



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

LOCAL PLAN EXAMINATION

**MATTER 8 – NATURAL ENVIRONMENT, CLIMATE
CHANGE AND RESOURCES**

ON BEHALF OF THE TATTON ESTATE

Date: October 2021

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DESIGN | **ENVIRONMENT** | **PLANNING** | **ECONOMICS** | **HERITAGE**

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1. INTRODUCTION

- 1.1 Pegasus Group has been instructed on behalf of their client, The Tatton Estate, to prepare Hearing Statements to the Cheshire East Site Allocations and Development Policies Document (SADPD) in support of their land interests in the Borough. The Estates' land interests are extensive, but in the context of Matter 8 relate to:
- Land in and around the River Bollin Local Landscape Designation, including Ashley Hall & Yarwood Heath Farm; and
 - Land in and around Knutsford, including site allocations LPS36 and LPS37.
- 1.2 This Statement deals with **Matter 8 - Natural Environment, Climate Change and Resources.**
- 1.3 In particular, the Tatton Estate has major concerns with the Local Landscape Designations as currently proposed (under ENV 3) and the Aircraft Noise Policy (ENV 13). Both policies must be significantly amended to ensure they are justified, effective and for the SADPD as a whole to be found sound.

2. ISSUE: ECOLOGICAL IMPLEMENTATION (POLICY ENV 2)

Question 118. 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?

2.2 No, whilst Tatton are entirely supportive of opportunities to improve biodiversity as part of development proposals, the drafting of this policy is premature in relation to the wording 'must'. The Environmental Bill has not yet been passed in terms of making biodiversity net gain (10%) a mandatory requirement. Whilst the NPPF does refer to providing opportunities for net gains in biodiversity, until the Environmental Bill is passed, it is considered that the wording 'must' is not justified, overly stringent and should be deleted.

2.3 More flexible wording should be provided instead, stating 'where possible and feasible, development should seek to deliver net gains for biodiversity'.

Question 119. Does the SADPD Viability Assessment 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?

2.4 No comment.

3. ISSUE: LANDSCAPE CHARACTER (POLICY ENV 3)

Question 120. 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?

- 3.1 No. Policy ENV3 clearly duplicates Policy SE4 given SE4 requires development to reflect the character of the area and promote local distinctiveness and diversity. Policy ENV3 adds little more other than reference to the latest Landscape Assessment (2018). However, we have major concerns with Policy ENV 3 because of its overall landscape evidence base supporting the SADPD – see questions 121- 122.

Question 121. Is the spatial extent of the Local Landscape Designations (LLDs), updated through the Cheshire East Local Landscape Designation Review and defined on the Draft Adopted Policies Map, as part of the production of the SADPD, justified by the evidence?

- 3.2 As set out in Tatton’s earlier representations to the Revised Publication Draft SADPD, the function and appropriateness of the LLDs are discussed in detail, highlighting that:
- The supporting evidence base is insufficient and incomplete, (See also answer to question 122); and
 - It is unjustified and inconsistent with the NPPF when considering the amount and extent of areas that have been identified on the proposals map with this status.
- 3.3 The response concludes that the Tatton Estate object to Policy ENV3 (Landscape Character) and that the LLD boundaries should be deleted from the policies map altogether, (apart from the Peak District Fringe LLD which is covered separately in the Part 1 of the Local Plan.).
- 3.4 In terms of the spatial extent of the LLDs, we¹ have major concerns with the western section of the Bollin Valley LLD. We also have major concerns with the LLD around Yarwood Heath, which are discussed in detail in the Tatton Services Limited representations.
- 3.5 Ashley Hall is located within the western section of the Bollin Valley LLD. Forming part of the Ashley Hall complex are the Ashle Hall Showgrounds comprising of four large showground areas covering 70 acres, as well as the Ashley Hall Farm buildings which include a series of barns housing a range of business. **Figure 1** shows the context of Ashley Hall, the showgrounds and the relationship with the River Bollin meandering through the landscape to the north.

