LPS is no longer an appropriate amount of safeguarded land to provide the required permanence to the Green Belt boundary, meaning that Green Belt boundaries will not need to be altered again at the end of the plan period (as required by NPPF ¶143). It is considered that the demonstrated exceptional circumstances continue to apply to justify detailed boundary amendments in order to identify sufficient safeguarded land to be able to demonstrate that Green Belt boundaries will not need to be altered again at the end of the plan period.

Q16 Is the selection and distribution of sites for designation as Safeguarded Land at the LSCs, as set out in the Local Service Centres Safeguarded Land Distribution Report² and the Settlement Reports for Alderley Edge, Bollington, Chelford, Disley, Mobberley and Prestbury³, based on a robust methodology and justified by proportionate evidence and is it consistent with the LPS and national policy?

39. The distribution of safeguarded land is considered through the LSC Safeguarded Land Distribution Report [ED 53] and the options considered have been the subject of SA. The initial preferred option considers services and facilities, constraints, opportunities, and minimising the impact on the Green Belt. The final preferred option takes account of the lack of available and suitable sites as evidenced through the individual settlement reports.

² Core document ED53

³ Core documents ED21, ED24, ED26, ED29, ED37 and ED40

40. The distribution of safeguarded land is based on the robust methodology set out in the LSC Safeguarded Land Distribution Report [ED 53], justified by the evidence and consistent with the LPS and national policy.
41. The selection of safeguarded land sites is in accordance with the Site Selection Methodology Report [ED 07] and documented in detail in the Alderley Edge Settlement Report [ED 21], the Bollington Settlement Report [ED 24], the Chelford Settlement Report [ED 26], the Disley Settlement Report [ED 29], the Mobberley Settlement Report [ED 37] and the Prestbury Settlement Report [ED 40]. Each settlement report seeks to identify sufficient suitable sites to meet the safeguarded land distribution in each settlement. Where the settlements reports identify that no suitable sites can be found, Appendix 7 of the LSC Safeguarded Land Distribution Report [ED 53] documents the site selection process to identify suitable sites to meet the remaining unmet requirement and should be read in conjunction with the site assessments in the individual settlement reports.
42. The selection of safeguarded land sites is based on the robust methodology set out in the Site Selection Methodology Report [ED 07], justified by the detailed evidence in the individual settlement reports and the LSC Safeguarded Land Distribution Report [ED 53], and is consistent with the LPS and national policy. This replicates the approach to selecting safeguarded land sites for inclusion in the LPS, which was found sound at examination.

Q17 How have the cumulative impacts of the future development of the sites proposed for designation as Safeguarded Land been considered, such as on the highway network, nature conservation assets and the green infrastructure network? What evidence is available to demonstrate this?

43. Each proposed safeguarded land site has been fully assessed through the individual settlement reports, in accordance with the Site Selection Methodology Report [ED 07]. The traffic light proformas and the assessment process provide an indicative type and quantum of development for each site for the purpose of assessment. This is to allow for consideration of whether each site could be suitable for development if it were proposed for development in the future. The assessments consider several factors, in line with the SSM, including highways impact and ecology impact.
44. The safeguarded land sites selected are relatively modest scale sites distributed around several LSCs within the north of the borough. The sites are not allocated for development, and at this time there are no cumulative impacts on the highway network, nature conservation assets or the green infrastructure network.
45. In line with LPS Policy PG 4 'Safeguarded Land' and the NPPF (¶143d), safeguarded land should only be developed if allocated through a future Local Plan review. If proposed for allocation in the future, it would be for that future Local Plan review to consider whether the overall selection of sites (including any sites identified within the SADPD as safeguarded land) may give rise to any cumulative impacts. The form of any potential future development that might be accommodated on the SADPD safeguarded land sites is not

specified through the SADPD but the scale and distribution of the sites is such that they are unlikely to give rise to any significant cumulative impacts that could not be resolved through mitigation.

The evidence to justify the selection of the safeguarded land sites in the SADPD is robust, proportionate and consistent with the LPS and national policy.

Q18 Have exceptional circumstances for removing each of the eight Safeguarded Land sites from the Green Belt been fully evidenced and justified, and are the sites defined by boundaries using physical features that are recognisable and likely to be permanent?

46. At set out in the LSC Safeguarded Land Distribution Report [ED 53] and the Council's response to Inspector's initial questions [CEC/01] (¶¶20-64), the exceptional circumstances required to alter Green Belt boundaries were demonstrated through the strategic policies of the LPS. There have been no changes in circumstances in Cheshire East that indicate that the 200ha of safeguarded land evidenced through the LPS is no longer an appropriate amount of safeguarded land to provide the required permanence to the Green Belt boundary, meaning that Green Belt boundaries will not need to be altered again at the end of the plan period (as required by NPPF ¶143).
47. A Green Belt Site Assessment for each Green Belt site considered through the site selection process is included as an Appendix to each of the relevant settlement reports. In each of these Green Belt Site Assessments, consideration is given to the identified exceptional circumstances for each site. Within the assessment for each Green Belt site in each settlement report (at stage 5: evaluation and initial recommendations), there is consideration of whether exceptional circumstances exist to justify removing the site from the Green Belt.
48. The exceptional circumstances required to alter Green Belt boundaries for the eight safeguarded land sites are fully evidenced and justified.
49. The safeguarded land sites are defined by clear boundaries, using physical features that are readily recognisable and likely to be permanent (as requirement by NPPF ¶143f). The evidence for this is set out in the Green Belt Site Assessment for each site and in the stage 5 (evaluation and initial recommendations) section for each site in the relevant settlement report, in line with the Site Selection Methodology Report [ED 07].

Development at Key Service Centres (Sites CNG 1, MID 2 & 3 and PYT 1, 3 & 4)

Q19 Is the proposal to allocate further sites for housing and employment at the Key Service Centres of Congleton, Middlewich and Poynton justified and consistent with the strategy for the spatial distribution of development in the LPS?

