



## Cheshire East Local Plan

# Site Allocations and Development Policies Document

Cheshire East Council Hearing Statement

### **Matter 8: Natural Environment, Climate Change and Resources**

**Hearing date: Tues 2 Nov 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 2 [INS/10] and addresses Matter 8: Natural Environment, Climate Change and Resources.
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:
  - Ecological Network for Cheshire East [ED 09]
  - Cheshire East Landscape Character Assessment and Appendices [ED 10 and 10a]
  - Cheshire East Local Landscape Designation Review [ED 11]
  - Aircraft Noise Policy Background Paper [ED 15]
  - Green Space Strategy Update and Appendices [ED 18, 18a and 18b]
  - Local Plan Site Allocations and Development Policies Viability Assessment [ED 52]
  - Green Infrastructure Assessment of Cheshire East [ED 55]
  - Consultation Statement (Revised Publication Draft Version) [ED 56]
  - Regulation 20 Representations Statement (Consultation Statement Part II) [ED 56a]
  - Local Plan Strategy [BD 01]

## Ecological Network (Policy ENV 1)

**Q117 Is Policy ENV 1 positively prepared, justified based on proportionate evidence, effective and consistent with the LPS and national policy? In particular:**

- a. In the absence of up to date site specific ecological assessments does the evidence adequately demonstrate the value or potential value for ecology of the land within each of the ecological network components, namely core areas, corridors and stepping stones, restoration areas, and Meres and Mosses catchments, and justify the extent of the buffer zones?**
- b. Are the boundaries of the respective wildlife designations and components of the ecological network accurately represented and differentiated on the Policies Map, so that the requirements in Part 4 of the policy for any particular site can be readily understood?**
- c. To avoid conflict with ecological designations and policies in made Neighbourhood Plans, is there a need for Part 4 of the policy to reference local wildlife corridors identified in Neighbourhood Plans as part of the ecological network?**

- d. **To what degree would the requirement for development to protect, conserve, restore and enhance the ecological network act as a constraint on the delivery of uncommitted site allocations identified in the LPS and SADPD and further windfall opportunities for housing in the period to 2030?**
- e. **Would it be evident to a decision maker what site specific mitigation measures are necessary within each of the ecological network component areas and zones to satisfy part 4 of the policy?**

Q117a

- 4. An ecological network for Cheshire East has been developed taking account of the hierarchy of ecological designations. It links areas of biodiversity importance at a broad, landscape scale and maps the main components of the ecological network. The methodology used to determine the network is explained within the Ecological Network for Cheshire East [ED 09]. It adequately demonstrates the value or potential value for ecology in each of the network's components and justifies the extent of the buffer zones. It is noted at the end of the Introduction on page 1 of the Ecological Network for Cheshire East [ED 09] that there is no definitive guidance on the methodology on developing an ecological network. The Ecological Network for Cheshire East [ED 09] has been prepared by qualified and experienced ecologists within Total Environment.
- 5. Although the Ecological Network for Cheshire East [ED 09] was published in November 2017 it is still adequately up to date for planning policy making purposes, reflecting, firstly, that the nature and extent of ecological designations will have remained relatively static since it was prepared, and, secondly, because it is designed to operate at a broader landscape scale, rather than a site-specific level.
- 6. The Cheshire West and Chester Local Plan (Part 2) Land Allocations and Detailed Policies, adopted in 2019, contains an equivalent policy (Policy DM 44 'Protecting and enhancing the natural environment') with similar requirements to SADPD Policy ENV 1 regarding the broad ecological network. The Cheshire West and Chester policy is based on an equivalent report by Total Environment meaning that the authorities' ecological network maps fit together.
- 7. At a planning application level more detailed ecological assessments would be required, as appropriate, by criterion 3 of Policy ENV 2 'Ecological implementation'.

Q117b

- 8. The boundaries of wildlife designations and components of the ecological network are clearly and accurately delineated on the Policies Map. It is possible to identify which part of the network applies to an individual site so that the requirements in Criterion 4 can be readily understood.

#### Q117c

9. On page 174 of the Council's Regulation 20 Representations Statement (Consultation Statement Part II) [ED 56a], it is noted that made Neighbourhood Plans are part of the Development Plan so policies concerning wildlife corridors within them will need be taken into account where relevant. These local wildlife corridors refine and compliment the wider ecological networks. Although the Council does not consider it necessary to recognise local wildlife corridors within Neighbourhood Plans in Policy ENV 1 for soundness, it does acknowledge that there would be benefit in highlighting their importance in decision making in the supporting information to the Policy.

#### Q117d

10. Policy ENV 1 is consistent with LPS Policy SE 3 'Biodiversity and Geodiversity'. Criterion 5 of Policy SE 3 says that all development (including conversions and that on brownfield and greenfield sites) must aim to positively contribute to the conservation and enhancement of biodiversity and avoid harm to it. It refers to the use of conditions to make sure mitigation, compensation and offsetting is effective.
11. Policy ENV 1 is consistent with this strategic policy approach by setting out additional detail on how schemes should do this to support the overall ecological network, dependent on their location. This aspect of the policy will not prevent uncommitted site allocations in the LPS and SADPD and further windfall opportunities from coming forward. In allocating sites through the Council's SSM, account has been taken of the ecological implications of the planned development. The primary aim of the policy is to provide a clear steer about where new development proposals could make a positive contribution to the ecological network, including through net gain.

