



Cheshire East Local Plan

Site Allocations and Development Policies Document

Cheshire East Council Hearing Statement

Matter 7: Transport and Infrastructure

Hearing date: Thurs 21 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 6: General Requirements.
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:
 - Regulation 20 Representations Statement (Consultation Statement Part II) [ED 56a]
 - Local Plan Strategy [BD 01]

Cycleways, Bridleways and Footpaths (Policy INF 1)

Q109 Is Criterion 2 of Policy INF 1 justified and consistent with national policy and would it be effective in supporting the delivery of development in only permitting the diversion of public rights of way where there are benefits to the wider community?

4. As stated in ¶10.2 of the SADPD, 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. Specifically, ¶104 of the NPPF says that opportunities to promote walking and cycling should be identified and pursued in plan-making. This is reinforced in ¶106, which says that planning policies should provide for attractive and well-designed walking and cycling networks, and in ¶112, which says that development schemes should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas. Overall, the NPPF encourages policy makers to seek enhancements to walking and cycling networks. Criterion 2 reflects that emphasis.
5. The council is satisfied that Criterion 2 accords with national policy with regards to balancing transport systems in favour of sustainable transport modes and would not unduly constrain the delivery of development.

Highways Safety and Access (Policy INF 3)

Q110 Is criterion 1iii of Policy INF 3 consistent with national policy in its expectation that development traffic is 'satisfactorily assimilated into the operation of the highway network', given that the NPPF states that development should only be refused where the residual cumulative impacts on the road network would be 'severe'?

6. The Council considers that this expectation in the policy is consistent with ¶111 of the NPPF. What would constitute 'satisfactory', in terms of the

operation of the existing highway network, would be judged having regard to whether the residual cumulative impacts on the road network would be severe. A similar issue arises within the NPPF itself. ¶110d) says that in assessing planning applications, it should be ensured that any significant impacts from a development on the transport network in terms of capacity and congestion can be cost effectively mitigated to an acceptable degree. Read in conjunction with ¶111, as long as any residual cumulative impacts on the road network were less than severe following mitigation, this would generally constitute ‘to an acceptable degree’.

Q111 Are the requirements and standards in Policy INF 3 for electric vehicle (EV) charge points on all major developments justified by proportionate evidence? Is it clear from the viability evidence whether residential and non-residential development in Cheshire East can viably support the costs of EV charging infrastructure, including higher voltage cabling and upgrades to the network? Is the policy effective in allowing for circumstances where the provision of such infrastructure is not viable or feasible?

7. In November last year the Government announced the end of the sale of new petrol and diesel cars in the UK by 2030. From 2035 all new cars and vans will be fully zero-emission from the tailpipe¹. This forms part of the Government’s commitment to meeting the legally binding target for the UK to achieve net zero greenhouse gas emissions by 2050 under The Climate Change Act 2008 (2050 Target Amendment) Order 2019².
8. Criterion 2.vi. of LPS Policy CO 2 ‘Enabling Business Growth Through Transport Infrastructure’ already seeks the provision of recharging points for hybrid or electric vehicles in major developments in order to reduce carbon emissions. SADPD Policy INF 3 is consistent with this and identifies specific standards.
9. The standards in Policy INF 3 reflect the Government’s proposed standards in its consultation, ‘Electric vehicle charging in residential and non-residential buildings’, which closed on 7 October 2019³. As part of this consultation the Government made clear its intention to mandate the provision of EV charging points in residential and non-residential buildings through the Building Regulations. As this has not yet been implemented at a national level, the Council, mindful of the global climate change emergency and its own declaration of a climate crisis, consider it critical to implement what measures it can now, including the introduction of these standards, to address climate change.
10. As set out in the Council’s response on page 282 of the Regulation 20 Representations Statement (Consultation Statement Part II) [ED 56a] the

¹ <https://www.gov.uk/government/consultations/consulting-on-ending-the-sale-of-new-petrol-diesel-and-hybrid-cars-and-vans/outcome/ending-the-sale-of-new-petrol-diesel-and-hybrid-cars-and-vans-government-response>

² <https://www.legislation.gov.uk/ukxi/2019/1056/contents/made>

³ <https://www.gov.uk/government/consultations/electric-vehicle-chargepoints-in-residential-and-non-residential-buildings>

Council has properly assessed the effect of these standards on the viability of development. The policy wording in criterion 1(vi)(a) also makes clear that charge points would not need to be provided where this is not feasible because of excessively high grid connection costs. This has not been applied to major non-residential development given the likelihood that these buildings will have greater power requirements than residential development.

Q112 Is criterion 2 of the Policy INF 3 clearly written and unambiguous? In particular, will it be evident to a decision maker what constitutes a development proposal that generates a ‘significant amount of movement’ and whether such proposals should be supported by a ‘transport statement’ or a ‘transport assessment’?

