

**Examination of the  
Cheshire East Local Plan Site Allocations and  
Development Policies Document  
September 2020**

**MATTERS, ISSUES AND QUESTIONS  
FOR THE EXAMINATION (MIQs)  
Part 1 – Matters 1-7**

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## **Introduction and Scope of the Examination**

The local plan for Cheshire East currently comprises the Cheshire East Local Plan Strategy (LPS), adopted in July 2017, and the saved policies from the respective Local Plans for former Boroughs of Congleton, Crewe and Nantwich, and Macclesfield (the legacy plans). The LPS sets out the vision, spatial strategy and strategic policies for Cheshire East to 2030, including the development requirements and strategic allocations.

The purpose of the Site Allocations and Development Policies Document (SADPD) is to set non-strategic policies to guide planning decisions and allocate additional sites for development to assist in meeting the overall development requirements set out in the LPS<sup>1</sup>. On adoption, it is intended that the SADPD will replace all of the saved policies from the legacy plans and become part of the statutory development plan for Cheshire East, alongside the LPS<sup>2</sup>.

The Revised Publication Draft of the SADPD, submitted 29 April 2021, is the basis for this Examination, the purpose of which is to determine whether the SADPD:

- has been prepared in accordance with the Duty to Co-operate and the legal and procedural requirements in the Planning and Compulsory Purchase Act 2004 (the PCPA 2004) and the Town and Country Planning (Local Plan) (England) Regulations 2012 (the 2012 Regulations); and
- is sound, as defined in paragraph 35 of the National Planning Policy Framework (the NPPF).

It is a legal requirement that the policies in the SADPD must be consistent with the adopted LPS<sup>3</sup>. Accordingly, the tests of soundness will be applied in a proportionate way, taking into account the extent to which the policies, site allocations, designations and boundaries contained in and defined through the SADPD are consistent with the spatial strategy and strategic policies in the LPS<sup>4</sup>.

It is not the role of this Examination to re-open discussion on the strategic matters and issues which were considered as part of the examination of the LPS. This includes the housing and employment land requirements for the Borough to 2030, and their spatial distribution. I acknowledge that the standard method for calculating local housing need has been introduced into national policy since the LPS was adopted. However, any changes to the Borough's housing requirement as a result, would be a matter for a future review and examination of the LPS, rather than this Examination.

The Council has also clarified that it is not seeking to confirm the existence of a 5 year supply of deliverable housing land (5YHLS) through the SADPD or this Examination. Whilst it is a requirement of national policy and guidance for strategic policies to make sufficient provision for housing<sup>5</sup> and to identify a 5YHLS<sup>6</sup>, there is no such requirement for non-strategic plans or policies. Therefore, I am examining the SADPD on that basis.

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<sup>1</sup> Paragraph 1.2 of the SADPD

<sup>2</sup> Paragraph 1.3 of the SADPD

<sup>3</sup> Regulation 8(4) of the Town and Country Planning (Local Planning) (England) Regulations 2012

<sup>4</sup> Paragraph 36 of the National Planning Policy Framework 2021 (NPPF)

<sup>5</sup> Paragraph 20 of the NPPF

<sup>6</sup> PPG Paragraph: 004 Reference ID: 68-004-20190722

This document contains Part 1 of the Matters, Issues and Questions (MIQs) for the Examination based on my initial reading of the SADPD, the evidence base and the representations. Matter 1 covers questions on the duty to co-operate, legal and procedural compliance issues; Matters 2 to 7 set out questions on the soundness of the SADPD. Part 2 will cover Matters 8 to 12.

Hearing sessions have been arranged to enable discussion of the MIQs. They are due to commence on 12 October 2021 and are programmed to run for 10 days until 4 November 2021. A draft timetable for the matters and issues to be discussed on each day is set out in the accompanying *Draft Hearing Programme*.

The MIQs should also be read alongside my *Examination Guidance Note* which contains information on the Hearing procedure, what you will need to do if you wish to participate and the format of any further hearing position statements.

Document references in [square brackets] are to documents in the Examination Library. The library and all examination documents can be accessed via the Examination website at:

<https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire-east-local-plan/site-allocations-and-policies/sadpd-examination/examination-library.aspx>

or accessed via the Programme Officer using the contact details above.