#### Q117e

12. This question is largely addressed on page 174 of the Council's Regulation 20 Representations Statement (Consultation Statement Part II) [ED 56a]. As set out in Policy ENV 2 'Ecological Implementation' criterion 2(iii) the Ecological Network map is used to target areas where the best ecological benefits can be achieved. The policy itself cannot predict what would need to be done for every development scheme under criterion 4 of the policy. It sets out an appropriate and justified policy requirement consistent with ¶¶175 and 179 of the NPPF. Each planning application proposal would need to be considered individually and the policy applied relative to the characteristics and circumstances of the scheme.
13. The response notes that further detail around ecological implementation and net gain could be set out in an Ecological SPD. The Council has commenced the preparation of a Biodiversity Net Gain SPD<sup>1</sup>. Whilst this is not necessary to

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<sup>1</sup> Further detail about the Biodiversity Net Gain SPD can be found here:  
[https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire\\_east\\_local\\_plan/supplementary\\_plan\\_documents/supplementary\\_plan\\_documents.aspx](https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire_east_local_plan/supplementary_plan_documents/supplementary_plan_documents.aspx)

demonstrate the soundness of Policy ENV 1, it illustrates that the Council is looking to provide further guidance on this aspect of policy. The SPD also anticipates the Environment Bill gaining Royal Assent in the autumn, which will introduce a mandatory requirement for new development to achieve a biodiversity net gain of at least a 10%.

## Ecological Implementation (Policy ENV 2)

**Q118 Is Policy ENV 2 consistent with national policy, in particular with regard to the following requirements:**

- a. **In Part 1, that all development ‘must’ deliver an overall net gain for biodiversity?**
- b. **In Part 1, that major developments and those affecting semi-natural habitats ‘must’ be supported by a biodiversity metric calculation?**
- c. **In Part 2, that all development which ‘impacts’ on biodiversity and geodiversity, must satisfy the terms of the mitigation hierarchy?**

### Q118a

14. This wording is consistent with ¶179 of the NPPF, which states:

‘To protect and enhance biodiversity and geodiversity, plans should: ... (b) ... identify and pursue opportunities for securing measurable net gains for biodiversity.’

15. The Government’s 25 Year Environment Plan provides the context for this. It signals the Government’s commitment to support nature’s recovery and restore losses suffered over the past 50 years, including through landscape scale nature recovery. PPG (Paragraph: 009 Reference ID: 8-009-20190721) explains that the key purpose of their biodiversity conservation duty is to embed consideration of biodiversity into policy making, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its 25 Year Environment Plan.

16. The policy also anticipates Royal Assent being granted for the Environment Bill this autumn, which will mandate that development achieves a measurable net gain for biodiversity of at least 10%. The Bill is now reaching its final stages of preparation and is expected to be in place ahead of the adoption of the Plan. This wording in the policy will mean that it remains consistent with this legal requirement going forward.

17. This aspect of the policy is also consistent with criterion 5 of LPS Policy SE 3 ‘Biodiversity and Geodiversity’, which states:

‘All development (including conversions and that on brownfield and greenfield sites) must aim to positively contribute to the conservation and enhancement

of biodiversity and geodiversity and should not negatively affect these interests.'

#### Q118b

18. The Council also considers this to be consistent with ¶179 of the NPPF, as referenced in its response to Question 118a, specifically that plans should identify and pursue opportunities for securing measurable net gains for biodiversity. The use of the metric delivers the measurable part of this policy requirement.
19. Schedule 14 of the Environment Bill will make it a legal requirement to use the Defra Biodiversity Metric to calculate biodiversity values and gain. Similarly, the policy anticipates this to ensure it remains consistent with the legislative framework.

#### Q118c

20. This is reflective of the Council's approach towards biodiversity net gain, which, as explained in the response to Q118a, is consistent with national planning policy.
21. This aspect of the policy is also consistent with criterion 5 of LPS Policy SE 3 'Biodiversity and Geodiversity', which states:

'All development (including conversions and that on brownfield and greenfield sites) must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests.'

#### **Q119 Does the SADPD Viability Assessment<sup>2</sup> demonstrate that a requirement for delivery of biodiversity net gain could be viably supported by the range of development types assessed, alongside all other policy requirements?**

22. The Local Plan Site Allocations and Development Policies Viability Assessment [ED 52] does account for biodiversity net gain (10%) against a range of development types. The Local Plan Site Allocations and Development Policies Viability Assessment [ED 52] concludes at ¶12.98 that:
  - Cheshire East has a vibrant and active property market and all types of residential and non-residential development is coming forward;
  - in the current market, the sites in the emerging SADPD are deliverable when taking into account the full cumulative impact of the policies in the SADPD and the adopted LPS;
  - the additional policies in the SADPD are unlikely to prejudice the allocations in the adopted LPS; and

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<sup>2</sup> Core document ED52

- whilst the non-residential uses are not viable, they are not rendered unviable by the cumulative impact of the Council's policies, rather by the general market conditions; however, employment uses (office and industrial) are coming forward.

## Landscape Character (Policy ENV 3)

**Q120 Does Policy ENV 3 serve a clear purpose and avoid unnecessary duplication of Policy SE 4 in the LPS in seeking to ensure that the effect of development proposals on the landscape of Cheshire East is informed by the Cheshire East Landscape Character Assessment? As such is it consistent with paragraph 16(f) of the NPPF?**

23. The Council acknowledges that there is a degree of overlap between LPS Policy SE 4 and SADPD Policy ENV 3. The purpose of Policy ENV 3 is to draw attention to the production of the updated Cheshire East Landscape Character Assessment [ED 10]. The Key Evidence that supports Policy SE 4 refers to the Assessment published in 2008.
24. In the light of this, the Council considers this limited degree of overlap between the two policies necessary and therefore consistent with NPPF ¶16(f).

**Q121 Is the spatial extent of the Local Landscape Designations (LLDs), updated through the Cheshire East Local Landscape Designation Review<sup>3</sup> and defined on the Draft Adopted Policies Map<sup>4</sup>, as part of the production of the SADPD, justified by the evidence? In particular, for the following:**

- a. the continued inclusion of the land at Yarwood Heath Farm in the Bollin Valley LLD, given the changes to the road network at this location and the resultant connectivity of the land to the river valley?
  - b. the exclusion of the land at Lyme Green between London Road and the Macclesfield canal from the western edge of the Peak Park Fringe LLD?
  - c. the exclusion of the land north and south of Prestbury from the LLDs for the Bollin Valley and the Alderley Edge and West Macclesfield Wooded Estates?
25. The Cheshire East Local Landscape Designation Review [ED 11] has been prepared by Land Use Consultants (LUC) on the council's behalf. It comprises a full review of the LLDs, illustrated by the entire removal of the Weaver Valley LLD in Cheshire East. It was carried out using a robust methodology drawn from recognised, published guidance and the extensive experience of LUC in

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<sup>3</sup> Core document ED11

<sup>4</sup> Core document ED02

carrying out other similar studies across the UK. It identified a refined list of LLDs and mapped the boundary of these.