¹ These representations are prepared by Kate Curtis, Landscape Director, Pegasus. Chartered Landscape Architect. B.A.Hons, Dip LA, CMLI



Figure 1: Extract of aerial map illustrating the context of Ashley Hall and the associated showground areas.

3.6 In terms of the statement of significance and the special qualities of the Bollin Valley LLD, as set out in the Cheshire East LLD Review (ED11), the following is noted:

- In terms of local distinctiveness and sense of place, the Hall is remote from the river corridor, located approximately 550m to the north and on slightly higher ground at 40m AOD than the main river corridor. The land does not form part of the intricate valley landscape and the hall is not visible from the river and vice versa.
- In terms of natural qualities, the land is largely intensively managed and either cropped or close-cut grassland to accommodate the commercial events business on the site with few trees and does not form part of the riparian landscape. A Site of Nature Conservation Importance is located within the LLD to the north-west of the Hall adjacent to the river corridor and would remain under other habitat designations.
- In terms of cultural qualities Ashley Hall Farm and several of the associated buildings and structures are listed. However, they are home to a vibrant TV and Film Studio operation and remote from the river corridor both geographically and in terms of look and feel and as such do not form part of the river corridor landscape.

- In terms of scenic and perceptual qualities the Ashley Hall complex and show ground lies immediately to the north of the M56 which exerts an influence in terms of noise and movement. As noted above much of the land comprises of intensively managed grassland fields, close mown to accommodate a variety of events including music festivals, outdoor cinema and traction engine rallies which also have an effect on tranquillity.
- In terms of access and enjoyment, the use as a showground is not linked to the river corridor. The Bollin Valley Way long-distance footpath runs along the bridleway to the north of the area and would potentially form a suitable boundary to a revised LLD boundary. A further footpath runs to the east of Ashley Hall and provides connection into the corridor but does not form part of it.
- In terms of intactness and condition, as noted above the Ashley Hall Farm complex is not reflective of an intact rural landscape and is characterised by the ephemeral and changing landscape of the associated showgrounds.

3.7 Overall, if the LLD is to be retained along the River Bollin, the boundary in this location should be closely reviewed. This should be in terms of what parts of the landscape form the river valley corridor and which parts are more reflective of the showgrounds and associated landscape elements. The areas outside the river corridor should not be included within this designation as they are not reflective of the designation criteria and special qualities as set out in the Cheshire East LLD Review.

Question 122. 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?

3.8 The Evidence base for the local landscape is primarily set out in the Cheshire East LLD Review (ED11) but it is also linked to landscape character assessment as set out in the 2018 LUC Cheshire East Landscape Character Assessment (ED10).

3.9 It appears that the evidence base underpinning the landscape character information is incomplete. LCT 10: River Valleys (refer plan on Page 110) and specifically LCA10a: Lower Bollin makes reference to the following:

- extending from Wilmslow,
- the Bollin and Dean watercourses converging,
- Twinnies Bridge,
- the A538; and
- the termination of the area at the runway at Manchester Airport.

- 3.10 The description of LCA10a fails to mention the M56 throughout, which the LCA crosses and follows for over 5km. Therefore, it is apparent that the description at page 231 only describes the area to the south-east of Manchester Airport.
- 3.11 As set out at Para.6.6 of the Tatton Estate Response the policy needs to be expanded to include details on what specific considerations need to be accounted for on relation to planning applications within these individual areas, beyond the identification of the Statement of Significance the Special Qualities and the Designation Criteria set out in the LUC Local Landscape Designation Review. This is particularly pertinent if there are omissions in the evidence base.

4. ISSUE: RIVER CORRIDORS (POLICY ENV 4)

Question 123. 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?

- 4.1 No detailed comments on policy wording, other than to note Tatton are very keen to work in partnership with the Council on their new Great North Way² scheme. This project will enhance the River Bollin corridor for walking, cycling and general access to the open countryside in this location and any supportive policy wording/supportive text in terms of partnership working between the Tatton Estate and the LPA on the scheme would be welcomed.