50. The proposal to allocate further sites at these settlements is consistent with the strategy within the LPS. LPS Policy PG 7 'Spatial Distribution of Development' provides indicative housing and employment figures for each of the individual KSCs. As set out in 'The provision of housing and employment land and the approach to spatial distribution' [ED 05] ¶¶4.9-4.28 & 6.11-6.37, KSCs are amongst the most sustainable locations for growth, and development in these locations best enables dwellings, jobs and other facilities to be located close to each other.
51. The particular circumstances for housing allocations for Middlewich and Poynton are set out in ¶4.13-4.18 and ¶4.19-4.24 of 'The provision of housing and employment land and the approach to spatial distribution' [ED 05] and within the respective individual settlement reports [ED 36 & 39].
52. For Middlewich, the town is expected to accommodate the highest amount of employment land of any of the Borough's settlements – 'in the order of' 75 hectares, including a major employment allocation. To support the levels of economic growth planned in Middlewich and also to improve the vitality of the town centre, the town is expected to accommodate 'in the order of' 1,950 dwellings over the plan period.
53. Following the SSM set out in the Site Selection Methodology Report [ED 07], the Middlewich Settlement Report [ED 36] assessed all sites put forward for housing for their possible inclusion in the SADPD. The SSM process resulted in the recommendation of two sites for residential development – CFS 600: East and West Croxton Lane and CFS 635A: Centurion Way. Together these two sites could provide an additional 125 additional dwellings for the town. When these sites are added to the existing supply of 1,797 dwellings, this results in the provision of 1,922 dwellings. This is very close to the LPS expected level of development of 'in the order of' 1,950 dwellings' for this town.
54. For Poynton, the housing land supply of 562 dwellings at 31 March 2020 lies somewhat below the indicative levels set out in LPS Policy PG 7 'Spatial Distribution of Development' of 'in the order of' 650 dwellings. Following the SSM set out in the Site Selection Methodology Report [ED 07], the Poynton Settlement Report [ED 39] assessed all sites put forward for housing for their possible inclusion in the SADPD. The SSM process resulted in the recommendation of three sites for residential development. All three are located in highly sustainable locations, within the existing Poynton settlement boundary where the development of new housing is acceptable, in principle, subject to the application of other, general development management policies.

Notably, each of the three sites will facilitate the provision of improved sports provision within the town and the allocation of these sites will, importantly, enable a policy framework to be put in place to ensure that the associated benefits are secured.

For Congleton, employment supply lies slightly below the indicative levels set out in LPS Policy PG 7 'Spatial Distribution of Development'. Site CNG 1 lies within the settlement boundary and effectively forms part of an existing employment area. The site is considered to be in principle, suitable for employment uses whether it is allocated or not (see [ED 05] (¶¶6.23-6.26) and [ED 27]).

Q20 Based on the evidence set out in the SA, the Site Selection Methodology Report (SSM)⁴ and the relevant Settlement Reports, are sites CNG 1, MID 2, MID 3, PYT 1, PYT 3 and PYT 4 justified as appropriate sites for employment and housing respectively, taking into account the reasonable alternatives?

55. The SA [ED 03] tests the site allocations in the SADPD against reasonable alternatives, as presented in Chapter 3, Chapter 4 and Appendix E of the SA [ED 03]. This includes details on how the reasonable alternatives were developed and utilises the SSM set out in the 'Site Selection Methodology Report' [ED 07], however the SA findings are not the sole basis for a decision. The Council has provided clear reasons for not selecting reasonable alternatives, which are presented in Appendix E of the SA [ED 03] in relation to sites. The SA has been prepared on an iterative and on-going basis, with its methodology and approach consulted on at various consultation stages. No objections were received from the prescribed bodies to the SA [ED 03].
56. All sites have been assessed against a consistent methodology set out in the 'Site Selection Methodology Report' [ED 07], the results of which are presented in Chapter 4 of the relevant Settlement Reports – on this basis the sites were recommended for inclusion as allocated sites in the SADPD. The approach taken towards the selection of sites, including the consideration of reasonable alternatives through the SA, replicates the approach taken in the LPS, which was found sound and legally compliant by the Inspector. Therefore, Sites CNG 1, MID 2, MID 3, PYT 1, PYT 3 and PYT 4 are justified as appropriate sites for employment and housing respectively.

⁴ Core document ED07

Q21 In light of the evidence in the Poynton Sports Mitigation Strategy, would the proposals for housing development on Sites PYT1, PYT3 and PYT4 and the provision of replacement playing fields and sports facilities on land within the Green Belt at Site PYT2 north of Glastonbury Drive, meet the policy requirements of Sports England as a statutory consultee and be consistent with national policy? Given the need to replace the playing fields and sports facilities in advance of the commencement of housing development, is there a reasonable prospect that three sites will be available and developable for housing within the plan period?

57. As set out in the 'Letter to Inspector regarding Sports Mitigation Strategy for 23 August 2021' [CEC/02] Sport England have raised concerns about the deliverability of proposals to compensate for the loss of sports facilities that would occur through the development of the three proposed housing allocations (Sites PYT 1, PYT 3 and PYT 4). Sport England were also concerned about the deliverability of Site PYT 2, which is intended to facilitate the relocation of Poynton Sports Club. To address these concerns a Sports Mitigation Strategy for Poynton (July 2021) ('Sports Mitigation Strategy for Poynton' [CEC/02a]) has been prepared, which provides further detail on the mitigation measures proposed, and has been agreed with Sport England. ¶2.1 of 'Sports Mitigation Strategy for Poynton' [CEC/02a] sets out that national and local policies and strategies should be considered and adhered to – these include the NPPF and Sport England Playing Field Policy. In particular, ¶4.57 of 'Sports Mitigation Strategy for Poynton' [CEC/02a] highlights that Exception E4 of Sport England's Playing Field Policy would be fully met.
58. To reflect the discussions that have occurred with Sport England a potential amendment to ¶12.68 has been proposed in Schedule 3 of the 'Regulation 20 Representations Statement (Consultation Statement Part II) [ED 56a] (pp399-340) that relates to mitigating the loss of the playing field on Site PYT 3. On further reflection the Council would like to propose this as a potential Main Modification to the Plan for consideration by the Inspector.
59. Similarly, to reflect the outcome of discussions with Sport England, a replacement first criterion within Policy PYT 4 is also considered necessary, as a Main Modification, to read: **'mitigate the loss of playing field land by its replacement to an equivalent or better quality, in a suitable location, along with qualitative improvements to the remaining playing field;'**.
60. In terms of national policy, ¶150 of the NPPF says that the use of land for outdoor sport and recreation is appropriate in the Green Belt provided it preserves openness and does not conflict with the purposes of including land within it. ¶149 of the NPPF says that the provision of new buildings providing appropriate facilities in connection with the change of use of land for outdoor sport and recreation are appropriate within the Green Belt as long as they preserve openness and do not conflict with the purposes of including land within it.