*Mike Hayden*

**Planning Inspector**

Cheshire East Local Plan SADPD Examination

**Abbreviations used in this document:**

AMR – Annual Monitoring Report  
CIL – Community Infrastructure Levy  
FRA – Flood Risk Assessment  
HLS – Housing Land Supply  
HMO – Houses in Multiple Occupation  
HRA – Habitats Regulations Assessment  
HS2 – High Speed 2 Rail  
KSC – Key Service Centre  
LDS – Local Development Scheme  
LGG – Local green gap  
LHN – Local Housing Needs  
LPS – Local Plan Strategy  
LSC – Local Service Centre  
LUC – Local Urban Centre  
MIQs – Matters, Issues and Questions  
MHCLG – Ministry for Housing, Communities and Local Government  
MWDPD – Minerals and Waste Development Plan Document  
NDSS – Nationally Described Space Standards  
NPPF – National Planning Policy Framework 2021  
NPS – Neighbourhood Parade of Shops  
OSRA – Other Settlements and Rural Areas  
PPG – Planning Practice Guidance  
PT – Principal Town  
SA – Sustainability Appraisal  
SACBH – Self and custom build housing  
SADPD – Cheshire East Site Allocations and Development Policies Document  
SCI – Statement of Community Involvement  
SGG – Strategic green gap  
SPD – Supplementary Planning Document  
SSM – Site selection methodology  
SuDS – Sustainable Drainage Systems  
WHS – World Heritage Site

## **MATTER 1 - DUTY TO CO-OPERATE AND LEGAL COMPLIANCE**

### **Duty to Co-operate?**

1. Does the SADPD give rise to any new strategic cross-boundary issues, that were not addressed through the duty to co-operate on the LPS?
2. If so, has the Council engaged constructively, actively and on an ongoing basis with all of the relevant authorities and prescribed bodies on the 'strategic matters' applicable to the SADPD and have they been resolved?
3. Is this adequately evidenced by the SADPD Duty to Co-operate Statement of Common Ground (SsoCG)<sup>7</sup>?
4. Are there any 'strategic matters' on which the DtC has not been met? If so, what is the evidence to support this?

### **Other legal and procedural requirements?**

5. Has the SADPD been prepared in accordance with the Council's Local Development Scheme (LDS)<sup>8</sup>? Are there any obvious omissions from the submitted DPD, in terms of its overall scope as described in the LDS and the non-strategic policies and site allocations delegated to it by the LPS? Specifically, is there a need for mineral safeguarding and the allocation of sites for mineral extraction to be included in the SADPD, given the expectations of Policy SE 10 of the LPS?
6. Has consultation on the SADPD been undertaken in accordance with the Council's adopted Statement of Community Involvement and the minimum consultation requirements in the Regulations<sup>9</sup>? What evidence is there to demonstrate this and that representations submitted in response to the First Draft SADPD have been taken into account as required by Regulation 18(3)?
7. Has the formulation of the SADPD been based on a sound process of sustainability appraisal (SA), as set out in the Revised Publication Draft SADPD Sustainability Appraisal, dated August 2020 [ED03]? In particular:
  - a. Is the baseline evidence sufficiently up-to-date and therefore adequate, particularly in respect of potential effects on mineral resources?
  - b. Does the SA test the policies and site allocations in the SADPD against reasonable alternatives? Is it justified in not doing so for all policies?
  - c. Has the SA been robustly prepared with a comparative and equal assessment undertaken of each reasonable alternative?
  - d. Is the SA decision making and scoring robust, justified and transparent?
  - e. Has the Council provided clear reasons for not selecting reasonable alternatives?
  - f. Is it clear how the SA has influenced the SADPD policies and allocations and how mitigation measures have been taken into account?
  - g. Have the requirements for Strategic Environmental Assessment been met, including in respect of the cumulative impacts of the SADPD?

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<sup>7</sup> Core Documents ED51 & 51a

<sup>8</sup> Required by section 19(1) of Part 2 of the Planning and Compulsory Purchase Act 2004

<sup>9</sup> Regulations 18 and 19 of Town and Country Planning (Local Planning) (England) Regulations 2012

8. Is the Equality Impact Assessment at Appendix G of the SA of the Revised Publication Draft SADPD<sup>10</sup> robust? Does it demonstrate whether the policies and allocations of the SADPD would have any negative effects on people with protected characteristics in Cheshire East? Are further mitigation measures required?
9. Is the SADPD legally compliant with respect to the Habitats Regulations<sup>11</sup>, as interpreted by recent case law, and any requirement for appropriate assessment? Does the SADPD Habitats Regulations Assessment (HRA)<sup>12</sup> ensure compliance? Are any Main Modifications to the SADPD necessary to ensure it would not have any likely significant impacts in the light of the HRA?
10. Does the SADPD, taken as a whole, include policies designed to ensure that the development and use of land in Cheshire East contributes to the mitigation of, and adaptation to, climate change in accordance with the PCPA 2004<sup>13</sup>?