26. The methodology uses six criteria to determine the location and extent of candidate LLDs. These are explained in Appendix 1 to the Cheshire East Local Landscape Designation Review [ED 11].
27. The Cheshire East Local Landscape Designation Review [ED 11] provides an appropriate and robust justification for the spatial extent of LLDs on the Policies Map.

#### Q121a

28. The LLD was amended from the original Area of Special County Value to take account of the changes to the road network near Yarwood Heath Farm. However, the existence of Yarwood Heath Covert and ponds and Yarwood Heath Farm were considered to be important elements in the natural, cultural, scenic and perceptual criteria in the evaluation process and therefore an important part of the Bollin Valley landscape.

#### Q121b

29. Whilst this area was originally included in the Peak Park Fringe Area of Special County Value and was considered to have many merits, it was not deemed to be representative of the special qualities associated with the Peak Fringe landscape and the more distinctive Peak Fringe landscape to the east.

#### Q121c

The area to the north and south of the Bollin Valley LLD and Alderley Edge and West Macclesfield Wooded estates at Prestbury was not considered to have the cohesiveness of the estate's landscape to the west, nor was it considered to have the natural, cultural and scenic and perceptual qualities associated with the Bollin Valley LLD.

#### **Q122 For clarity and effectiveness, should the LLDs and their identified qualities be referenced in Policy ENV 3, so it is clear how decision makers should assess development proposals within them?**

30. The Council agrees that, for clarity and effectiveness, the LLDs should be listed in Policy ENV 3. Given that listing the special qualities for these areas would make the policy very long, or similarly make the Supporting information very long if they were included there, the council would suggest that a cross-reference is made to the special qualities listed within the Cheshire East Local Landscape Designation Review [ED 11]. The Council would also suggest that further Supporting information is added to the policy drawing attention to where the special qualities are described in the Review.
31. The Council proposes that the following be added to Policy ENV 3 as a potential Main Modification to the Plan for the consideration by the Inspector:

**The areas listed below are designated as Local Landscape Designations and are defined on the Policies Map. They represent the highest quality and most valued landscapes in the borough. Development proposals that harm their special qualities as described in the Cheshire East Local Landscape Designation Review (2018) will not be permitted.**

**1. Bollin Valley**

**2. Rostherne/Tatton Park**

**3. Arley, Tabley and Holford Estatelands**

**4. Alderley Edge and West Macclesfield Wooded Estates**

**5. Peak Fringe**

**6. Dane Valley**

**7. Peckforton and Bickerton Hills**

**8. Cholmondeley, Marbury and Combermere Estatelands**

**9. Audlem/Buerton**

32. The Council also proposes the following (bold, underlined) be added to ¶4.19 of the Supporting information to Policy ENV 3 as a potential Main Modification to the Plan for the consideration by the Inspector:

4.19 LPS Policy SE 4 'The landscape' looks at the landscape in general, specifies criteria to be met by development proposals and deals with local landscape designations. Local landscape designation areas are shown on the adopted policies map. **These reflect the findings of the Cheshire East Local Landscape Designation Review (2018). Chapter 4 of the Review includes a Statement of Significance for each LLD area, describing its unique special qualities.**

## **River Corridors (Policy ENV 4)**

**Q123 With regard to Policy ENV 4, is it evident how decision makers would assess development proposals affecting the river corridors or would additional guidance within the supporting justification, such as that suggested by the Environment Agency, ensure the policy is unambiguous in this respect?**

33. The Council considers the policy itself to be sound as written, however it acknowledges that some additional guidance within the supporting text could assist in making the policy more effective. The Council would be happy to assist the Inspector by drafting an appropriate form of words regarding the ways in which development could protect and enhance water corridors, summarising the examples given by the Environment Agency.

## Landscaping (Policy ENV 5)

**Q124 For clarity and effectiveness, should Policy ENV 5 also expect landscaping schemes to be shaped by the outcomes of ecological assessments, to ensure it is consistent with Policies ENV 1 and ENV 2 in maintaining and enhancing biodiversity?**

34. The council agrees that a more explicit link should be made between landscaping schemes and ecological assessments in the policy, the council would suggest the addition of a further criterion (7) through a Main Modification to read:

### Landscaping

Where appropriate, development proposals must include and implement a landscape scheme that:

1. responds sympathetically to topography, landscape features and existing green and blue infrastructure networks to help integrate the new development into the existing landscape;
2. enhances the quality, setting and layout design of the development;
3. achieves an appropriate balance between the open space and built form of development;
4. provides effective screening to neighbouring uses where appropriate;
5. utilises plant species that are in sympathy with the character of the area and, in line with Policy ENV 7 'Climate change', takes account of the need for climate change mitigation and adaptation; ~~and~~
6. makes satisfactory provision for the maintenance and aftercare of the scheme to make sure it reaches maturity and thereafter; **and**

### **7. reflects the outcome of any ecological assessment**

## Trees, Hedgerows and Woodland Implementation (Policy ENV 6)

**Q125 Does Policy ENV 6 serve a clear purpose in addition to the existing policies in the LPS for biodiversity and the protection of trees, hedgerows and woodland? Does it avoid unnecessary duplication of national policy and LPS policies, in particular Policy SE 5, in protecting trees, hedgerows and woodland and ensuring the mitigation of their loss?**

35. Policy ENV 6 aims to expand upon LPS Policy SE 5 'Trees, Hedgerows and Woodland' by providing additional detail against which individual development proposals can be assessed. For example, it refers to the need for arboricultural assessments and hedgerow surveys, provides specific

requirements for replacement trees where significant trees are lost and sets out more detailed requirements relating to ancient woodland and ancient/veteran trees.