61. The location of the Glastonbury Drive site (Site PYT 2) within the Green Belt is discussed in ¶¶ 6.10-6.22 of the 'Sports Mitigation Strategy for Poynton' [CEC/02a]. This makes several points - in summary:
- The Council is aware that there is the potential for the Glastonbury Drive site to include some development that would be defined as inappropriate development in the Green Belt.
 - The impact on the openness of the Green Belt and conflict with the purposes of the Green Belt arising from the development would need to be minimised
 - The Council is promoting a policy-led approach to the site's development and, through that approach, is presenting this opportunity as part of a wider strategy to enable housing growth and significant sports investment to take place across Poynton.
 - The Council considers that there is a clear justification for enabling a degree of inappropriate development, albeit with any Green Belt impacts being minimised.
 - If the relocation of Poynton Sports Club to Glastonbury Drive could not be achieved, residential development on the existing Sports Club site could not proceed.
 - In addition, this would prevent the opportunity for quantitative playing pitch mitigation at Glastonbury Drive to enable the residential developments to come forward as proposed on the school sites identified as housing allocations.
 - The allocations at Poynton are interdependent and the SADPD looks to promote a comprehensive and joined up approach towards housing provision and sports investment and improvement.
62. The Council considers that there is a reasonable prospect that the three sites will be available and developable for housing within the plan period.
63. The site promoter for Sites PYT 1 and PYT 2 has provided the Council with an indicative development programme for both sites, as shown in Table 2 below.

Action	Duration (in weeks)	Start	End
Submission of application to LPA	1	4/4/22	11/4/22
Planning application determination period	78	11/4/22	6/10/23
Decision notice issued	0	-	6/10/23
Judicial Review period	6	9/10/23	20/11/23
Discharge pre-commencement conditions	26	9/10/23	5/4/24
Site set up and clearance	2	12/2/24	26/2/24
Construction of new grass pitches	20	8/4/24	26/8/24
12 month establishment for grass pitches	52	2/9/24	1/9/25
Construction of clubhouse building and artificial pitches	34	3/3/25	3/11/25
Hand over completed facilities	1	10/11/25	16/11/25
Vacant possession of existing club	1	17/11/25	23/11/25
Enabling works	4	24/11/25	19/12/25
Roads & sewers	8	5/1/26	2/3/26
Housing construction (approx. 90 dwellings)	188	2/3/26	12/10/29
30 th completion	0	-	12/10/27
60 th completion	0	-	12/10/28
Last completion (90)	0	-	12/10/29

Table 2: Indicative development programme for Sites PYT 1 and PYT 2

64. Sport England has agreed that the two allocations on the school sites (Sites PYT 3 and PYT 4) could come forward when the new grass pitches have been constructed on Site PYT 2, and need not await a 12 month establishment period. Therefore, by reference to the above programme, the two school sites could come forward in August 2024. Given the size of the sites, the council is content that there is sufficient time for them to be completed before the end of the plan period.
65. Both Sites PYT 3 and PYT 4 are owned by the Council; an 'Application for Secretary of State's consent under S77 of the School Standards and Framework Act 1998' to dispose of the relevant area of school playing field has been submitted for Site PYT 3. A decision from the Department for Education is awaited. With regards to Site PYT 4, a S77 consultation has now closed, and an application will be submitted if necessary. There are clearly steps being taken to bring forward the sites and the council considers that there is a reasonable prospect that the sites will be delivered within the Plan period.

Q22 Given the requirement for Mineral Resource Assessments to be submitted as part of any planning applications on Sites CNG 1, MID 3 and PYT 2, which may require minerals to be extracted before development proceeds, to avoid sterilisation of the mineral resource, is there a reasonable prospect that:

- a. Sites CNG 1 and MID 3 will be available and developable for employment and housing purposes respectively within the plan period?**
- b. Site PYT 2 will be available for the provision of relocated sports facilities in sufficient time to allow for housing to be provided on the existing Poynton Sports Club site, PYT 1, within the plan period?**

What is the evidence to support this?

- 66. There is no requirement in planning guidance to remove minerals before development takes place since this could seriously delay necessary development to meet the sustainable needs of communities. This is particularly the case in places like Cheshire East where minerals are extensively present over a large part of the Borough. Instead, it is important that the issue of minerals safeguarding is recognised and given appropriate consideration when allocating sites and determining planning applications. The purpose of requiring an MRA is to explore the opportunities for prior extraction before development takes place and to implement these if it is feasible to do so within an appropriate timeframe. It is also intended to ensure that a particular site's development would be unlikely to sterilise the opportunity for extracting the mineral resource from the wider area adjoining a site.
- 67. Taking the issue of potential wider mineral sterilisation first, the Council is confident, even in advance of a formal MRA, that Sites CNG 1, MID 3 and PYT 2 will not result in the wider sterilisation of the mineral resource. British Geological Survey (BGS) mapping identifies Site CNG 1 as lying within an extensive area of sand deposit around the Congleton area. However, the site is surrounded either by existing development or by a large mixed use development identified in the LPS (i.e. LPS 27). This significantly limits the potential for wider sterilisation. In the case of Sites MID 3 and PYT 2, the Council considers that there is no realistic prospect that the MRA would find that the development of these relatively small sites on the edge of the existing settlements would sterilise any future extraction of the wider mineral resource. BGS mapping indicates that Site PYT 2 is likely to have more limited sand resource along the water courses at the edge of the site and that there are no extensive sand deposits in the immediate wider area. In addition, Site PYT 2 is largely intended primarily for sports pitches rather than development and so the mineral resource will not be sterilised by development. Therefore, the Council does not consider that their allocation will lead to wider mineral sterilisation.

68. The main purpose of requiring an MRA in these policies is to advise the council on whether there is a realistic opportunity for prior extraction at the site and the likely time frame for it. The Council will require prior extraction to take place only if it is feasible to do so and provided this still allows the site to be developed before the end of the plan period. Therefore, this does not present a barrier to the sites being available and developed for their intended purpose within the plan period.

Q23 Is the requirement that development proposals for Site MID 2 must provide for improvements to the surface of the canal towpath justified and consistent with the LPS and national policy? Would it be evident to a decision maker how proposals should retain the existing mature hedgerows on the boundary of the site, whilst also meeting the requirements of Policy INF 10, in particular criteria 1i, vi and vii?