## **MATTER 2 – PLANNING FOR GROWTH**

### **Development at Local Service Centres (Policy PG 8 and Site HCH 1)**

11. Is Policy PG 8 consistent with the strategy in the LPS for growth and the spatial distribution of development at the LSCs, and with the relevant provisions of national policy? In particular:
  - a) Should it include a disaggregation of the indicative levels of development for the LSCs, of 3,500 dwellings and 7ha of employment land, to individual settlements, in order to ensure decisions are plan-led and that the needs of individual settlements are met?
  - b) Should it set out indicative housing levels for designated neighbourhood areas, to provide an effective framework for neighbourhood plans?
  - c) Is it positively prepared and justified in relying on existing commitments and windfall development to meet the indicative level of housing development for LSCs, set in Policy PG 7, rather than allocating additional sites at the LSCs?
12. Are the other policies in the LPS and SADPD sufficiently flexible to enable the remaining part of the indicative level of housing development for LSCs, set in Policy PG 7, to be met from further windfall sites? Is there any substantive evidence of opportunities for further windfall development on sites within the proposed Settlement and Village Infill Boundaries?
13. Is there a need for further site allocations for housing at the LSCs to be included in the SADPD to ensure the indicative level of housing development set in Policy PG 7 of the LPS will be met in full and the need for affordable housing addressed, in particular at settlements within the North Cheshire Green Belt?
14. Is Site HCH 1 at Holmes Chapel justified as an appropriate location to meet the remaining indicative need for employment land at the LSCs identified in

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<sup>10</sup> Core document ED03

<sup>11</sup> Conservation of Habitats and Species Regulations 2017 (as amended)

<sup>12</sup> Core document ED04

<sup>13</sup> Section 19(1A) of the Planning and Compulsory Purchase Act 2004 (as amended)

Policy PG 7 of the LPS, taking into account the reasonable alternatives, and based on the evidence available? In particular:

- a) Is there a reasonable prospect that site HCH 1 will be available and could be viably developed within the plan period, given the likely presence of mineral resources and the need for a Mineral Resource Assessment, which may require minerals to be extracted before development proceeds to avoid sterilisation of the mineral resource?
- b) Given its location on the edge of Holmes Chapel, is site HCH 1 accessible by a choice of means of transport or to make it sustainable, is it necessary and reasonable for future development proposals to contribute to the provision of the proposed cycle route into the village centre?

### **Safeguarded Land at LSCs (Policy PG 12)**

15. Is the identification of additional safeguarded land at the LSCs justified to meet the longer-term development requirements of the Borough, taking account of the expectations of the LPS, the potential for the development requirements of Cheshire East beyond 2030 to change under the standard method for calculating local housing need, and the requirement in paragraph 140 of the NPPF that Green Belt boundaries should only be altered where justified by exceptional circumstances?
16. Is the selection and distribution of sites for designation as Safeguarded Land at the LSCs, as set out in the Local Service Centres Safeguarded Land Distribution Report<sup>14</sup> and the Settlement Reports for Alderley Edge, Bollington, Chelford, Disley, Mobberley and Prestbury<sup>15</sup>, based on a robust methodology and justified by proportionate evidence and is it consistent with the LPS and national policy?
17. How have the cumulative impacts of the future development of the sites proposed for designation as Safeguarded Land been considered, such as on the highway network, nature conservation assets and the green infrastructure network? What evidence is available to demonstrate this?
18. Have exceptional circumstances for removing each of the eight Safeguarded Land sites from the Green Belt been fully evidenced and justified, and are the sites defined by boundaries using physical features that are recognisable and likely to be permanent?

