
**CHESHIRE EAST LOCAL PLAN - SITE ALLOCATIONS AND DEVELOPMENT POLICIES
DOCUMENT EXAMINATION**

STATEMENT ON BEHALF OF THE CROWN ESTATE – REPRESENTOR ID 1075552

MATTER 7 – TRANSPORT AND INFRASTRUCTURE

Preamble

1. This Hearing Statement is made on behalf of our Client, The Crown Estate, in advance of making verbal representations to the Cheshire East Local Plan Site Allocations and Development Policies Document (SADPD) Examination in Public. This represents a continuation of our involvement in the Local Plan process, including our representations to the Council’s Revised Publication Draft SADPD in December 2020.
2. The Crown Estate is the freehold owner of land in Cheshire East including land in North West Knutsford allocated for residential and commercial development under Policy LPS 36 of Cheshire East’s Local Plan Strategy adopted July 2017 (the LPS). The Crown Estate is also the freehold owner of land in North West Knutsford that has been safeguarded for potential longer term development under Policies LPS 29 and LPS 40 of the LPS.
3. In this Statement we respond to Question 109 in respect of Policy INF 1 Cycleways, bridleways and footpaths. We do not have any specific comments to make in relation to other Matter 7 Questions but do, nevertheless, reserve the right to comment further in so far as it may affect our Client’s interests.

Issues and questions

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. Criterion 2 sets out that development proposals that involve the diversion of cycleways, footpaths or bridleways will only be permitted where the diversions provide "*clear and demonstrable benefits for the wider community*".
5. The Crown Estate are committed to taking every opportunity to secure environmental and social value. Furthermore, we acknowledge that the National Planning Policy Framework (2021) (NPPF) seeks for planning policies and decisions to "*protect and enhance public*

rights of way, including taking opportunities to provide better facilities for users” (paragraph 100).

6. Criterion 2 is, however, in only permitting the diversion of public rights of way where there are *"clear and demonstrable benefits for the wider community"*, too prescriptive and, as a consequence, may constrain the delivery of development land. For example, retaining a public right of way in its existing position across a site may constrain the design solution and/ or quantum of development, which may in turn result in a sub-optimal design and/or viability issues. For this reason, Criterion 2 of Policy INF 1 is unsound as it is not effective.
7. Furthermore, we consider that such a blanket approach is not appropriate as diversion of public right of ways should be considered in the context of bespoke site design and site-specific characteristics, and in any case they need to be decided and proposed in consultation with local communities and users of the paths.
8. It is our view that the starting point of Criterion 2 should be the protection of public rights of way, permitting diversion where this is on a like-for-like basis and there is no detriment to local communities. Then, where feasible and viable, opportunities should be taken to enhance provision, for example through surfacing and/or landscaping, to create a better user experience. An otherwise acceptable development should not, however, be refused planning permission on the grounds that it cannot deliver enhanced provision.
9. In light of the above we consider the wording of Criterion 2 should be amended as follows (additions underlined):

"Development proposals that involve the diversion of cycleways, footpaths, or bridleways will only be permitted where the proposed diversion would not result in a detriment to local communities. Opportunities should be taken, where feasible and viable, for the diversions to provide clear and demonstrable benefits for the wider community."
10. The proposed approach is justified in that it is reasonable alternative and is consistent with national policy which seeks for public rights of way to be protected and enhanced. Moreover, it is effective in that it supports the delivery of development land.