69. As set out in the SADPD Regulation 20 Representations Statement (Consultation Statement Part II) [ED 56a] the policy requirements to provide for improvements to the surface of the canal towpath to promote its use for walking and cycling are in accordance with the objectives of national and local planning policies. ¶¶104 and 110 of the NPPF state that opportunities to promote sustainable transport including walking and cycling should be identified and pursued.
70. LPS Policy CO 1 'Sustainable travel and transport' also seeks the improvement of pedestrian facilities as part of development proposals so that walking is attractive for shorter journeys. This includes supporting work to improve canal towpaths and rights of way where they can provide key linkages from developments to local facilities.
71. The wording of SADPD Policy INF 10 'Canals & Mooring Facilities' does not preclude development proposals from retaining mature hedgerows. Subject to detailed design, it is feasible that housing could be set back from the Canal, retain existing hedgerows but also be orientated to provide an outward elevation to the Canal corridor. The same applies to integrating the site to the waterway and optimising views.

Q24 Should the policy for Site CNG1 define the type of employment uses, by Use Class, for which the site is allocated, to ensure it is justified and effective in meeting the identified employment needs of the borough?

72. LPS Policy PG 1 'Overall development strategy' identifies that provision will be made for a minimum of 380ha of employment land for business, general industry and storage and distribution uses across the borough. Employment land is defined in the SADPD glossary [ED 01b], p171; the wording in the SADPD glossary is also consistent with the approach used in the LPS [BD 01, p391].
73. The policy approach for site CNG1 will contribute towards the provision of 380ha of employment land across the borough. The allocation has been justified through the Congleton Settlement Report [ED 27] and the policy wording effective in ensuring the site contributes towards the overall level of

employment land identified in LPS Policy PG 1 'Overall development strategy'. It is considered that the Local Plan (as a whole) provides for an extensive range, type and distribution of employment land.

74. The council would note that there is a currently an undetermined planning application on the land broadly covered by the proposed allocation for the erection of 10 units with access and servicing arrangements, car parking, landscaping and associated works (Use Classes E (g) (iii), B2 and B8) (Planning application reference 21/2280C, land to the east of Viking Way, Congleton, registered 22 April 2021).

Q25 What is the current development plan status of the land to the east of Site MID 3 in the Cheshire West and Chester Local Plan? Given the statement in the supporting text to Policy STRAT 7 of that plan, about the potential for development in Cheshire West and Chester adjoining Middlewich to meet its needs, should the SADPD be modified to clarify how any cross-boundary proposals for Middlewich may be considered?

75. The land to the east of Site MID 3 falls within the countryside on the Policies Map accompanying the Cheshire West and Chester (CW&C) Local Plan⁵.
76. The council does not consider that the SADPD needs to be modified to clarify how any cross-boundary proposals for Middlewich may be considered. A key purpose of policy STRAT 7 was to ensure effective cooperation and enable a flexible approach (if justified) to the allocation of land in Cheshire West around the town of Middlewich. Through the LPS and the SADPD, the development needs of Middlewich have been satisfactorily met, meaning that there is no reliance on land within CW&C for this. Relevant background is set out below.
77. The CW&C Local Plan covers the period up to 2030 and has been adopted in two parts. The CW&C Local Plan (Part 1) Strategic Policies, within which Policy STRAT 7 appears, was adopted in January 2015. The CW&C Local Plan (Part 2) Land Allocations and Detailed Policies was adopted in July 2019. Policy STRAT 7 reflected the uncertainty, at the time the CW&C Local Plan (Part 1) was being examined, about what Middlewich's development needs might be and how they might be met. It therefore sought, at that time, to keep open the possibility of allocations within CW&C Local Plan (Part 2) on the edge of Middlewich to meet the town's development needs, once these had been settled through the Cheshire East LPS.
78. The issue of allocations in CW&C being required on the edge of Middlewich to meet the town's development needs in the CW&C Local Plan (Part 2) was considered during the Plan's examination. The examining Inspector, Inspector Barrett, concluded in her Report⁶ (¶¶87-90) that there was no justification for this, taking into account the level of planned and expected housing and employment development for Middlewich within Cheshire East. As a result, no land is allocated in the CW&C Local Plan (Part 2) to meet Middlewich's

⁵ <https://maps.cheshirewestandchester.gov.uk/cwac/localplan>

⁶ <http://consult.cheshirewestandchester.gov.uk/file/5425635>

development needs. CW&C has now completed its Plan making for the period to 2030 regarding housing and employment development.

79. Inspector Barrett also concluded that the amount of land in question, in the context of the amount of development proposed to be accommodated in Middlewich by Cheshire East in the LPS, would not constitute a strategic cross border matter requiring compliance with the Duty to Cooperate.
80. As noted in the ¶¶4.60-4.62 of the Middlewich Settlement Report [ED 36], an outline planning application was refused by both Councils in 2019 for a mixed-use development including up to 370 homes on the land now proposed as MID 3 along with land to the east and north of it within CW&C. CW&C Council refused permission on the grounds of the proposed development's countryside location, impact on the countryside and harm to designated heritage assets and their setting.
81. The Cheshire East Council's position is that the indicative figures for Middlewich of 1,950 homes and 75ha of employment land can be adequately addressed through completions and commitments, along with the allocation of the sites proposed in the LPS and SADPD, with the selection of sites in the SADPD being justified through the Middlewich Settlement Report [ED 36].

Settlement Boundaries (Policy PG 9)

Q26 Is the principle of defining Settlement Boundaries consistent with the strategic policies in the LPS and with national policy in enabling the delivery of sustainable development?

82. Settlement boundaries define the limits of a settlement for planning policy and distinguish between its built form and the countryside. The use of settlement boundaries:
 - Provides certainty over where development is likely to be acceptable;
 - Encourages the development of windfall sites within existing settlements;
 - Directs development to more sustainable locations within settlements with greater access to services and facilities;
 - Can help to increase the viability of services and facilities within settlements, improving their sustainability by reducing the need to travel;
 - Helps protect the countryside from unnecessary development that could be better accommodated within existing settlements.
83. LPS Policy PG 6 'Open countryside' provides a generally-restrictive approach to development in the countryside and Criterion 1 confirms that the open countryside is defined as the area outside of any settlement with a settlement boundary. Footnote 34 to that policy also confirms that "Settlement boundaries will be reviewed and defined through the production of the SADPD and neighbourhood plans".
84. Within settlements, LPS Policy PG 2 'Settlement hierarchy' is supportive of development at a scale appropriate to the role and function of the settlement in the hierarchy. SADPD Policy PG 9 'Settlement boundaries' also confirms

that development proposals within settlement boundaries will be supported where they are in keeping with the scale, role and function of the settlement.