### **Development at Key Service Centres (Sites CNG 1, MID 2 & 3 and PYT 1, 3 & 4)**

19. Is the proposal to allocate further sites for housing and employment at the Key Service Centres of Congleton, Middlewich and Poynton justified and consistent with the strategy for the spatial distribution of development in the LPS?
20. Based on the evidence set out in the SA, the Site Selection Methodology Report (SSM)<sup>16</sup> and the relevant Settlement Reports, are sites CNG 1, MID 2, MID 3, PYT 1, PYT 3 and PYT 4 justified as appropriate sites for employment and housing respectively, taking into account the reasonable alternatives?
21. In light of the evidence in the Poynton Sports Mitigation Strategy, would the proposals for housing development on Sites PYT1, PYT3 and PYT4 and the

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<sup>14</sup> Core document ED53

<sup>15</sup> Core documents ED21, ED24, ED26, ED29, ED37 and ED40

<sup>16</sup> Core document ED07

provision of replacement playing fields and sports facilities on land within the Green Belt at Site PYT2 north of Glastonbury Drive, meet the policy requirements of Sports England as a statutory consultee and be consistent with national policy? Given the need to replace the playing fields and sports facilities in advance of the commencement of housing development, is there a reasonable prospect that three sites will be available and developable for housing within the plan period?

22. Given the requirement for Mineral Resource Assessments to be submitted as part of any planning applications on Sites CNG 1, MID 3 and PYT 2, which may require minerals to be extracted before development proceeds, to avoid sterilisation of the mineral resource, is there a reasonable prospect that:
- Sites CNG 1 and MID 3 will be available and developable for employment and housing purposes respectively within the plan period?
  - Site PYT 2 will be available for the provision of relocated sports facilities in sufficient time to allow for housing to be provided on the existing Poynton Sports Club site, PYT 1, within the plan period?

What is the evidence to support this?

23. Is the requirement that development proposals for Site MID 2 must provide for improvements to the surface of the canal towpath justified and consistent with the LPS and national policy? Would it be evident to a decision maker how proposals should retain the existing mature hedgerows on the boundary of the site, whilst also meeting the requirements of Policy INF 10, in particular criteria 1i, vi and vii?
24. Should the policy for Site CNG1 define the type of employment uses, by Use Class, for which the site is allocated, to ensure it is justified and effective in meeting the identified employment needs of the borough?
25. What is the current development plan status of the land to the east of Site MID 3 in the Cheshire West and Chester Local Plan? Given the statement in the supporting text to Policy STRAT 7 of that plan, about the potential for development in Cheshire West and Chester adjoining Middlewich to meet its needs, should the SADPD be modified to clarify how any cross-boundary proposals for Middlewich may be considered?

### **Settlement Boundaries (Policy PG 9)**

26. Is the principle of defining Settlement Boundaries consistent with the strategic policies in the LPS and with national policy in enabling the delivery of sustainable development?
27. With particular reference to the Settlement and Infill Boundaries Review<sup>17</sup> (SIBR) and the individual Settlement Reports<sup>18</sup>:
- Is the methodology for the review and definition of detailed Settlement Boundaries robust?
  - Have the criteria and judgements used to inform the choice of Settlement Boundaries been consistently applied?

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<sup>17</sup> Core document ED06

<sup>18</sup> Core documents ED21-ED44



- c) Are the proposed Settlement Boundaries justified on the basis of proportionate evidence?
28. Will the Settlement Boundaries defined on the Draft Policies Map<sup>19</sup> be effective in enabling further windfall sites to come forward, to meet the remaining unallocated element of the indicative level of housing development at the LSCs, and elsewhere in the borough?
29. Is there any substantive evidence to demonstrate that any of the proposed Settlement Boundaries are not justified in defining the boundary between the built-up area of the settlements and the open countryside?
30. Policy PG 9 allows for neighbourhood plans (NPs) to define settlement boundaries for settlements in the OSRA tier and Policy PG 10 defines a number of settlements in the OSRAs as Infill Villages with Village Infill Boundaries. To avoid inconsistencies between settlement boundaries defined in NPs and village infill boundaries defined by the Local Plan, and to ensure the SADPD is effective, clear and unambiguous in guiding the locations for development in the OSRA, is there a need for Policy PG 9 to be modified to ensure any settlement boundary defined in a NP is consistent with Village Infill boundaries defined in the SADPD?