36. Policy ENV 6 therefore does serve a clear purpose, adding important policy detail to LPS Policy SE 5. Policy ENV 6 is also consistent with national policy and addresses a level of detail not found in it.

**Q126 Is the requirement in criterion 3 of Policy ENV 6 for developments to replace any significant tree which must be removed with at least 3 new trees, justified by proportionate evidence and consistent with national policy?**

37. As set out on page 182 of the Regulation 20 Representations Statement (Consultation Statement Part II) [ED 56a] the requirement is three replacement trees for the loss of every significant tree (not every tree) and this is not considered onerous given the importance of significant trees and the fact that the replacement trees will be smaller and take time to become established.
38. One for one replacement would also not achieve an ecological net gain as required by LPS Policy SE 5 'Trees Hedgerows and Woodland'. NPPF ¶174b highlights that planning policies should contribute towards the natural and local environment by providing net gains for biodiversity. This reinforced in ¶179b which asks that local plans pursue opportunities for securing measurable net gains for biodiversity.

**Q127 Are main modifications necessary to Policy ENV 6 to ensure it is consistent with paragraph 131 of the 2021 revised NPPF, in respect of street trees and the long term maintenance of newly planted trees?**

39. To provide consistency with national policy and to recognise these important objectives in the statutory development plan, the council would suggest a Main Modification to add two additional criteria to the first section of the policy under the heading 'Trees, hedgerows and woodland implementation' to read:

Trees, hedgerows and woodland implementation

1. Development proposals should seek to retain and protect trees, woodlands and hedgerows.
2. The layout of the development proposals must be informed and supported by an arboricultural impact assessment and/or hedgerow survey. Trees, woodlands and hedgerows considered worthy of retention should be sustainably integrated and protected in the design of the development to ensure their long term survival,
3. Where the loss of significant trees is unavoidable it must be compensated for on the basis of at least three replacement trees for every tree removed.
4. Replacement trees, woodlands and/or hedgerows must be integrated in development schemes as part of a comprehensive landscape scheme. Where

it can be demonstrated that this is not practicable, contributions to off-site provision should be made, prioritised in the locality of the development

**5. Development proposals must put in place appropriate measures to secure the long-term maintenance of newly-planted trees.**

**6. New streets must be tree-lined unless there are clear, justified and compelling reasons why this would be inappropriate.**

## Climate Change (Policy ENV 7)

**Q128 Is the requirement in part 2 of Policy ENV 7 for new residential development to achieve reductions in CO<sub>2</sub> emissions of 19% below the Target Emission Rate in the Buildings Regulations justified as appropriate in Cheshire East, based on proportionate evidence, and is it consistent with national policy?**

40. Measures designed to address climate change impacts are one of the core overarching objectives within the NPPF (¶8(c)). The NPPF also includes mitigation and adaptation to climate change as a means of achieving sustainable development, for plan-making (NPPF, ¶11(a)). As set out in the council's response to Q10 of the MIQs (response included in the matter 1 hearing statement), the council is also mindful of its duties to adopt proactive strategies to mitigate and adapt to climate change in line with the provisions of Section 19 (1A) of the Planning and Compulsory Purchase Act.
41. As set out in the Council's Regulation 20 Representations Statement (Consultation Statement Part II) [ED 56a] p184, provisions in the Planning and Energy Act 2008 allow local authorities to set local energy efficiency standards for new homes. The Written Ministerial Statement on Plan Making, dated 25 March 2015, clarified the use of such plan policies. The approach set out in criterion 2 of Policy ENV 7 is consistent with the 2015 Written Ministerial Statement<sup>5</sup> and the PPG<sup>6</sup> in not seeking requirements above the equivalent of the energy requirement of level 4 Code for Sustainable Homes.
42. The Government are seeking to update building regulations in line with the Future Homes standard by 2025. This may include an interim uplift to the building regulations to ensure new homes built from 2022 produce 31% less carbon emissions compared to current standards. The intention, by 2025, is to ensure that all new homes will produce 75-80% less carbon emissions than homes delivered under current regulations. Criterion 2 of Policy ENV 7 will represent a step towards achieving this ambition.
43. The council has declared a climate emergency and prepared an environment strategy<sup>7</sup>, which sets out its key strategies and actions plans towards an ambition of becoming carbon neutral by 2025. The Government has also

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<sup>5</sup> <https://www.gov.uk/government/speeches/planning-update-march-2015>

<sup>6</sup> Paragraph: 012 Reference ID: 6-012-20190315

<sup>7</sup> <https://www.cheshireeast.gov.uk/environment/carbon-neutral-council/environment-strategy.aspx>

passed into law a target of 'net zero' greenhouse gas emissions by 2050. The intention of criteria 2 of Policy ENV 7 is supportive of this agenda.

44. One of the summary recommendations on page 9 from the 2011 Climate Change and Sustainable Energy Planning Research Report<sup>8</sup> (referenced in the related documentation to Policy ENV 7) was for the council to pursue a strategy of reducing demand for heat and power in existing and new development. The study recommended that the council use planning policy to maximise energy efficiency and the amount of low carbon energy installed as part of new development. The intention of policy ENV 7, criterion 2 is reflective of the recommendation and will support new build residential development in optimising energy efficiency measures.
45. In addition, the energy efficiency standards have been viability appraised, as set out in the response to Q129 below.