85. The definition of settlement boundaries in the SADPD is consistent with the strategic policies of the LPS and the plan strategy of delivering the bulk of new development within the higher-order centres.
86. Defining settlement boundaries is common in local plans. Whilst national policy does not require local plans to define settlement boundaries, the principle of defining settlement boundaries is consistent with the policies of the NPPF, including:
 - ¶11a, which requires plans to align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
 - ¶16d, which notes that plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
 - ¶69c, which requires local planning authorities to support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes;
 - ¶79, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
 - ¶80, which requires planning policies and decisions to (in most circumstances) avoid the development of isolated homes in the countryside.
 - ¶105, which notes that the planning system should actively manage patterns of growth in support of sustainable transport objectives and significant development should be focused on locations that are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.
 - ¶120c, which requires planning policies and decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.
 - ¶154, which requires new development to be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location.
 - ¶174b, which requires planning policies and decisions to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Q27 With particular reference to the Settlement and Infill Boundaries Review⁷ (SIBR) and the individual Settlement Reports⁸:

- a. Is the methodology for the review and definition of detailed Settlement Boundaries robust?**
 - b. Have the criteria and judgements used to inform the choice of Settlement Boundaries been consistently applied?**
 - c. Are the proposed Settlement Boundaries justified on the basis of proportionate evidence?**
87. Chapter 4 of the Settlement and Infill Boundaries Review [ED 06] sets out a robust, detailed methodology for reviewing existing and defining new settlement boundaries. This uses a three-stage approach to defining new boundaries:
 1. To take account of sites allocated in the LPS, SADPD or neighbourhood plans;
 2. To consider any extant planning consents and the relationship of the land to the built-up area; and
 3. To review the relationship of the boundary to physical features.
88. For settlements inset within the Green Belt, the Green Belt boundary is contiguous with the current settlement boundary (with the exception of safeguarded land identified in the LPS, which is excluded from the Green Belt but also lies outside of the settlement boundary). The identified exceptional circumstances required to justify alterations to the Green Belt boundary only allow for alterations to allocate land to meet current or future development requirements. As a result, the settlement boundary review for Green Belt inset settlements is limited to stage 1 only (to take account of allocated sites). This is because exceptional circumstances have not been identified for changing the Green Belt boundary for any other reason. Identifying new settlement boundaries for inset settlements that extend out into the Green Belt would lead to conflict between the generally restrictive approach to development within the Green Belt set out under LPS Policy PG 3 'Green Belt' and the generally supportive approach to development within settlement boundaries set out in SADPD Policy PG 9 'Settlement boundaries'.
89. The criteria within the methodology for defining new settlement boundaries are deliberately set out in some detail, so that the judgements used when considering the settlement boundary against these criteria can be applied in a consistent manner for each settlement.
90. Each settlement report includes a detailed section to justify the proposed new settlement boundary, describing each section of the boundary, providing detailed commentary on the application of each criteria in the methodology,

⁷ Core document ED06

⁸ Core documents ED21-ED44

and setting out recommendations for the new boundary, in line with the criteria set out in the methodology.

91. The criteria and judgements used to inform the choice of settlement boundaries have been consistently applied and the proposed settlement boundaries are justified on the basis of proportionate evidence.

Q28 Will the Settlement Boundaries defined on the Draft Policies Map⁹ be effective in enabling further windfall sites to come forward, to meet the remaining unallocated element of the indicative level of housing development at the LSCs, and elsewhere in the borough?

92. Settlement Boundaries are shown on the Draft Policies Map for each of the named PTs, KSCs and LSCs.
93. The Settlement Boundaries will be effective in enabling further development to come forward and there are several policies in the LPS and SADPD that support the development of windfall sites at LSCs and elsewhere in the Borough including:
- LPS Policy PG 2 ‘Settlement Hierarchy’, which supports small scale development in LSCs to meet needs and priorities where they contribute to the creation and maintenance of sustainable communities. The policy also supports development elsewhere, recognising PTs and KSCs as the most sustainable locations for growth;
 - LPS Policy SC 6 ‘Rural Exceptions Housing for Local Needs’, which allows for exceptions sites at LSCs to meet local needs, including an element of cross subsidy where justified;
 - SADPD Policy PG 9 ‘Settlement Boundaries’, which states that development proposals (including change of use) within the boundaries of LSCs will be supported where they are in keeping with the scale, role and function of that settlement;
 - SADPD Policy HOU 3 ‘Self and Custom Build Dwellings’, which is supportive of SACBH in suitable locations;
 - SADPD Policy HOU 14 ‘Small and Medium sized sites’, which gives positive weight to proposals for small and medium sized housing sites.

Q29 Is there any substantive evidence to demonstrate that any of the proposed Settlement Boundaries are not justified in defining the boundary between the built-up area of the settlements and the open countryside?

94. Whilst several representations seek changes to the proposed settlement boundaries for a variety of reasons, the council has reviewed each of these and is satisfied that the proposed settlement boundaries are justified and

⁹ Core documents ED02a & ED02b

defined in accordance with the methodology set out in the Settlement and Infill Boundaries Review [ED 06].

95. There is no substantive evidence to demonstrate that any of the proposed settlement boundaries are not justified in defining the boundary between the built-up area of the settlements and the open countryside.
- Q30 Policy PG 9 allows for neighbourhood plans (NPs) to define settlement boundaries for settlements in the OSRA tier and Policy PG 10 defines a number of settlements in the OSRAs as Infill Villages with Village Infill Boundaries. To avoid inconsistencies between settlement boundaries defined in NPs and village infill boundaries defined by the Local Plan, and to ensure the SADPD is effective, clear and unambiguous in guiding the locations for development in the OSRA, is there a need for Policy PG 9 to be modified to ensure any settlement boundary defined in a NP is consistent with Village Infill boundaries defined in the SADPD?**
96. Footnote 2 to Policy PG 9 notes that where a neighbourhood plan defines a settlement boundary for a PT, KSC or LSC, the council will apply the most recent settlement boundary, where relevant.
97. This is in accordance with Section 38(5) of the Planning and Compulsory Purchase Act 2004: *"If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan"*.
98. At the time of publishing the Revised Publication Draft SADPD, there were no inconsistencies between settlement boundaries defined in neighbourhood plans and village infill boundaries proposed in the SADPD, other than those listed in footnote 3 to Policy PG 9. Upon adoption of the SADPD, the settlement boundaries defined for Brereton Green and Brereton Heath in the Brereton Neighbourhood Plan would cease to be considered as settlement boundaries by virtue of Section 38(5) as the conflict would be resolved in favour of the SADPD policy approach as the more recently adopted plan.
99. Footnote 3 also confirms that the Calveley and Weston settlement boundaries defined in their respective neighbourhood plans are included as settlement boundaries under SADPD Policy PG 9 criterion 2, meaning that the SADPD approach is consistent with the approach in those neighbourhood plans. Neither Calveley nor Weston have proposed village infill boundaries under Policy PG 10.
100. Whilst the settlement boundaries and village infill boundaries set out in the SADPD are appropriate and justified by proportionate evidence, the council acknowledges that local communities may wish to set out an alternative approach to their local settlements through neighbourhood plans in the future, if that can be justified by evidence at the time. The council would not wish to restrict the ability for local communities to define their own policies through neighbourhood plans in the future.