### **Infill Villages and Village Infill Boundaries (Policy PG 10)**

31. Is the principle of identifying Infill Villages and Village Infill Boundaries justified as an appropriate strategy for managing development in the Open Countryside and providing for proportionate development in settlements within the Other Settlements and Rurals Areas (OSRA) tier of the settlement hierarchy? Is it consistent with the LPS and with national policy in enabling the delivery of sustainable development in the rural areas?
32. Given that the housing and employment land supply from completions and existing commitments within the OSRA already exceeds the indicative levels of development identified for this settlement tier in Policy PG7 of the LPS, is there a need for these indicative levels of development to be disaggregated to individual settlements or for any further sites to be allocated within the OSRA to ensure the SADPD is consistent with the LPS and national policy?
33. With particular reference to the Council's response to the Inspector's Initial Question 5<sup>20</sup>, is the definition of 'limited infilling' in Policy PG 10 consistent with Policy PG6 of the LPS?
34. With particular reference to the evidence set out in the SIBR, is Policy PG 10 justified in not defining all of the settlements within the OSRA as villages suitable for limited infilling?
35. With reference to the SIBR, is the methodology used to define Village Infill Boundaries robust? Have the criteria and judgements used to inform the choice of Village Infill Boundaries been consistently applied? Are the Boundaries justified on the basis of proportionate evidence?
36. Is there any substantive evidence to demonstrate that any of the proposed Village Infill Boundaries are not justified?

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<sup>19</sup> Core documents ED02a & ED02b

<sup>20</sup> Page 14 of Examination document CEC/01

37. Have the Village Infill Boundaries defined on the Draft Policies Map been positively prepared and will they be effective in enabling further windfall sites to come forward to support sustainable development in the OSRA?

### **Strategic Green Gap Boundaries (Policy PG 13)**

38. Is the methodology for the definition of detailed boundaries for the Strategic Green Gaps (SGGs), as set out in the SGG Boundary Definition Review<sup>21</sup> (SGGBDR), soundly based?
39. With particular reference to the SGGBDR, have the principles and criteria used to inform the definition of detailed SGG boundaries been consistently applied and are the resulting detailed boundaries justified, based on proportionate evidence?
40. Is there any substantive evidence to demonstrate that any of the proposed detailed boundaries to the SGGs are not justified?

### **Local Green Gaps (Policy PG 14)**

41. With particular reference to the Council's response to the Inspector's Initial Question 6<sup>22</sup>, does Policy PG 14 serve a clear purpose in providing a consistent policy approach to the protection of local green gaps or green wedges identified in Neighbourhood Plans and the consideration of development proposals within them or will it unnecessarily duplicate the policies and proposals of those plans?

## **MATTER 3 – HOUSING**

### **Accommodation for Gypsies, Travellers and Travelling Showpeople (Policies HOU 5a, HOU 5b and HOU 5c; and Site Allocations G&T 1-5, G&T 8 and TS 1-3)**

42. Does the Gypsy, Traveller and Travelling Showpeople Accommodation Assessment 2018<sup>23</sup> (GT&TSAA) provide a robust evidence base to establish the need for Gypsy and Traveller and Travelling Showperson (GT&TS) accommodation, including the needs of unknown households and households that do not meet the definition of gypsies and travellers in Annex 1 of the Planning Policy for Traveller Sites (PPTS)?
43. With particular reference to the GT&TSAA and the Council's answer to Initial Question 7<sup>24</sup>, will the committed supply of sites and the proposed allocations for GT&TS accommodation, as listed in Policies HOU 5a and HOU 5b, provide a supply of specific deliverable sites sufficient to meet 5 years' worth of sites against the identified annual need from the adoption of the plan, and a supply of developable sites for the remainder of the plan period?
44. Has the selection of sites for allocation for permanent and transit pitches and plots for travelling showpersons been based on a robust methodology? Are the sites proposed for allocation justified by proportionate evidence in terms of their suitability, availability and deliverability, and are they consistent with national policy and with the criteria in Policy SC 7 of the LPS? Is there any

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<sup>21</sup> Core document ED08

<sup>22</sup> Pages 15-17 of Examination document CEC/01

<sup>23</sup> Core document ED13

<sup>24</sup> Pages 17-19 and Appendix 1 of Examination document CEC/01

substantive evidence to demonstrate that any of the proposed allocations are not suitable or are unlikely to be available?

45. Does Policy HOU 5a provide for the accommodation needs of gypsy and traveller households, who are in need of culturally appropriate accommodation, but who do not meet the definition of gypsies and travellers in Annex 1 of the PPTS? Is the requirement for applicants to demonstrate a local connection to Cheshire East justified and consistent with paragraph 24e) of the PPTS?
46. Are the principles in Policy HOU 5c for determining proposals for Gypsy and Traveller and Travelling Showperson sites consistent with Policy SC 7 of the LPS and national policy in the PPTS?

### **Other Types of Housing (Policies HOU 1-4)**

#### **Housing Mix (Policy HOU 1)**

47. Is the requirement of Policy HOU 1 for all major housing developments to provide an 'appropriate mix' of housing types and sizes using the figures in Table 8.1 as a starting point, justified on the basis of proportionate evidence<sup>25</sup>, clear and unambiguous, and consistent with the LPS and national policy?
48. Is it clear which house type tenures are contained within the term 'intermediate housing' in Table 8.1? Would the inclusion of a definition for the term, such as that contained in the Residential Mix Assessment Report, help to remove any ambiguity so decision makers know how react to proposals?