**Q129 Does the SADPD Viability Assessment demonstrate whether or not the higher emissions target could be viably supported by residential development in the borough? If not would this place the delivery of the remaining housing requirement at risk?**

46. The Local Plan Site Allocations and Development Policies Viability Assessment [ED 52] has considered the policies and proposals in the SADPD. The study is based on typologies that are representative of planned development. The viability assessment considers several policy requirements, including Nationally Described Space Standards, Accessibility and Wheelchair standards, as examples, within the base appraisals.
47. The viability assessment also considered higher environmental standards, such as the energy efficiency targets included in Criteria 2 of policy ENV 7 'Climate change'. The higher environmental standards were tested outside of the base appraisals, as additional options in the report ([ED 52], ¶¶8.62 – 8.66).
48. Having considered the cumulative costs of environmental standards, the viability report found that there is scope to introduce higher environmental standards in the higher value areas of the borough, however the scope is more limited in the medium and lower value areas of the borough. The study ([ED 52], ¶¶12.98 – 12.99) noted that additional policy requirements in the SADPD do not increase the proportion of development that are shown as being unviable, so a modest increase in environmental standards is unlikely to prejudice development and delivery of the Plan as a whole. The Local Plan Site Allocations and Development Policies Viability Assessment ([ED 52], ¶¶12.70 – 12.77) recommended that should the council include a policy that seeks higher environmental standards, including that set out in policy ENV 7 'Climate Change', criteria 2 on energy efficiency, then policy wording should be included to refer to the standards being applied, unless not viable or feasible. This is to recognise that flexibility in the application of the policy may

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<sup>8</sup> [https://www.cheshireeast.gov.uk/planning/spatial-planning/research\\_and\\_evidence/climate\\_change.aspx](https://www.cheshireeast.gov.uk/planning/spatial-planning/research_and_evidence/climate_change.aspx)

be needed, particularly in lower value areas. This 'subject to viability' wording has been reflected in policy ENV 7, criteria 2.

**Q130 Does Policy ENV 7 unnecessarily duplicate criterion 2 of Policy SE 9 in the LPS for renewable and low carbon energy sources and criterion 12 of Policy GEN 1 of the SADPD regarding the layout and design of development to facilitate waste recycling?**

49. Policy ENV 7 includes standards on energy efficiency and low carbon energy sources. Policy ENV 7 adds additional detail to LPS Policy SE9 'Energy efficient development' in setting out an energy efficiency standard for new homes. It is considered that the cross reference to LPS Policy SE 9 'Energy efficient development' relating to non-residential development is justified to assist the decision taker in determining the relevant standards that apply to renewable and low carbon energy sources in a single location without having to cross refer to multiple documents. The criterion is prefaced with 'in line with criterion 2 of LPS Policy SE 9 'Energy efficient development' so that the decision taker is aware of the source of the requirement.
50. Policy GEN 1, criterion 12 relates to primarily bin storage and collection. This is further highlighted in the supporting text, in ¶3.8 [ED 01a]. Policy ENV 7, criterion 12 is concerned with waste and energy consumption in the design, construction and use of buildings and so has a different primary focus and purpose. The reference to waste minimisation here is seen as complimentary and supportive of the overall aim of criterion 12 in Policy GEN 1 rather than an unnecessary duplication of policies.

## **District Heating Network Priority Areas (Policy ENV 8)**

**Q131 Is Policy ENV 8 justified in limiting contributions to district heating networks to developments in Crewe and Macclesfield and other large scale development? Would the inclusion of smaller schemes ensure the SADPD is positively prepared in meeting climate change targets?**

51. As set out in ¶4.44 of the supporting information to SADPD Policy ENV 8 [ED 01a], LPS Policy SE 9 'Energy efficient development' states that the SADPD will identify district heating priority areas. SADPD Policy ENV 8 has been informed by proportionate evidence, including the Crewe Town Centre Detailed Feasibility Study (2015)<sup>9</sup> and the Macclesfield Town Centre Heat Network Feasibility Study (2017)<sup>9</sup>, to determine that these are the areas with the highest potential for district heating networks. High heat density has also been identified from the national heat map (2010-2018) previously supported by the Centre for Sustainable Energy. Based on this proportionate evidence, the policy is justified in its approach to focusing district heating networks to those area where potential has been identified.
52. The supporting information to Policy ENV 8 (¶4.45) also recognises that work is ongoing in identifying other areas of the borough with potential to support

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<sup>9</sup> [https://www.cheshireeast.gov.uk/business/major\\_regeneration\\_projects/low-carbon-heat-networks.aspx](https://www.cheshireeast.gov.uk/business/major_regeneration_projects/low-carbon-heat-networks.aspx)

district heating networks. It notes how work is likely to be extended to other areas of the borough during the life of the Plan, which will be addressed in subsequent Plan reviews and/or updates.

53. For smaller schemes, ¶13.93 of the justification text to LPS Policy SE 9 'Energy efficient development [BD 01], recognises the potential viability and feasibility challenges of introducing district heating networks on schemes of less than 100 homes and schemes with low density. Policy ENV 8 is therefore considered to be consistent in approach with LPS Policy SE 9 'Energy efficient development' in appropriately focusing on larger scale schemes outside of the district hearing priority areas of Crewe and Macclesfield. This position can be addressed in subsequent Plan reviews and / or updates.

**Q132 For clarity and effectiveness and compliance with the Regulations<sup>10</sup>, so it is clear to decision makers which sites Policy ENV 8 applies to, should the boundaries of the district heating network priority areas be defined on the Policies Map?**

54. Criterion 1 of Policy ENV 8 clearly defines the district heating network priority areas as within the settlement boundaries of Crewe and Macclesfield. The settlement boundaries are defined on the Policies Map in compliance with the Regulations. However, the Council would be happy to make a change to the Policies Map and add an additional layer to recognise the district heating network priority areas, if the Inspector considers this necessary for soundness, particularly to assist in the effective implementation of the policy.

## Wind Energy (Policy ENV 9)

**Q133 Is Policy ENV 9 consistent with national policy and the LPS in respect of the planning considerations to be taken into account in determining proposals for wind energy development?**

55. The policy approach is consistent with that set out in LPS Policy SE 8 'Renewable and Low Carbon Energy':
- The policy identifies areas suitable for wind energy development in line with criterion 5 of LPS Policy SE 8 Renewable and Low Carbon Energy'. This includes setting out criteria for schemes to address in order to be considered as suitable.
  - The policy also provides additional guidance on the considerations set out in criterion 2 of Policy SE 8, on matters including landscape, residential amenity and the operation of air traffic, radar systems, electromagnetic transmissions and the Jodrell Bank Radio Telescope.
56. The policy approach is also consistent with NPPF footnote 54, in identifying areas suitable for wind energy development in the development plan and associated Policies Map. In line with ¶155 (b) of the NPPF, Policy ENV 9 provides a positive strategy for energy from renewable sources that

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<sup>10</sup> Regulation 9(1) of the Town & Country Planning (Local Planning) (England) Regulations 2012

maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts). The planning considerations set out in Policy ENV 9 are also consistent with the factors outlined in the PPG, including considerations of landscape and decommissioning sites as examples<sup>11</sup>.