101. Several neighbourhood plans have been made since the Revised Publication Draft SADPD was published on 26 October 2020, but none of these define settlement boundaries that are inconsistent with village infill boundaries defined in the SADPD.
102. In the instance that a future made neighbourhood plan defines a settlement boundary that is inconsistent with a village infill boundary defined in the SADPD, then that future neighbourhood plan settlement boundary would supersede the SADPD village infill boundary by virtue of being contained in the more recently adopted plan, in accordance with Section 38(5) of the Planning and Compulsory Purchase Act 2004.
103. For this reason, the council does not consider it necessary to modify Policy PG 9 to ensure any settlement boundary defined in a neighbourhood plan is consistent with village infill boundaries defined in the SADPD.

Infill Villages and Village Infill Boundaries (Policy PG 10)

Q31 Is the principle of identifying Infill Villages and Village Infill Boundaries justified as an appropriate strategy for managing development in the Open Countryside and providing for proportionate development in settlements within the Other Settlements and Rurals Areas (OSRA) tier of the settlement hierarchy? Is it consistent with the LPS and with national policy in enabling the delivery of sustainable development in the rural areas?

104. LPS Policy PG 6 'Open countryside' provides a generally restrictive approach to development in the countryside and criterion 1 confirms that the open countryside is defined as the area outside of any settlement with a settlement boundary. Whilst generally restricting development in the open countryside to those uses appropriate to a rural area (under Criterion 2), Policy PG 6 also makes several exceptions to allow for various other types of development (under Criterion 3).
105. One of these Criterion 3 exceptions to the generally restrictive approach is "where there is the opportunity for limited infilling in villages". By defining infill villages and village infill boundaries, Policy PG 10 defines the areas within which this exception in Policy PG 6 'Open countryside' will apply. The principle of defining village infill boundaries is consistent with the policies of the NPPF, including:
 - ¶16d, which notes that plans should contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
 - ¶69c, which requires local planning authorities to support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes;
 - ¶79, where, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to

grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

- ¶80, which requires planning policies and decisions to (in most circumstances) avoid the development of isolated homes in the countryside.
- ¶105, which notes that the planning system should actively manage patterns of growth in support of sustainable transport objectives and significant development should be focused on locations that are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.
- ¶120c, which requires planning policies and decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.
- ¶154, which requires new development to be planned for in ways that can help to reduce greenhouse gas emissions, such as through its location.
- ¶174b, which requires planning policies and decisions to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

106. Whilst the definition of village infill boundaries defines the area within which “limited infilling in villages” will be allowed under criterion 3 of LPS Policy PG 6, it is important to note that it does not define the area within which any of the other exceptions under PG 6 criterion 3 will apply and these will continue to apply in all areas of the open countryside. For clarification, the separate exception under criterion 3, which allows “the infill of a small gap with one or two dwellings in an otherwise built-up frontage” will still be allowed within all areas of the open countryside outside of village infill boundaries.
107. Whilst all areas outside of settlement boundaries are within the open countryside, some areas are also within the Green Belt. Under LPS Policy PG 3 ‘Green Belt’ and the NPPF (¶149), the construction of new buildings in the Green Belt is inappropriate with several exceptions, including limited infilling in villages.
108. The principle of identifying infill villages and village infill boundaries is justified as an appropriate strategy for managing development in the open countryside. In line with LPS Policies PG 3 and PG 6, it allows for a slight relaxation of the usual restrictive approach to development in the Green Belt and the open countryside to allow for limited infilling in villages. This helps to direct development in the OSRA tier of the settlement hierarchy to those more sustainable small settlements where there are suitable opportunities for limited infilling and helps to protect the intrinsic character and beauty of the countryside.

Q32 Given that the housing and employment land supply from completions and existing commitments within the OSRA already exceeds the indicative levels of development identified for this settlement tier in Policy PG7 of the LPS, is there a need for these indicative levels of development to be disaggregated to individual settlements or for any further sites to be allocated within the OSRA to ensure the SADPD is consistent with the LPS and national policy?

109. Consideration has been given to the need to disaggregate the indicative levels of development for the OSRA tier of the LPS settlement hierarchy. As set out in 'The provision of housing and employment land and the approach towards spatial distribution' [ED 05] ¶¶4.71-4.72 there are a very significant number of settlements in the OSRA. Even if the disaggregation exercise was confined to the settlements that have been defined as villages for the purposes of establishing where limited infilling may be acceptable or not, this would still have involved 36 further settlements. The council is also mindful that the indicative development figures for the OSRA tier have been exceeded by completions to date and existing commitments along with LPS strategic allocations LPS 60 'Wardle Employment Improvement Area' (employment development) and LPS 61 'Alderley Park Opportunity Site' (housing development).

Q33 With particular reference to the Council's response to the Inspector's Initial Question 5¹⁰, is the definition of 'limited infilling' in Policy PG 10 consistent with Policy PG 6 of the LPS?

110. The SADPD Glossary (Chapter 14) provides a definition of 'infill development':

"Infill development is generally the development of a relatively small gap between existing buildings. The scale of infill development will depend upon the location of the site. Several local plan policies refer to infill development and set out what scale is appropriate. These policies include LPS Policy PG 3 'Green Belt'; LPS Policy PG 6 'Open countryside'; and SADPD Policy PG 10 'Infill villages'.

111. In the open countryside, LPS Policy PG 6 'Open countryside' allows for 'limited infilling in villages' and SADPD Policy PG 10 'Infill villages' gives further guidance as to the type and scale of development that would be allowed under 'limited infilling in villages'. LPS Policy PG 6 also allows for 'the infill of a small gap with one or two dwellings elsewhere' (i.e. within the open countryside outside of villages).