#### **Specialist housing provision (Policy HOU 2)**

49. Is there a need to allocate specific sites for specialist older persons accommodation to ensure that the SADPD is positively prepared in seeking to meet the needs of an aging population?
50. Is Policy HOU 2 and its supporting text sufficiently clear and consistent with national policy and guidance in its terminology for and definition of the range of specialist older persons housing?
51. At paragraph 8.13, is the supporting text to Policy HOU 2 justified in expecting that all types of specialist older persons accommodation should be registered with the Care Quality Commission, given that some types of age-restricted and sheltered housing do not provide care services?
52. Is Policy HOU 2 positively prepared and justified in requiring all forms of specialist housing for older people to provide affordable housing in line with Policy SC5 of the LPS, based on the evidence in the Viability Assessment Update and given that some types of specialist housing for older people do not include an element of independent living?

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<sup>25</sup> Core document ED49

Self and custom build dwellings (Policy HOU 3)

53. Is Policy HOU 3 justified and consistent with national policy in seeking serviced plots for self and custom-build housing on housing developments of 30 or more homes? In particular:
- a) Given the current excess in the number of serviced plots permitted over and above the number of self-build and custom-build applicants on the register in Cheshire East, as evidenced in the 2019/20 Annual Monitoring Report<sup>26</sup>, is criterion 2 of the policy justified?
  - b) What is the evidence to support the site size threshold of 30 dwellings?
  - c) What is considered to be an 'acceptable proportion' of serviced plots?

**Housing development standards & requirements (Policies HOU 6-14)**

Accessibility & wheelchair housing standards (Policy HOU 6)

54. Are the targets for M4(2) Accessible and Adaptable dwellings and M4(3) Wheelchair user dwellings for all major housing developments and specialist housing for older people set out in Policy HOU 6 justified on the basis of proportionate evidence, deliverable and consistent with national policy?
55. Does the Nationally Described Space Standards (NDSS) Justification Paper<sup>27</sup> provide clear evidence of a local need to justify the application of the NDSS in Cheshire East?
56. Does the viability evidence demonstrate that the targets for accessible and wheelchair standard housing and the NDSS could be viably supported by residential development and specialist housing for older people alongside all other policy requirements?
57. Would a transitional period for NDSS be justified to enable developers to factor the cost of the space standards into future land acquisitions?

Subdivision of dwellings (Policy HOU 7)

58. In applying the criteria in Policy HOU 7 to an application for the subdivision of a dwelling, is it evident how a decision maker would determine what is a 'satisfactory living environment', 'sufficient amenity space' and 'adequate provision for waste and recycling'? As such, is the policy clearly written and unambiguous, as expected by paragraph 16(d) of the NPPF?

Backland development (Policy HOU 8)

59. Is Policy HOU 8 clearly written and unambiguous, so it is evident how a decision maker should react to development proposals? In particular how would the following terms and tests be measured in criteria 1 and 2?
- a 'satisfactory' means of access?
  - an access with an 'appropriate' relationship to existing residential properties?
  - 'unacceptable' consequences for the amenity of existing or proposed properties?

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<sup>26</sup> Core document BD04 - table 9.2 and paragraph 9.8

<sup>27</sup> Core document ED57

Extensions and alterations (Policy HOU 9)

60. Is criterion 3 of Policy HOU 9 clearly written and unambiguous, so that it is evident to a decision maker what is to be regarded as 'suitable provision' for access and parking that 'does not detract from the character and appearance of the area'?

Amenity (Policy HOU 10)

61. Is Policy HOU 10 clearly written and unambiguous, so that it is evident to a decision maker what is to be regarded as an 'unacceptable' loss of privacy, sunlight and daylight, and an 'unacceptable' level of environmental disturbance?

Residential Standards (Policy HOU 11)

62. Are the residential standards defined in Policy HOU 11 and Table 8.2 justified on the basis of proportionate evidence, and if so, what is the evidence to support each standard? Do they offer sufficient flexibility to allow for innovative urban design and support the efficient use of land in new residential developments, in line with the expectations of paragraph 125 of the NPPF?
63. Is Policy HOU 11 clearly written and unambiguous, so that it is evident to a decision maker what is to be regarded as an 'adequate' degree of light and an 'appropriate' quantity and quality of outdoor private amenity space?