²https://www.cheshireeast.gov.uk/council_and_democracy/council_information/media_hub/media_releases/council-welcomes-meeting-to-discuss-a-great-north-way.aspx

5. ISSUE: TREES, HEDGEROWS AND WOODLAND IMPLEMENTATION (POLICY ENV 6)

Question 125. 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?

5.1 No comment.

Question 126. 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?

5.2 No, this is an arbitrary figure which is not underpinned by any evidence to support its inclusion. It also does not allow for site-specific circumstances where it may be difficult to deliver this amount of replacement trees on smaller or otherwise constrained sites. The reference to 3 replacement trees should be removed.

5.3 Alternatively, a more flexible approach should be added to the policy along the following lines:

"Where the loss of significant trees is unavoidable, alternative enhancements shall be provided on or off site to provide appropriate compensation"

Question 127. 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?

5.4 If it is deemed necessary to change this policy, wording relating to the provision of tree-lined streets must also reference footnote 50 of the NPPF, to allow sufficient flexibility. Namely, tree-line streets should be provided unless there are clear, justifiable and compelling reasons why this would be inappropriate. Maintenance is particularly key in relation to this matter in terms of who will have responsibility- i.e., the Council, Developer or Management Company. Viability considerations relating to additional tree planting also need to be carefully considered at the early stages of the planning process.

6. ISSUE: CLIMATE CHANGE (POLICY ENV 7)

Question 128. Is the requirement in part 2 of Policy ENV 7 for new residential development to achieve reductions in CO2 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?

- 6.1 Supportive, other than to recommend that 'where possible' is added throughout the policy, to account for the fact that site constraints and viability matters may restrict where climate change mitigation measures could be delivered on certain sites.

Question 129. 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?

- 6.2 No, it does not yet demonstrate this, especially given the very high levels of CIL in the north of the Borough, the funds of which are nearly all being spent elsewhere.

Question 130. 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?

- 6.3 Yes- the duplicate policy wording in ENV 7 should be deleted in order to ensure consistency with paragraph 16 f) of the NPPF.

7. ISSUE: AIRCRAFT NOISE (POLICY ENV 13)

Question 140. 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?

- 7.2 No, it is firmly our view³ that the policy is not justified in respect of external amenity areas.
- 7.3 Cheshire East has a high level of housing need and in order to meet its housing target is indeed proposing allocations in areas which are affected by aircraft noise and the policy framework needs to be flexible enough to ensure housing delivery. This is in line with current and emerging aviation noise policy and planning policy and guidance⁴ which do not prevent noise sensitive development in locations affected by aircraft noise and recognises that the need for housing means locations affected by aircraft noise cannot be universally excluded from residential development. However, aviation noise policy, and planning policy and guidance, also recognise that land affected by aircraft noise should generally be developed for residential purposes where the layout and design is optimised and appropriate mitigation is included to ensure the aims of planning policy and guidance are achieved. The Noise Policy Statement for England (NPSE) is equally firm in stating that noise must not be considered in isolation from the economic and social benefits of a proposed development. The NPPF adopts this approach via the footnote 65 to paragraph 182 where it makes it clear the NPSE guides how the aims of the NPPF should be achieved. Furthermore, paragraph 002 of the Planning Practice Guidance confirms that where justified noise can override other planning concerns, although it is important to look at noise in the context of the wider characteristics of a development proposal, its likely users and its surroundings, as these can have an important effect on whether noise is likely to pose a concern., and also to make the point that both the NPSE and the Planning Practice Guidance on Noise take an approach of seeking to deliver solutions rather than seeking to prevent development by the use of arbitrary thresholds.
- 7.4 Following initial consultation, and our and other parties’ extensive representations, CEC have proposed a revised policy, including changes that we welcome and endorse. This latest revision has consolidated an overarching Significant Observed Adverse Effect Level (SOAEL) of 63 dB LAeq,16 hrs. This mirrors the recommendation of Jacob’s technical report for CEC (ED 15 – see penultimate paragraph on .pdf page 37 of the report).
- 7.5 However, the latest revision of the proposed aviation noise policy retains requirements for outdoor amenity spaces which focus on achieving a level of 55 dB LAeq,16hrs in such spaces, which will