112. Both 'limited infilling in villages' and 'the infill of a relatively small gap with one or two dwellings' outside of villages are different forms of infilling and are consistent with the overall definition of infill development provided in the SADPD glossary, which notes that the scale of infill development will depend upon the location of the site.

¹⁰ Page 14 of Examination document CEC/01

113. As set out in ¶¶65-71 of the Council's response to Inspector's initial questions [CEC/01], the definition of 'limited infilling' in Policy PG 10 is consistent with LPS Policy PG 6.

Q34 With particular reference to the evidence set out in the SIBR, is Policy PG 10 justified in not defining all of the settlements within the OSRA as villages suitable for limited infilling?

114. ¶¶4.14-4.35 of the Settlement and Infill Boundaries Review [ED 06] sets out the considerations to be applied in determining which OSRA settlements should be defined as infill villages. A series of factors were considered, which take into account the function and sustainability of settlements in addition to their size. These are:

- The level of service/facility provision in each settlement;
- The availability of public transport; and
- Whether or not each settlement has a coherent spatial form.

115. In total, 35 settlements are identified as infill villages and it is a justified approach for the SADPD to seek to direct some development in the OSRA tier of the settlement hierarchy to these more sustainable small settlements.

116. It is important to note that the identification of infill villages defines the area where 'limited infilling in villages' would be allowed under LPS policies PG 3 'Green Belt' and PG 6 'Open countryside'. Other exceptions to the generally restrictive approach of these policies would still be allowed outside of the village infill boundaries. In the open countryside, this would include: the infill of a small gap with one or two dwellings in an otherwise built-up frontage; affordable housing; dwellings that are exceptional in design and sustainable development terms; re-use of existing buildings; replacement buildings; extensions; development essential for an existing business or conservation and enhancement of a heritage asset. Within the Green Belt, this would include: extensions; replacement buildings; limited affordable housing; and limited infilling or the partial or complete redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt.

Q35 With reference to the SIBR, is the methodology used to define Village Infill Boundaries robust? Have the criteria and judgements used to inform the choice of Village Infill Boundaries been consistently applied? Are the Boundaries justified on the basis of proportionate evidence?

117. Chapter 4 of the Settlement and Infill Boundaries Review [ED 06] sets out a robust, detailed methodology for reviewing existing and defining new settlement boundaries. This uses a three-stage approach to defining new boundaries:

1. To take account of sites allocated in the LPS, SADPD or neighbourhood plans;
2. To consider any extant planning consents and the relationship of the land to the built-up area; and

3. To review the relationship of the boundary to physical features.
118. The criteria within the methodology for defining new settlement boundaries are deliberately set out in some detail, so that the judgements used when considering the settlement boundary against these criteria can be applied in a consistent manner for each settlement.
119. As set out in the Settlement and Infill Boundaries Review [ED 06] (¶¶4.36-4.37), the approach to defining infill boundaries follows the same three-stage approach to that for defining settlement boundaries. Given the need for proportionate evidence, an overall recommendation for each infill village is set out in Chapter 7 (Table 10) in the Settlement and Infill Boundaries Review [ED 06], which considers each of the three stages.
120. The criteria and judgements used to inform the choice of infill boundaries have been consistently applied and the proposed infill boundaries are justified on the basis of proportionate evidence.

Q36 Is there any substantive evidence to demonstrate that any of the proposed Village Infill Boundaries are not justified?

121. Whilst a number of representations seek changes to the proposed infill boundaries for a variety of reasons, the council has reviewed each of these and is satisfied that the proposed infill boundaries are justified and defined in accordance with the methodology set out in the Settlement and Infill Boundaries Review [ED 06].
122. There is one instance where a change to a proposed infill boundary may be justified. Since the publication of the Revised Publication Draft SADPD, the Hankelow Neighbourhood Plan¹¹ was made on 28 July 2021. The neighbourhood plan defines the Hankelow infill boundary as the boundary proposed in the SADPD, but amended to include two sites allocated through the neighbourhood plan (and existing buildings adjacent to one of the sites).
123. If the SADPD village infill boundary for Hankelow is not amended to include the newly-allocated sites, then on adoption of the SADPD the allocated sites would fall outside of the Hankelow village infill boundary in accordance with Section 38(5) of the Planning and Compulsory Purchase Act 2004, by virtue of the SADPD being the more recently adopted plan. In this instance, it may be justified to amend the policies map to reflect the allocated sites as in the made Hankelow Neighbourhood Plan.

¹¹ <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-plans-g-m/hankelow-neighbourhood-plan.aspx>

