



**CHESHIRE EAST LOCAL PLAN SITE ALLOCATIONS AND  
DEVELOPMENT POLICIES DOCUMENT (SADPD)  
SEPTEMBER 2020**

**LOCAL PLAN EXAMINATION**

**MATTER 7 – TRANSPORT AND INFRASTRUCTURE**

**ON BEHALF OF TATTON SERVICES LIMITED**

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## **1. INTRODUCTION**

- 1.1 Pegasus Group has been instructed on behalf of their client, Tatton Services Limited (TSL), to prepare Hearing Statements to the Cheshire East Site Allocations and Development Policies Document (SADPD) in support of TSL’s land interests at Yarwoodheath Farm in the Borough. TSL is an 80/20 partnership between Westmorland Limited and Tatton Estate (formerly the Tatton Group). TSL are in the advance stages of submitting a planning application for a Motorway Service Area (MSA) at Junctions 7 and 8 of the M56 to the south-west of Manchester. A stakeholder and public consultation exercise was held in July/ August following the removal of Covid 19 restrictions. Stakeholder and public consultation information remains available via a dedicated website [www.tattonservices.com](http://www.tattonservices.com). It is anticipated that the planning application will be submitted in the autumn.
- 1.2 This Hearing Statement has been prepared for **Matter 7 – Transport and Infrastructure.**

## 2. ISSUE: HIGHWAY SAFETY AND ACCESS (POLICY INF 3)

**Question 111 – Are the requirements and standards in Policy INF 3 for electric vehicles (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?**

- 2.1 As set out above, TSL are propose to develop a Motorway Service Area (MSA) at Junctions 7 and 8 of M56. In the context of that proposed development, draft policy INF3 would require provision of one charging point for every five car parking spaces, in the case of non residential development, and would result in a large number of EV charging to be delivered on site.
- 2.2 Whilst it is a commendable aspiration, as more EV charging is required at non residential settings, especially at facilities such as MSAs in order to build “range confidence”, it should be delivered in a proportionate manner consistent with both the current and future demand from consumers and energy availability, that is economically obtainable, from the grid. Further information in relation to these points are set out below.
- 2.3 Based on a review of the evidence provided to support the SADPD, there appears to be no justification as to why the threshold of 1 in 5 car parking spaces has been identified. It is considered that both current and future demand and supply are important factors impacting this. It is important that such local planning policies are appropriately informed by evidence and initiatives at the national level. In the context of MSAs, the national context and agenda for zero emissions vehicles is set out below.

### *Supply*

- 2.4 The Government has recognised the importance of providing EV charging at MSAs as a measure to build “range confidence”, which is seen as a serious barrier to uptake in terms of EV purchase. In 2021, the Government backed a Green Recovery Scheme which provided grant funding to reinforce supply at MSAs. The Government is working towards delivering 6 high powered charge points at every MSA in England by 2023. This is to be set out within an Electric Vehicle Infrastructure Strategy due to be published later in 2021. Beyond this, the Government has launched the Project Rapid Charging Fund, which is the Government's infrastructure delivery programme dedicated to supporting the rollout of a massively expanded rapid charging network at MSAs across motorways and A-roads in England. This proposes to significantly upgrade grid capacity at these sites, thereby enabling private sector investment in new charge points to support up to 100% uptake of EVs. All of which is set out within the Government's 'Transitioning to zero emissions cars and vans: 2035 delivery plan' published in July 2021.<sup>1</sup>

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005301/transitioning-to-zero-emission-cars-vans-2035-delivery-plan.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005301/transitioning-to-zero-emission-cars-vans-2035-delivery-plan.pdf)