³ This representation has been prepared by Mr Dani Fiumicelli, Noise Technical Director at Vanguardia. BSc(hons) MSc MCIEH MIOA

⁴ Aviation Policy Framework (APF) 2013. Aviation 2050 – The Future of UK Aviation Noise policy Statement for England (NPSE) and National Planning Policy Framework (NPPF) (paragraph 185 and footnote 65). National Planning Practice Guidance (NPPG).

become the *de facto* SOAEL for residential development in areas affected by aircraft noise. As we think the point is that if there is a level of 55 dB LA eq 16 hours then, if that is to be achieved, the 63 dB LAeq 16 hr level will become irrelevant. In effect, the proposed policy imposes that 55 dB LAeq 16 hr level threshold for all developments including buildings themselves and not just outdoor spaces

7.6 ED 15 at paragraph 8.2.2 and 8.2.3 confirms there is relevant precedent from Secretary of State airport planning appeal decisions (i.e 'The Cranford Appeal' Heathrow Airport⁵ and the London City Airport Appeal⁶), that include consideration of impacts on outdoor amenity spaces, and existing noise insulation requirements for road, rail and aircraft noise, that confirm a SOAEL for aviation noise of 63 dB LAeq,16 hrs is appropriate.

7.7 Paragraph 391 of the Inspector's decision for the Cranford Appeal states:

"Another way of expressing the residual impact is to consider the matter in the context of LOAEL, SOAEL etc. It is Government policy (expressed in the NPSE and NPPF and detailed in the PPG) that adverse effects, ie those between LOAEL (54dB LAeq, 16 hours or the equivalent) and SOAEL (63dB LAeq, 16 hours or the equivalent) should be both "mitigated and minimised".

In the London City Airport Appeal, the Inspector stated the following at paragraph 75'In this context, it is worth clarifying the three different uses of the word 'significant' in legislation and policy. The use of the term 'significant' in the NPSE (2010) relates to 'significant adverse effects on health and quality of life'¹⁰⁴. The SOAEL, which is the level above which significant adverse effects occur¹⁰⁵ is set at a threshold of 63dB LAeq 16hr. This is not the same as the 'onset of significant community annoyance', which is a term that derived from the development of government air noise policy following the ANIS report (1985) and which is set at a threshold of 57dB LAeq 16hr. One relates to 'health and quality of life' and the other to 'community annoyance'. The fact that the values (63dB and 57dB) are different is because these are different concepts. Both of these uses of the expression 'significant' are also quite separate from 'likely significant effects' of a development on the environment, which would include humans and derives from the original European Union (EU) Environmental Impact Assessment Directive in the 1980s.'

7.8 A level of 63 dB LAeq,16 hr was used as SOAEL in the Environmental Statement supporting the Appeal that resulted in the decision on the 26 May 2021 by the Planning Inspector to approve an increase in passenger throughput and therefore flights at Stansted airport⁷, where the Inspector stated the following at paragraph 7.72 and Table 7.3 (copied below).

⁵ Appeal reference APP/R5510/A/14/2225774 (relevant paragraphs at 245, 260 and 391)

⁶ Appeal Ref: APP/G5750/W/15/3035673 – Relevant Paragraphs are 35, 57 and 71

⁷ Appeal Ref: APP/C1570/W/20/3256619 London Stansted Airport, Essex.

- 7.52 Table 7.3 sets out the airborne aircraft noise levels corresponding to the NPSE descriptions used for this assessment. Information on their derivation can be found in Section 11.1 of ES Appendix 7.3.