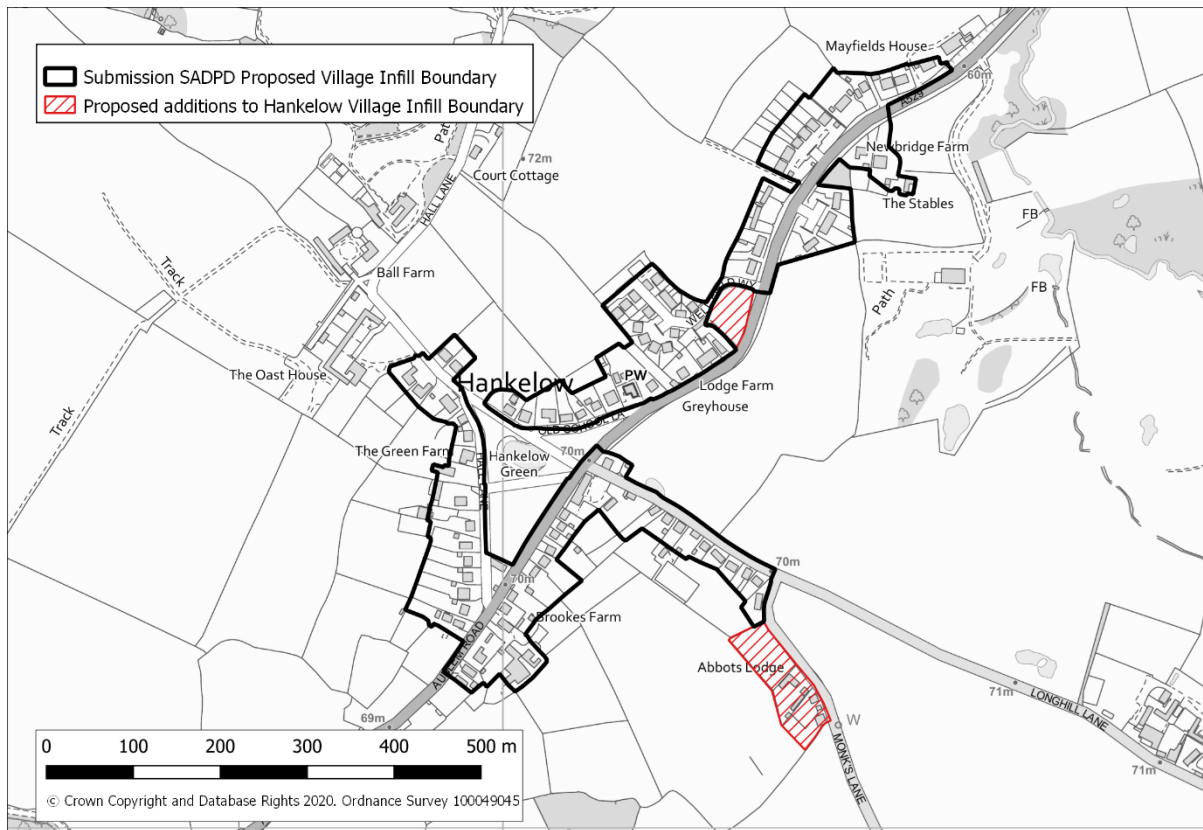


Figure 1: Proposed additions to Hankelow Village Infill Boundary

124. Other than the Hankelow Neighbourhood Plan, there is no substantive evidence to demonstrate that any of the proposed settlement boundaries are not justified in defining the boundary between the built-up area of the settlements and the open countryside.

Q37 Have the Village Infill Boundaries defined on the Draft Policies Map been positively prepared and will they be effective in enabling further windfall sites to come forward to support sustainable development in the OSRA?

125. To be positively-prepared, plans must provide a strategy which, as a minimum, seeks to meet the area's objectively assessed needs. Under LPS Policy PG 7 'Spatial distribution of development', the OSRA tier of the settlement hierarchy is expected to accommodate in the order of 2,950 new homes (including the strategic Site LPS 61 'Alderley Park Opportunity Site') and 69 hectares of employment land (including the 61 hectare strategic Site LPS 60 'Wardle Employment Improvement Area'. Whilst not necessary to demonstrate soundness under this test, the council notes, as set out in 'The provision of housing and employment land and the approach to spatial distribution' [ED 05], that there were 3,366 dwellings and 77.13ha of employment land completed or committed in the OSRA tier at 31 March 2020.

126. The identification of village infill boundaries allows for limited infilling and will enable further windfall sites to come forward where appropriate. When any further windfall is added to the existing supply, it is evident that the OSRA contribution towards the overall development requirements in LPS Policy PG 1 'Overall development strategy' will exceed the indicative figures set out in

Policy PG 7 'Spatial distribution of development'. The approach to development in OSRA (including the definition of village infill boundaries) will assist in the overall strategy to meet the area's objectively assessed needs.

127. A review of the sites submitted during the preparation of the SADPD (listed in Appendix 1 of the Other Settlements and Rural Areas Report [ED 46]) shows several sites within village infill boundaries submitted for consideration. Whilst some of these now benefit from planning permission and cannot be counted as further windfall, there are an additional five windfall sites without permission where the parts of the sites lying within village infill boundaries could potentially accommodate around 50 dwellings (Sites CFS251, CFS630, CFS440, CFS147 and CFS317b).
128. By their nature, is not possible to provide substantive evidence to show where all future windfall development opportunities may land within village infill boundaries. However, it is expected that further small-scale windfall sites will continue to come forward for limited infilling within village infill boundaries, albeit there is no dependency on these to meet the borough's overall objectively assessed development needs.

Strategic Green Gap Boundaries (Policy PG 13)

Q38 Is the methodology for the definition of detailed boundaries for the Strategic Green Gaps (SGGs), as set out in the SGG Boundary Definition Review¹² (SGGBDR), soundly based?

129. The methodology used to define the detailed boundaries of the SSGs as set out in the SGGBDR [ED 08] is soundly based.
130. As explained in the SADPD Regulation 20 Representations Statement (Consultation Statement Part II) [ED 56a], the general extent of the SSGs was confirmed through the LPS and supporting evidence. The purpose and proposed approach to the designation of SSGs was found appropriate, fully justified, effective, positively prepared, soundly based and consistent with national policy.
131. The definition of detailed boundaries was therefore a limited exercise that did not involve a review of whether the land shown as broadly comprising the SGG in the LPS should continue to form part of it. The SGGBDR [ED 08] identifies detailed boundaries an appropriate and proportionate way. It employs a five-stage approach. It identifies a clear boundary, following physical features that are readily recognisable and likely to be permanent and ensures that all the land within the boundary meets with at least one of the three purposes of SSGs set out in LPS Policy PG 5 'Strategic Green Gaps'.
132. The council would also highlight that LPS Policy PG 5 does not apply a moratorium on development within the Strategic Green Gap but applies a series of test through Criterion 4 so that any new development does not undermine its purposes as listed in Criterion 3. Criterion 4 also allows for

¹² Core document ED08

exceptions to the policy where it can be demonstrated that no suitable alternative location is available.

Q39 With particular reference to the SGGBDR, have the principles and criteria used to inform the definition of detailed SGG boundaries been consistently applied and are the resulting detailed boundaries justified, based on proportionate evidence?

133. Chapter 4 of the SGGBDR [ED 08] sets out the five-stage process that has been applied consistently to assess 20 individually detailed sections of the SGG boundary. The resulting boundaries are justified and based on proportionate evidence.

Q40 Is there any substantive evidence to demonstrate that any of the proposed detailed boundaries to the SGGs are not justified?

Whilst several representations seek changes to the detailed boundaries for a variety of reasons, the council has reviewed each of these and is satisfied that the boundaries are justified and defined in accordance with the methodology set out in the SGGBDR [ED 08]. There is no substantive evidence to demonstrate that any of the proposed detailed boundaries to the SGG are not justified when assessed using the methodology.

Q41 With particular reference to the Council's response to the Inspector's Initial Question 6¹³, does Policy PG 14 serve a clear purpose in providing a consistent policy approach to the protection of local green gaps or green wedges identified in Neighbourhood Plans and the consideration of development proposals within them or will it unnecessarily duplicate the policies and proposals of those plans?

134. The Council's response is set out in ¶74 of the Council's response to the Inspector's initial questions [CEC/01]. Policy PG 14 serves a clear purpose in protecting the openness of LGGs identified in neighbourhood plans and there is no unnecessary duplication.

¹³ Pages 15-17 of Examination document CEC/01