**Q134 Is criterion 1(i) of Policy ENV 9 justified in requiring proposals for wind energy development to be located outside of the settings of the local landscape designations (LLDs) and the Peak District National Park Fringe (PDNPF), given that the boundaries of the areas of high sensitivity to wind energy development as defined on the Policies Map appear to coincide with the boundaries of the LLDs and PDNPF and do not include their settings? If so is it clear how the settings of those designations would be defined?**

57. LPS Policy SE 15 'Peak District National Park Fringe' notes that within the fringe area, development that would affect the setting of the Peak District National Park will be resisted where it compromises the statutory designation and purpose of the National Park. Criterion 2 of LPS Policy SE 15 'Peak District National Park Fringe' provides some guidance as to how development will be considered, taking account of factors including the type, scale and location of the development and the Peak District National Park Landscape Guidelines, as examples.
58. LPS Policy SE 4 'The Landscape' seeks, in LLDs, to conserve and enhance the quality of the landscape and to protect it from development that is likely to have an adverse effect on its character and appearance and setting (Criterion 4 of policy SE 4 'The Landscape').
59. In this regard, Policy ENV 9 is consistent with that approach in requiring the decision taker to consider the settings of LLDs and / or the PDNPF. In respect of the PDNPF, ¶4.60 of the SADPD provides the decision taker with further information in terms of the policy seeking to protect the setting of the National Park, where development compromises its statutory duty and purpose. In most cases, it would be for the decision taker to use professional judgement on the merits of the scheme informed by relevant studies including the Cheshire East Local Landscape Designation Review [ED 11] and the Landscape Sensitivity to Wind Energy Developments document (2013).<sup>12</sup> For example, chapter 4 of the Cheshire East Local Landscape Designation Review (2018) includes a Statement of Significance for each LLD area, describing its unique special qualities.

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<sup>11</sup> Paragraph: 023 Reference ID: 5-023-20140306

<sup>12</sup> [https://www.cheshireeast.gov.uk/planning/spatial-planning/research\\_and\\_evidence/research\\_and\\_evidence.aspx](https://www.cheshireeast.gov.uk/planning/spatial-planning/research_and_evidence/research_and_evidence.aspx)

## Solar Energy (Policy ENV 10)

### **Q135 Is Policy ENV 10 consistent with national policy and the LPS in respect of the requirements and criteria to be satisfied by proposals for solar energy development?**

60. To help increase the use and supply of renewable and low carbon energy, the NPPF ¶155 asks that plans provide a positive strategy for energy, which maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily.
61. LPS Policy SE 8 'Renewable and Low Carbon Energy' seeks to positively support renewable and low carbon energy schemes, whilst considering the anticipated adverse impacts, individually and cumulatively, upon factors including landscape, amenity and the operation of air traffic, radar systems, electromagnetic transmissions, and the Jodrell Bank Radio Telescope.
62. Policy ENV 10 seeks to provide additional detailed guidance on proposals for solar farms/parks to seek to reduce any anticipated adverse impacts and provide certainty to the decision taker/applicant as to factors that need to be addressed. The approach is consistent with the PPG in setting out several factors for schemes to consider, for example, ensuring the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land<sup>13</sup>. The approach is also consistent with LPS Policy SE2 'Efficient use of land', as an example, in providing an appropriate focus on the redevelopment / re-use of previously developed land and buildings. Policy ENV 10 is positively prepared and consistent with national policy and the LPS.

## Proposals for Battery Energy Storage Systems (Policy ENV 11)

### **Q136 Is Policy ENV 11 consistent with national policy and the LPS in respect of the criteria to be met by proposals for battery energy storage systems?**

63. To help increase the use and supply of renewable and low carbon energy, the NPPF ¶155 asks that plans provide a positive strategy for energy, which maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily.
64. LPS Policy SE 8 'Renewable and Low Carbon Energy' seeks to positively support renewable and low carbon energy schemes, whilst considering the anticipated adverse impacts, individually and cumulatively, upon factors including landscape, amenity and the operation of air traffic, radar systems, electromagnetic transmissions, and the Jodrell Bank Radio Telescope. The approach is also consistent with LPS Policy SE2 'Efficient use of land' in

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<sup>13</sup> Paragraph: 013 Reference ID: 5-013-20150327

providing an appropriate focus on the redevelopment / re-use of previously developed land and buildings.

65. As noted in ¶4.67 of the supporting information to Policy ENV 11 in the SADPD, battery energy storage systems assist in balancing the electricity grid and support renewable energy sources. Policy ENV 11 sets out a criteria-based approach to support a positive strategy for energy whilst ensuring adverse impacts are addressed satisfactorily and that proposals make the best use of existing infrastructure and engage with appropriate infrastructure providers, as necessary.

## Air quality (Policy ENV 12)

### **Q137 Does Policy ENV 12 serve a clear purpose, avoiding unnecessary duplication of national and local policies on air quality, in particular LPS Policy SE 12?**

66. LPS Policy SE 12 is a strategic level policy broadly setting out the council's ambitions to deliver on its Air Quality Strategy/Action Plan and its expectations that development should not result in any further deterioration in air quality. Policy ENV 12 meanwhile builds upon Policy SE 12 by introducing the requirement for Air Quality Assessments ('AQA's) and the circumstances in which they would be sought. AQAs are not explicitly referenced within LPS Policy SE 12 or the NPPF, however they provide the key means by which air quality impacts are gauged. ENV 12 therefore serves a clear purpose, better enabling the council to ensure that air quality is properly considered at the planning application stage.