11. This wording in the policy is consistent with NPPF ¶113, which similarly says that Transport Assessments and Statements are required for all developments that generate significant amounts of movements. This is also repeated in the PPG (Paragraph: 002 Reference ID: 42-002-20140306). The PPG (Paragraph: 013 Reference ID: 42-013-20140306) also says that Local Planning Authorities must make a judgement as to whether a development proposal would generate significant amounts of movement on a case-by-case basis. It acknowledges that significance may be a lower threshold where road capacity is already under pressure, or a higher threshold for a development in an area of high public transport accessibility. The wording in Policy INF 3 allows for a judgement to be made as to what supporting transport evidence may be necessary (comprising either an Assessment or ‘lighter-touch’ Statement) based on the number and type of the movements likely to be generated by the development and the characteristics of the area in which it is proposed.
12. This is a matter that is judged and advised upon by officers from the Council’s Highways and Transport team. It is often something that is raised, discussed and agreed upon in pre-application discussions, which are more likely to take place in connection with larger development proposals.
13. The Council considers that the wording in the policy is sound.

Protection of Existing and Proposed Infrastructure (Policy INF 6)

Q113 Should the SADPD and Policies Map continue to safeguard the route of the Poynton Relief Road, given that it has not yet been completed, to ensure it is effective in supporting the cross-boundary proposals for Woodford Aerodrome?

14. Policy INF 6 ‘Protection of existing and proposed infrastructure’ lists schemes that require land to be safeguarded for their construction. As the Poynton Relief Road scheme is now under construction its route no longer needs to be safeguarded so it falls outside the scope of this policy. Any role that the road may play in supporting cross boundary proposals for Woodford Aerodrome

has yet to be agreed or defined. Such detail would develop through Stockport's plan-making process.

Telecommunications Infrastructure (Policy INF 8)

Q114 For clarity and effectiveness, should further text be added to the justification for Policy INF 8 to explain how the impact of proposals for telecommunications infrastructure on air traffic safety will be assessed through consultation with the Safeguarding Authority for Manchester Airport?

15. The council's Regulation 20 Representations Statement (Consultation Statement Part II) [ED 56a] highlights that this matter is covered by Policy GEN 5 'Aerodrome safeguarding'. As the Plan should be read as a whole, the council does not consider that further text needs to be added to the justification for policy INF 8. However, if the Inspector considers this necessary for clarity and effectiveness, the council suggests adding a short cross reference to policy GEN 5.

Canals and Mooring Facilities (Policy INF 10)

Q115 For clarity and effectiveness, should it be made clear in Policy INF 10 that the criteria in section 1 apply to new moorings and those in sections 1 and 2 apply to new permanent residential moorings in section 3?

16. The council has tried to structure the policy in a way that indicates that the criteria in section 1 apply to new moorings (section 2) and the criteria in sections 1 and 2 apply to new permanent residential moorings (Section 3). However, the council would be pleased to assist the Inspector in restructuring the Policy to improve its clarity and effectiveness if necessary.

Roadside Facilities

Q116 Is the SADPD positively prepared, justified and consistent with national policy in not making specific provision for roadside facilities and motorway service areas (MSAs) in Cheshire East or setting policy criteria to guide planning applications for such facilities? In the absence of such policies, would the LPS and the SADPD provide an effective policy framework for guiding planning applications, so that it is evident how a decision maker should react to development proposals for roadside facilities and MSAs?

17. The NPPF (¶106) requires planning policies to provide for any large-scale transport facilities that need to be located in the area. Footnote 44 confirms that such policies for large scale facilities should, where necessary, be developed through collaboration between strategic policy-making authorities and other relevant bodies. It also confirms that examples of such facilities include roadside services.

18. There are two existing MSAs in the borough (Sandbach Services M6 between junctions 16 and 17 operated by Roadchef; and Knutsford Services between junctions 18 and 19 operated by Moto) and one adjacent to the borough boundary (Lymm Poplar 2000 Services located at M6 junction 20 and M56 junction 9, operated by Moto). During the preparation of the strategic policies of the LPS, no requirement for additional roadside facilities or MSAs was identified. LPS Policy CO 2 'Enabling business growth through transport infrastructure' is supportive of the improvement of national motorway network facilities, where appropriate. However, it sets out no strategic policy to make any specific provision for roadside facilities or MSAs and it does not identify the need for any non-strategic policies in the SADPD to make such provision.
19. During the preparation of the SADPD, advice was sought from Highways England in relation to the provision of roadside facilities and MSAs on the strategic highway network. This advice confirmed that Highways England have no specific needs identified regarding the provision of extra services in the area. The SADPD is positively prepared, justified, and consistent with national policy by not making specific provision for roadside facilities and MSAs in Cheshire East. It is also consistent with the strategic policies of the LPS.
20. Although the LPS and SADPD do not include specific policies on roadside services and MSAs, they do provide an effective policy framework for guiding planning applications for roadside facilities and MSAs. Development within settlement boundaries would be supported in line with LPS Policy PG 2 'Settlement hierarchy' and SADPD Policy PG 9 'Settlement boundaries', which is supportive of development proposals within settlement boundaries where they are in keeping with the scale, role and function of that settlement. Outside of settlement boundaries, LPS Policies PG 3 'Green Belt' and PG 6 'Open countryside' provide an effective framework for decision-making. Under Policy PG 3 (Criterion 4), local transport infrastructure that can demonstrate a requirement for a Green Belt location is not inappropriate development provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within in. Policy PG 6 (Criterion 2) also allows for development that is essential for the purposes of public infrastructure in the open countryside. In addition, LPS Policy CO 2 'Enabling business growth through transport infrastructure' is supportive of the improvement of national motorway network facilities, where appropriate.