Housing Density (Policy HOU 12)

64. Is the minimum density of 30dph for new residential development in Cheshire East specified in Policy HOU 12 justified on the basis of proportionate evidence? If so what is the evidence to support this minimum density?
65. Should Policy HOU 12 be more explicit in accepting densities below the minimum of 30dph where lower densities are important to local character? Given the diverse character of residential areas in Cheshire East, would setting a range of acceptable densities for new residential development for different settlements be more effective and consistent with national policy?

Housing delivery (Policy HOU 13)

66. Is Policy HOU 13 justified, based on proportionate evidence of local circumstances affecting housing delivery? Does it serve a clear purpose, avoiding unnecessary duplication of national policy, as expected in paragraph 16f) of the NPPF, given that the provisions of HOU 13 are substantially contained in national policy?
67. To ensure it is positively prepared, should Policy HOU 13 also include commitments for the local planning authority to minimise the number of pre-commencement conditions imposed on permissions by resolving issues through pre-application discussion?

Small and medium sized sites (Policy HOU 14)

68. Does Policy HOU 14 serve a clear purpose and how would it be effective in enhancing the supply of small and medium sized sites for housing, alongside all of the other policies in the plan which affect the supply of small and medium sized sites?

## **MATTER 4 – EMPLOYMENT AND ECONOMY**

### **Strategic Employment Areas (Policy EMP1)**

69. Given that the proposed Strategic Employment Sites are already identified as key employment areas and protected for employment use by Policy EG 3 of the LPS, does policy EMP 1 serve a clear purpose or does it simply duplicate the policies of the LPS?
70. What are the criteria for the designation of these sites as Strategic Employment Sites and how has their selection been justified against other key employment sites which have not been similarly designated, such as the British Salt plant at Middlewich?

### **Employment Allocations (Policy EMP2)**

71. Is the re-allocation of saved employment sites in Policy EMP 2 justified based on the evidence and consistent with national policy and the LPS? In particular, is there is a reasonable prospect of these sites being used for employment purposes over the plan period, given the length of time they have been undeveloped?
72. Is the re-allocation of Site EMP 2.1 for employment use consistent with proposals for this area in the emerging Crewe Hub Area Action Plan (AAP) and with the proposed route options for the Southern Link Road Bridge?
73. Given the location of Site EMP 2.8 within the Jodrell Bank consultation zone and the World Heritage Site buffer zone, to ensure the plan is effective should this be identified as a constraint in the justification to Policy EMP 2?
74. Given the requirement for a Mineral Resource Assessment to be submitted as part of any planning application on Site EMP 2.8, which may require minerals to be extracted before development proceeds, to avoid sterilisation of the mineral resource, is there a reasonable prospect that the site will be available and developable for employment purposes within the plan period?

### **Site Allocations for Employment (Sites CRE1 and 2)**

75. To ensure the policy for Site CRE 1 is clearly written, unambiguous and effective in requiring development proposals for the Bentley Motors site to preserve the significance of the office and showroom on Pym's Lane as a locally listed building and non-designated heritage asset, should it refer to the recommendations of the Heritage Impact Assessment of the site submitted with the SADPD<sup>28</sup>, in particular the mitigation measures to reduce harm?
76. Are the development requirements for Site CRE 2, Land off Gresty Road, specified in criteria 3, 6 and 8 of the policy justified by the evidence? Would revisions to these criteria, which more precisely identify the relevant mitigation measures, strike an appropriate balance between helping to create the conditions in which the business can invest and expand, and minimising the environmental impacts of its development for the purpose for which the site is allocated?

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<sup>28</sup> Core document ED48

## **MATTER 5 – TOWN CENTRES AND RETAIL**

### *Retail Hierarchy (Policy RET 1)*

77. Should the new local centres proposed as part of the strategic allocations in the LPS be included as 'local urban centres' or 'neighbourhood parades of shops' in the retail hierarchy in Policy RET 1, to ensure that, once built, there is a clear and effective policy framework for guiding future development, including changes of use, within them?
78. Based on the evidence submitted, is Policy RET 1 justified in designating Dean Row Road as a local urban centre or should it be designated as a local centre?
79. Should the proposed minor amendment to paragraph 9.6 in the justification to Policy RET 1, which seeks to ensure local urban centres are included within the definition of 'town centres', be considered as a Main Modification? Should the definition of a 'local urban centre' in the Glossary to the SADPD be similarly modified? Would these changes be consistent with national policy?