### **Q138 Are Policy ENV 12 and paragraph 4.71 of the supporting justification clearly written and unambiguous in respect of the scale of proposal and the degree of impact on air quality for which an Air Quality Assessment (AQA) will be required? Is the requirement for AQAs justified, based on proportionate evidence?**

67. The need for a AQA will depend on a number of variables and can only be judged in the context of individual development proposals. These include the nature, scale and location of the proposal and the characteristics of the surrounding area. The policy is therefore written as clearly as it can be, with the policy text and ¶4.71 broadly identifying the main circumstances in which AQAs are sought. In many instances, the need/scope regarding AQAs is identified/discussed at pre-application<sup>14</sup> stage. Nevertheless, it is also the council's intention to publish planning guidance regarding AQAs following adoption of the policy, with the aim of adding further clarity to how ENV 12 will

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<sup>14</sup> PPG Paragraph: 007 Reference ID: 32-007-20191101 "The scope and content of supporting information is best discussed and agreed between the local planning authority and applicant before it is commissioned"

be applied. In the interim, informal guidance has been published on the council's webpages<sup>15</sup>.

68. The need for AQAs will also be informed by the council's Air Quality Strategy, Action Plan and Status Reports<sup>16</sup>. These are referenced within the 'Related documents' section of the policy. The use of AQAs is widespread and supported by NPPG<sup>17</sup>. Indeed, NPPG (Paragraph: 005 Reference ID: 32-005-20191101) notes that the extent to which air quality is relevant to a planning decision will depend on the proposed development and its location. Advice on the air quality aspects of development proposals is sought from experienced and qualified practitioners within the council's Environmental Health team. NPPG (Paragraph: 007 Reference ID: 32-007-20191101) acknowledges that AQAs may be required and will need to be proportionate to the nature and scale of development proposed and the potential impacts (taking into account existing air quality conditions), and because of this are likely to be locationally specific.

**Q139 To ensure consistency with national policy in paragraph 186 of the NPPF, should Policy ENV 12 and its supporting justification identify the opportunities to improve air quality through development and the type of measures which may be expected to mitigate impacts?**

69. The SADPD already includes a suite of policies that seek to manage traffic/travel and improve the natural environment<sup>18</sup>. These look to improve the environment in general. Although these policies are not viewed through the 'lens' of air quality, they will still act to reduce harmful emissions none-the-less. It is not considered that these policies need to be cross-referenced within ENV 12 in the interests of 'soundness'. Regarding mitigation, as per above, the council will draft planning guidance citing examples of mitigation. Interim informal guidance, including mitigation is currently on published the council's webpages. PPG ¶: 008 Reference ID: 32-008-20191101 also lists examples of mitigation. Within this context, it is not considered necessary to cite example mitigation measures within the policy.

## **Aircraft Noise (Policy ENV 13)**

**Q140 Is Policy ENV 13 justified on the basis of proportionate evidence and consistent with national policy in respect of:**

- a. the noise thresholds proposed for the SOAEL and LOAEL, indoor ambient noise, external amenity areas, and external night-time noise for residential development?**
- b. the acoustic, ventilation and extraction design guidelines for residential development?**

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<sup>15</sup>[https://www.cheshireeast.gov.uk/environment/environmental\\_health/local\\_air\\_quality/air\\_quality\\_and\\_planning/air\\_quality\\_and\\_planning.aspx](https://www.cheshireeast.gov.uk/environment/environmental_health/local_air_quality/air_quality_and_planning/air_quality_and_planning.aspx)

<sup>16</sup> [Air Quality Strategy \(2018\)](#), [Air Quality Action Plan \(2018\)](#), [Air Quality Status Report \(2019\)](#)

<sup>17</sup> [NPPG ¶¶ 5-7 Reference ID: 32-005-20191101](#)

<sup>18</sup> Including (but not limited to) ENV 1-7, INF 1+10, REC 1.

Q140a

70. National planning policy does not prescribe noise threshold levels, but sets out a framework of observed effect levels:
- Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.
  - Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.
  - No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.
71. Paragraph 185 of the NPPF says that planning policies should ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health and living conditions. Specifically, it states that planning policies as decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life. Readers are referred to the Explanatory Note to the Noise Policy Statement for England which provides further information on the NOEL, LOAEL and SOAEL concepts. However, no thresholds are set out in that document either.
72. Therefore, the thresholds in policy ENV 13 have been set taking account of relevant reports, guidelines and practice as explained in the Aircraft Noise Policy Background Paper [ED 15] prepared by consultants, Jacobs, on behalf of the Council.
73. The Aircraft Noise Policy Background Paper's [ED 15] recommendations on threshold levels in the policy are contained in section 8.4. In considering and drawing from relevant national policy, guidance, standards, practice elsewhere and planning decisions, the Aircraft Noise Policy Background Paper [ED 15] comprises appropriate and proportionate evidence justifying the approach towards thresholds in the policy.
74. It is noted that for proposed airport expansion schemes, various values for SOAEL for aircraft noise have been used and the Government has not defined a single value that should be used in all situations. However, over the past 10 years or so the SOAEL has tended in general to be 63 dB L<sub>Aeq,16h</sub>, which is the value adopted for policy ENV 13.
75. In identifying thresholds, it makes the policy clear and effective, striking an appropriate balance between allowing development to take place in areas most affected by aircraft noise, whilst making sure that the living conditions of residents and other occupiers of noise sensitive developments are appropriately protected.