Table 7.3 Airborne aircraft noise effect levels

Effect level	Noise Level (dB)		Typical Action
	Daytime	Night-time	
NOEL	$L_{Aeq,16h} \leq 51$	$L_{Aeq,8h} \leq 45$	None required
LOAEL	$51 < L_{Aeq,16h} \leq 63$	$45 < L_{Aeq,8h} \leq 54$	Identify, mitigate and reduce to a minimum
SOAEL	$63 < L_{Aeq,16h} < 69$	$54 < L_{Aeq,8h} < 63$	Avoid
UAEL	$L_{Aeq,16h} \geq 69$	$L_{Aeq,8h} \geq 63$	Prevent

- 7.9 Paragraph 2.24 of the NPSE refers to the situation where the impact lies somewhere between LOAEL and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development (NPSE paragraph 1.8). This does not mean that such adverse effects cannot occur.
- 7.10 The SONA14/CAP1506 report (updated in July 2021) provides the underlying reasoning for national policy in both the Airports NPS and the Air Navigation Guidance 2017 which contains the Secretary of State’s guidance to the CAA on its environmental objectives when carrying out its air navigation functions, to state the sound level that represents LOAEL for aviation noise is 54 decibels ($L_{Aeq,16hrs}$).
- 7.11 The SONA14/CAP1506 report⁸ includes consideration of the impacts of aviation noise on people outside their homes in both private and public amenity spaces. For example, the study is based on the surveyed population response to questions about noise around airports (including Manchester). The results are contained at Table 31 of the report (copied below alongside paragraph 8.17)

⁸ https://gat04-live-1517c8a4486c41609369c68f30c8-aa81074.divio-media.org/filer_public/34/d1/34d1b0cb-4b84-46c9-8374-a186761be985/cd109 - cap_1506_feb17.pdf

Table 31: Percentage highly annoyed as a function average summer day noise exposure, $L_{Aeq,16h}$

Average summer day noise exposure, $L_{Aeq,16h}$ (dB)	% highly annoyed	
	ANIS 1982	SoNA 2014
51	3%	7%
54	5%	9%
57	9%	13%
60	14%	17%
63	23%	23%
66	34%	31%
69	48%	39%

8.17 The same percentage of respondents said by ANIS to be highly annoyed at 57 dB $L_{Aeq,16h}$ now occurs at 54 dB. Comparing with the results in Table 31, the 'Miedema' dose response function⁴³, predicts 12% highly annoyed at 54 dB and 16% at 57 dB.

7.12 Based on these survey results the report established the threshold which the Airports NPS and Air Navigation Guidance 2017 sets for starting to consider aircraft noise i.e. LOAEL, is nowadays 54 dB $L_{Aeq,16}$ hrs, whereas previously it was 57 dB $L_{Aeq,16}$ hrs. This threshold considers the impacts of aircraft noise on outdoor amenity as the social surveys used to determine this threshold questioned people about their experience of and reaction to aviation noise at their home, including asking the following;

"Do you have use of an outdoor space such as a garden, terrace or balcony?"

Are effects "inside your home or outdoors at home"?

"Thinking about the last 12 months or so, when you are here at home, how much does noise from outside your own home bother, disturb or annoy you?"

"Thinking about the last 12 months or so, what number from 0 to 10 best shows how much you are bothered, disturbed or annoyed by noise from outside your own home?"

"Did noise from aeroplanes interfere with any of these aspects of your home life in the summer? –

Spending time outdoors at home, and;

Enjoying the local parks and open spaces, and;

Spending time outdoors in the neighbourhood."

"How much did noise from aeroplanes bother, disturb or annoy you in each of these locations?"

Noise from aeroplanes while outdoors at home

Noise from aeroplanes while outdoors around the neighbourhood"