- 2.5 Importantly, this document goes on to identify a range of challenges to delivering EV, not simply MSAs but for other types of development, with connection to the supply of electricity networks being a major barrier to roll out as these can be high. In response, Ofgem is now considering changing the way charges for connecting to the electricity network are allocated and it is proposed that all network reinforcement costs should be socialised across energy bill payers in future. It is posited that this will assist to reduce the costs of connecting EV charge points to the network and that these changes are expected to come into force in 2023.
- 2.6 In light of the above, whilst the approach set out in Policy INF 3 is commendable, its approach is premature given the above. Whilst the number of EV charging facilities need to be increased across all types of development proposals, these need to be in line with the wider initiatives being put in place at the national level. Making these specific levels of provision mandatory in new developments immediately through newly adopted policies would compromise the viability and deliverability of some schemes coming forward in advance of these national initiatives. It would be better to introduce a more flexible or even a stepped approach to such standards to match the national provision of infrastructure and avoid undermining investment.

*Demand*

- 2.7 Understanding demand for EV charging points is also an important factor, indeed, this may differ for different types of development (i.e. locations that people visit for a short period of time verses locations where people purposefully go for longer periods of time – to allow time to charge) and, hence, this should obviously be a key consideration in justifying the number and type of points on any given site.
- 2.8 Clearly, an MSA, is a location where provision of EV charging is an important consideration and this should be proportionate to meet arising need as and when required. EV charging points require very significant upfront investment to be installed. There is real concern that if excessive provision is put in place that becomes redundant, this would comprise unnecessary wasted expenditure. It would be far better to have a more flexible approach to such provision. The threshold within Policy INF 3 for the proportion of EV spaces is not evidence based and isn't warranted in 2021 and won't be for a number of years. An approach which matches likely future demand is patently far more appropriate, even if that provision needs to increase over time. In light of this, it is suggested that it is more appropriate to consider EV charging for each proposal individually or potentially stepping up over time, in order to understand the demand factors influencing the number of chargers required on site at any point in time.
- 2.9 Indeed, because future demand for EV charging will change over time it would be more appropriate to include flexibility through triggers to review demand and deliver additional provision in accordance with this. This approach is considered to be more proportional to meet need as and when it arises rather than provide for future demand that is unpredictable and facilities could be underutilised and avoiding redundancy of provision. Any such requirement would, however, need

to be consistent with the tests for planning obligations, in that they must be necessary to make development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

- 2.10 Given the above, whilst the aspirations behind the policy requirement are extremely commendable, there is real concern that a blanket policy across all types of non-residential development is ineffective and not justified and, hence, a more flexible and bespoke approach should be taken to EV charging points that are appropriate to the type of development proposed and the circumstances at that time. Indeed, this could lead to a greater amount being delivered than currently proposed with the 1 in 5 threshold.
- 2.11 For the proposed Tatton Services, sustainability is at the core of the emerging proposal and as part of embedding this within the scheme, Ramboll (a leading sustainability consultant) have been looking at all aspects whereby identified sustainability priorities could be maximised, where practical and possible, as part of the scheme. Provision and integration of EV charging and other alternative fuels has been key a consideration as part of developing the Masterplan. It is proposed that in the order of 50 EV charging points will be delivered from day one with embedded infrastructure to deliver more as required over time. This represents a very significant number of EV charging points, well in excess of most MSAs in the UK. It is acknowledged that the current wording of Policy INF 3 requires more (1 in 5) than this. It is proposed, however, that the infrastructure to support additional EV charging (in excess of the 50) will be embedded within the site (i.e. conduit installed at additional parking spaces on site) and this is considered a flexible way to ensure that provision for EV charging can be made to meet future demand, without unnecessary expenditure on a greater number of EV charging points that are not needed at this point in time. In addition, the fuel filling station has been designed taking into consideration that traditional fuels will be redundant and, accordingly, its role and function will change to reflect this.