Q140b

76. As noted above, ¶185 of the NPPF says that planning policies should ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.
77. For new dwellings affected by aircraft noise where noise mitigation measures are necessary it is important that these are considered alongside the need for ventilation and the prevention of overheating. It requires an integrated approach. Section 7.2 of the Aircraft Noise Policy Background Paper [ED 15] highlights this issue and identifies The Acoustics Ventilation and Overheating Residential Design Guide (2020)<sup>19</sup> (the 'AVO Guide') as an appropriate framework for reconciling the competing demands of sound insulation and ventilation, to achieve both thermal and acoustic comfort in buildings. The need for an integrated approach is summarised in the AVO Guide as follows:

*“Previously, the provision of façade sound insulation to protect against outdoor sound has been considered separately from the ventilation strategy and any strategy for mitigating overheating. A review of recent planning applications for major developments in London reveals the problem. Of the applications reviewed, 122 had both noise and overheating assessments; 85% of these developments required closed windows for reasonable noise conditions, while the overheating assessment relied on open windows for reasonable thermal conditions. The result is residential accommodation in which the occupants may choose either acoustic comfort or indoor air quality and thermal comfort, but not achieve both simultaneously.”*

78. The Design Guide was published by the Association of Noise Consultants in January 2020 and provides up to date best practice guidance on the design of residential properties. Its aim is to produce homes that offer better overall living conditions through the simultaneous consideration of acoustics, ventilation and overheating in dwelling design.
79. The guide does not constitute official government advice; however, it is an authoritative piece of guidance for developers and is increasingly referred to within planning conditions by local planning authorities.

**Q141 To what extent are the limitations imposed by Policy ENV 13 on the grant of planning permission for residential development within the vicinity of Manchester Airport likely to affect the delivery of housing on sites allocated in the LPS and potential windfall sites on which the Plan relies to meet the housing requirement for Cheshire East to 2030?**

80. The policy will have no material effect on the delivery of housing sites allocated in the LPS and the contribution that windfall sites will make towards meeting the Borough's housing requirement. The policy applies to a limited geographical area, and the area in which the policy says that permission for new dwellings will not normally be granted, above SOAEL (currently

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<sup>19</sup> <https://www.ioa.org.uk/publications/acoustics-ventilation-and-overheating-residential-design-guide>

considered to be 63 dB L<sub>Aeq,16h</sub> (07:00 -23:00)), is very limited in its extent. New dwellings constructed on windfall sites across the borough since 2010, irrespective of where they are situated are a fixed contribution towards the housing requirement. Similarly, any windfall housing development that has planning permission but not yet developed will also contribute to this requirement, wherever the site is located in the borough. There is no reliance on windfall sites, over and above these, coming forward within the area affected by the policy to meet the borough's housing requirement. That said, further such sites would still be able coming forward subject to meeting the policy's (and other policy) requirements. The area above the 63 dB L<sub>Aeq,16h</sub> (07:00 -23:00) is very limited in its extent affecting only small areas within the settlement boundaries of Knutsford and Mobberley. It also affects land within the rural area outside of these settlement boundaries, however this is an area where new residential development is generally not permitted anyway, save for the limited exceptions listed under LPS Policy PG 6 'Open Countryside'.

81. In terms of LPS allocations, Policy ENV 13 will have no material effect on the delivery of these. There are three strategic housing allocations in the LPS that fall within the area covered by the Policy ENV 13 (LPS 26, LPS 27 and LPS 38), one of which (LPS 36) comprises three separate parcels of land (LPS 36A, B and C). These sites/parcels are either under construction, have planning permission or have a Council resolution to grant planning permission subject to a S106 Agreement. The only exception to this is LPS 38 'Land South of Longridge', which is currently the subject of an outline planning application. Its position in relation to the aircraft noise contours would not prevent housing development on it. The planning status of each site is set out in Table 1, below, along with a description of where they fall in relation to the Manchester Airport noise contours.

<b>Site</b>	<b>Planning status (at September 2021)</b>	<b>Daytime contours dB L<sub>Aeq,16h</sub> (07:00 - 23:00)</b>	<b>Night-time contours dB L<sub>Aeq,8h</sub> (23:00 - 07:00)</b>
Land North of Northwich Road (LPS 36A)	Site has planning permission for 190 homes and is under construction. (ref. 19/1392M)	Majority within 51-54 NE corner of site within 54-57	Majority within 45-48 Eastern band of site within 48-51
Land West of Manchester Road (LPS 36B)	Site has outline planning permission for 60 homes, granted May 2020. (ref. 19/0032M)	Within 57-60	Appx half of site within 48-51 and half within 51-54
Land East of Manchester Road (LPS 36C)	Resolution to approve planning permission subject to S106 for 275 homes in Feb 2019. (ref. 18/3672M)	Within 57-60	Appx one sixth of site within 48-51 Majority within 51-54

Parkgate Extension (LPS 37)	Site has reserved matters permission for 234 homes, granted February 2021 (ref. 18/2996M)	Appx half in 60-63 and half within 63-66	Majority within 54-57 with eastern end of site within 57-60
Land south of Longridge (LPS 38)	Outline planning application under consideration for 225 homes (ref 21/3100M)	Majority within 54-57 Northern corner within 57-60 Southern corner within 51-54	Appx two thirds within 48-51 Appx third within 45-48

**Table 1: Status of LPS housing allocations in Knutsford and their position in relation to 2019 Manchester Airport noise contours**

## Surface Water Management and Flood Risk (Policy ENV 16)

### **Q142 Does Policy ENV 16 serve a clear purpose, avoiding unnecessary duplication of Policy SE 13 of the LPS and national policy in respect of the management of surface water runoff?**

82. As set out in the 'Regulation 20 Representations Statement (Consultation Statement Part II)' [ED 56a] (p199), the SADPD adds detail to the strategic policy, serving a clear purpose; to ensure policies are clearly written, occasionally it may be unavoidable for SADPD (non-strategic) policies to overlap with LPS (strategic) policies. The Environment Agency have been consulted and they have not raised any issue regarding national policy.

### **Q143 Is criterion 1 of Policy ENV 16 clearly written and unambiguous? In particular, is it evident what type of development is being referred to relating specifically to reducing the risk of flooding?**

83. The policy has been written in such a way as to cover all types of development that introduce measures to reduce the risk of flooding, for example, through using SuDS. The Policy is clearly written and unambiguous.

## Protecting Water Resources (Policy ENV 17)

### **Q144 Should groundwater source protection zones be added to the Policies Map so the geographic application of Part 2 of Policy ENV 17 is made clear?**

84. The council agrees and proposes that the Environment Agency's Ground Water Source Protection Zones be added to the Policies Map to make it clear where this aspect of Policy ENV 17 applies.