- 7.13 The above questions show that **consideration of the impacts of aircraft noise on use of outdoor amenity spaces was not excluded from the study and was specifically examined by the research.** Consequently, the SONA14/CAP1506 enables the an holistic approach in establishing a LOAEL, wherein both the internal and external factors are taken account of and hence there is no need to establish a separate level for outdoor areas, which is why that has not been done at a national level and doesn't need to be dome locally.
- 7.14 Accordingly , there is no need or justification for CEC having a separate lower threshold as SOAEL for outdoor amenity spaces as the research that supports setting 54 decibels as being LOAEL in the airports NPS and Air Navigation Guidance 2017 includes the effects of aircraft noise outdoors.
- 7.15 Consequently, adopting SOAEL of 63 dB LAeq,16 hrs does not need to be supplemented by an equivalent cut-off of 55 dB LAeq,16 for outdoor amenity spaces, as the impact in outdoor amenity spaces were included in the SONA14/CAP1506 study.
- 7.16 Furthermore, the nature of aviation noise means that requiring outdoor amenity spaces to be subject to noise of no more than 55 dB LAeq,16 hrs, which is only one decibel above what the Airports NPS and Aviation Navigation Guidance 2017 state is the LOAEL for aviation noise i.e. 54 dB LAeq,16 hrs, is normally impractical. Furthermore it is unnecessary and therefore unreasonable to do so as the SONA14/CAP1506 study allows for impacts in outdoor amenity spaces as part of its holistic approach. Although a 55 dB LAeq,16 hrs guideline is suggested in the WHO Guidelines for Community Noise and BS 8223, neither of these sources of technical advice are policy compliant, and regarding BS 8223 the NPPG specifically warns that although *"Some of these documents[including BS 8223] contain numerical criteria. These values are not to be regarded as fixed thresholds and as outcomes that have to be achieved in every circumstance."* Additionally, although the WHO Guidelines for Community Noise describe a threshold of 55 dB LAeq,16 hrs as protecting the majority of the population against being highly annoyed (in fact it was around 85 to 90 % who were not highly annoyed). Research shows that the majority of the population would still be protected against being highly annoyed by aircraft noise at substantially higher noise levels. For example, the SONA14/CAP1506 report shows that an overwhelming proportion of the exposed population are unlikely to be highly annoyed at aircraft noise levels of 55 dB LAeq,16 hrs and the same report demonstrates that a substantial majority of the population are still protected against being highly annoyed at aviation noise levels up to 63 dB LAeq,16 hr i.e. the aim of protecting the majority of the population from being highly annoyed is still achieved. This is important when considering that the NPPG advises that the noise exposure hierarchy for the determination of LOAEL, SOAEL and UAEL etc. should be based on the likely average response of those affected i.e. those whose reaction to aircraft noise lie outside of the typical community response should not drive decisions on whether noise is likely to be a concern.
- 7.17 CEC are not unique in having areas of their district affected by aircraft noise. For example, the Jacobs report (ED 15) includes for comparison, examples of noise and new housing development policies from 12 different local planning authorities (LPAs), most of which have areas of their

districts covered by airport noise contours. Of these 12 LPAS, only the London Borough of Southwark sets policy limits for outdoor amenity spaces which aims for 50 dB LAeq,16 hrs, but is prepared to relax this to 55 LAeq,16 hrs and in specific cases accepts only a proportion of the space can achieve this level. However, LB Southwark is outside even the lowest 54 dB LAeq,16 hr noise contours for the nearest airports i.e. Heathrow, Gatwick and London City. Therefore, mitigation of noise from aircraft in outdoor amenity spaces of proposed new housing scheme to below levels of 55 dB LAeq,16 hr is not an issue for the authority and no weight should be given to the London Borough of Southwark's example because it is an area where there are no practical implications due to its location outside of areas effected by aircraft noise. Consequently, in the context of the comparator LPAs in the Jacobs report, **CEC would in effect be the only LPA setting limits for aviation noise in the outdoor amenity spaces of new housing schemes in local policy.**