### **3. ISSUE: ROADSIDE FACILITIES**

**Question 116 – 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 MSA?**

- 3.1 As identified in the representations, reference is made to paragraph 106 e) of the NPPF which notes how planning policies should provide for any large-scale transport facilities that need to be located in the area. Consistent with this, it was suggested that a policy recognising the strategic importance of MSAs and specifically identifying that there is a deficiency in provision in this location, identifying a 'safety need' for a MSA in Cheshire East, be included. It is considered that such an approach would be helpful in identifying the principle for this type of development in the Borough.
- 3.2 Figure 1 below shows the gaps on the network, which exceed 28 miles in accordance with identified spacing criteria within DfT Circular 02/13 'The Strategic Road Network and the Delivery of Sustainable Development' at Paragraphs B4 to B8. The presence of one gap represents a 'safety need' for a MSA and in this location, due to the number of routes from different start and end points, there are multiple.





- 3.3 Given the safety and welfare need for a MSA due to the number of gaps in provision in this location, it is considered that a MSA related policy could further assist the decision maker by acknowledging that 'where very special circumstances are demonstrated, due to locational requirements, MSA proposals can be an acceptable form of development in the Green Belt'. Almost all new MSA provision will need to be located alongside existing routes in undeveloped areas in the countryside, which can potentially be in the Green Belt. This is on the basis that motorways predominantly exist in the countryside, which can be Green Belt, due to their strategic purpose connecting urban areas. In addition, countryside locations are more likely to have sufficient land to accommodate MSAs. Indeed, many MSA do lie within the Green Belt across the country due to the locational matters outlined above. Cobham and Beaconsfield MSA are precedents whereby planning permission was consented in Green Belt locations.
- 3.4 This approach would reflect of importance of addressing 'safety need' and spacing criteria of MSAs within Circular 02/13, in combination with Paragraph 148 of the NPPF, which deals with planning applications within the Green Belt. The proposed wording, however, also allows the decision maker to make a judgement on whether the test for demonstrating 'very special circumstances' has been met and, hence, it is not a forgone conclusion that a MSA should be permitted in the Green Belt.
- 3.5 As highlighted in the representations, such proposals are unlikely to be nationally significant infrastructure projects and, accordingly, providing locational policy specificity will assist in establishing that there is a need for the type of development and guide the determination of any application. The 'safety need' argument and importance of MSAs can be misunderstood, especially given that the type of development is one rarely come across by a Local Planning Authority and Planning Committees, therefore, a marker in the Development Plan would provide some reassurance as to the need for such proposals.
- 3.6 In terms of further policy criteria, it is considered that Circular 02/13 appropriately sets out the criteria for MSA and other roadside facilities and it would be for National Highways to be the custodian of compliance with those, as opposed to the LPA. Such duplication would be an unnecessary overlap.
- 3.7 To conclude, recognition of the need for a MSA in Cheshire East to address existing deficiencies in provision, which would address an existing 'safety need', would assist to establish the principle for this type of development in the Borough. In addition, further recognition that such proposals can be acceptable in Green Belt locations, where very special circumstances can be demonstrated, would also assist with the interpretation of the lesser known Circular 02/13 in combination with Green Belt policy, which washes over much of the motorway network outside the urban area. Such an approach would ensure that the SADPD is positively prepared in the context of meeting the safety and welfare needs for MSAs.
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#### **4. CONCLUSION**

4.1 It is our view that in relation to Transport and Infrastructure, further soundness improvements could be made to the SADPD as set out below:

- The EV charging requirements for non residential development be recast to be more flexible in the context of the type of development proposed and the circumstances concerning both current and future supply (i.e. delivering the connection to the energy supply, which can be problematic) and demand (ensuring provision is proportionate to arising need). Such changes will ensure the policy is justified and effective in accordance with the test of soundness; and
- Recognition of the strategic importance of MSAs and that there is a deficiency in provision on the Cheshire East Strategic Highway Network. This would also ensure the Plan is Positively Prepared in acknowledging the principle for this type of development in Cheshire East. It is considered that in the context of much of the Strategic Road Network being within the Green Belt, further acknowledgement that 'there can be a locational requirement for MSA in the Green Belt, should very special circumstances be demonstrated' would potentially assist the decision maker whereby proposals come forward in these locations.