- 7.18 Scrutiny of the Jacob's report (ED15) shows tht although it has there is a section 8.4.1 dealing with external noise levels of which it is fairly generic and does not in fact justify the use of the 54 dB LA eq 16 hours threshold for the reasons as previously been stated above. The Jacob's report does not justify the 55 dB LAeq,16 hr threshold as SOAEL for outdoor amenity spaces in terms of policy, because fact if such a level were to have any policy status it would be more likely a LOAEL, and policy in the NPSE is clear that provided reasonably practicable measures are used to mitigate and minimise noise circumstances that lie between LOAEL i.e. 55 db LAeq,16 hrs and SOAEL i.e 63 dB LAeq,16 hr are permitted
- 7.19 CEC's proposals to set an external amenity area limit in their policy of 55 dBA LAeq,16 is not proportionate, is more stringent than national policy and guidance advises, and is out of step with neighbouring and many other LPAs with major airports in or near their districts. Not only is the requirement disproportionate, it is unnecessary and evidentially unjustified. The effect of it is to result in a policy which is not only unreasonable but unworkable and the consequence is that the 63 dB LAeq,16 hr criterion becomes effectively irrelevant as the 55 dB LAeq, 16 hr threshold effectively becomes the only relevant threshold for residential development The criterion 1(ii)(b) i.e. 55 dB Laeq,16 hr should therefore be deleted from the policy.

Question 141. 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?

- 7.20 Limiting residential development to areas where outdoor noise levels do not exceed around 55 dB LAeq,16hrs will prevent housing being provided over a large area around the airport. For example, the Manchester Airport Noise Action Plan 2019-2023 shows that in 2016 the 54 dB LAeq,16hrs noise contour covered an area of 48 Km2 – nearly 12,000 acres - approximately 50% of which is in CEC's district. Whilst this is slightly more than the area covered by the 55 dB noise contour, this is off set by the noise contours for 2019 which the revised policy relies on, being larger than those in 2016.

- 7.21 The adjoining LPA, Stockport, includes the other approximately 50% of the area covered by the airport's noise contours, their Core Policy CS8 'SAFEGUARDING AND IMPROVING THE ENVIRONMENT' contains Policy Development Management Policy SIE-3 'Protecting, Safeguarding and enhancing the Environment, which notes that constraints will be placed upon residential development in some parts of the borough to avoid unacceptable levels of noise from aircraft using Manchester Airport. However, Stockport's policy SIE-3 focusses on noise levels **inside** new housing schemes and **does not set limits for outdoor amenity spaces**.
- 7.22 The CAA study CAP 1204 on the population trends in the vicinity of ten UK civil airports Between 2001 and 2011 shows that the population in the 60 to 63 dB LAeq,16 hr noise contours at 10 of the main UK airports grew by around 10%, showing that a good proportion of people have been prepared to trade off the dis-benefits of living in areas exposed to such levels of aviation noise against the benefits of doing so, e.g. to gain from employment, housing availability and affordability, leisure and transportation opportunities etc.
- 7.23 The housing market around Manchester Airport continues to thrive, and properties in locations where the noise levels in outdoor amenity spaces are higher than 55 dB LAeq,16 hr are bought and sold or tenanted without hinderance. Therefore, showing there is a demand – and, as demonstrated by any requirement for greenbelt release, a very strong need - for housing in these areas despite the noise conditions not being optimal.
- 7.24 Because of the amount of CEC's district that is affected by noise contours and because of the scale of housing need and the choice of sites that are being promoted via the plan, then if the threshold in respect of outdoor space is put in place that will mean that regardless of a site being allocated, it may effectively become undeliverable if the 55 dB LAeq,16 amenity space threshold cannot be met or become unviable if the nature of design layout etc, needed to secure that noise level means that the development is impracticable. Additionally, that of course could affect the level of provision of affordable housing and the choice and geographical spread of housing sites.

8. CONCLUSION

8.1 In conclusion, our main concerns in relation to Matter 8 are:

- An insufficient evidence base in support of the proposed LLDs (Policy ENV 3). The boundaries of the River Bollin LLD have not been appropriately assessed, particularly around Yarwood Heath Farm and Ashley Hall. The LLD should be deleted, or at the very least the detailed boundaries re-looked at and supported by an updated and robust landscape assessment. Yarwood Heath must be removed from the Bollin Valley LLD; and
- Policy ENV 13 (Aircraft Noise) is not justified, particularly in relation to outdoor amenity space. It is not consistent with national policy and significantly out of kilter with other LPAs who have not adopted such a stringent and ultimately anti-development approach. The outdoor amenity space section must be deleted from Policy ENV 13 in order for the policy to be justified, effective and for the Plan to ultimately be found sound.