### *Boundaries to town, local and urban centres, and neighbourhood parades*

80. Are the boundaries for the principal town centres, town centres, local centres, local urban centres and neighbourhood parades, as proposed on the draft Policies Map, consistent with national policy aims for town centres, positively prepared and justified by proportionate evidence, and would they be effective in guiding development proposals for main town centre uses alongside the relevant policies in neighbourhood plans? In particular:
  - a) Macclesfield: Is the exclusion of the properties to the west around Christ Church and in Roe Street and to the north of King Edward Street from the town centre boundary justified, based on the evidence in the Retail Study Update<sup>29</sup> and the Macclesfield Settlement Report<sup>30</sup>, and consistent with national policy in ensuring the vitality of town centres?
  - b) Alsager: Is the exclusion of Milton Park, Alsager Fire Station, Alsager United Reformed Church, Wesley Place Church and the frontage between 33-41 Lawton Road from the town centre boundary, consistent with national policy in contributing to a positive strategy for the centre, which will allow it to grow and diversify in a way that can respond to rapid changes in the retail and leisure markets?
  - c) Hightown, Biddulph Road, Congleton: Is the proposed boundary to the neighbourhood parade of shops justified on the basis of proportionate evidence or should it include the adjacent pet food store to the east on Biddulph Road?
  - d) Knutsford: Should the proposed Town Centre boundary be expanded to include room for the town centre to accommodate the forecast growth in convenience goods retail floorspace and to support the housing growth planned for the town to 2030?
  - e) Nantwich: Is it evident how a decision maker should react to applications for development within the area of the town centre boundary where it

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<sup>29</sup> Core document ED17

<sup>30</sup> Core document ED35

overlaps with the Snow Hill Site LPS 47? Are Policies RET 3 and RET 7 consistent with the provisions of LPS 47 for this area?

- f) Poynton: Should the town centre boundary for Poynton be aligned with the boundary defined in the Poynton Neighbourhood Plan (PNP) or would the PNP boundary be superseded by the boundary proposed on the SADPD Policies Map once adopted? If not, and they are intended to operate alongside each other, is it evident how a decision maker should react to development proposals that are within the PNP town centre boundary, but not within the SADPD boundary, how the respective policies would operate in tandem? Where they are in conflict, which one would take precedence in accord with paragraph 30 of the NPPF?

Planning for Retail Needs (Policy RET 2)

81. Do the sites allocated in the LPS, retail opportunities in the Principal Town Centres of Crewe and Macclesfield, and site LPS 47 at Nantwich provide the capacity to deliver the convenience retail floorspace needs of Cheshire East up to 2030? If so, where is the evidence to demonstrate this and that there is sufficient additional floorspace capacity at these sites, which has not already been taken account of in the Retail Study Update, to meet the convenience retail floorspace needs at town level identified in Table 9.2 of the SADPD?
82. Should further sites be allocated in Macclesfield, Congleton, Knutsford, Middlewich and Nantwich to ensure the retail floorspace needs identified in Table 9.2 of the SADPD for each settlement can be met within the plan period?
83. Should the proposed local centre within the North Cheshire Garden Village site and those identified as part of other LPS sites, be separately listed in Policy RET 2 as a principal means for meeting the retail floorspace needs of the borough?

Sequential and impact tests (Policy RET 3)

84. As drafted are the sequential and impact tests set out in Policy RET 3 consistent with national policy? Would they be effective in respect of applications for main town centres uses, which accord with site allocations in the LPS, but are located outside of an existing centre?
85. Are the impact test thresholds defined in Policy RET 3 justified as appropriate on the basis of proportionate evidence?
86. Is it clear in criterion 2ii of Policy RET 3 whether or not the assessment of impact on the vitality and viability of any existing centre should include neighbourhood parades of shops?
87. Should criterion 3 of Policy RET 3 be modified to apply the impact test to extensions to edge or out of centre stores, where the floorspace of the extension is below the relevant threshold, but the resultant cumulative floorspace of the store would be above the threshold? Would this be justified and consistent with national policy in safeguarding the vitality and viability of existing centres from the potential loss of anchor tenants?



Restaurants, cafes, pubs and hot food takeaways (Policy RET 5)

88. Is the restriction on the hours of opening of hot food takeaways within 400m of secondary schools and 6th form colleges in criterion 3 of Policy RET 5, justified based on the evidence provided<sup>31</sup> and consistent with national policy? What regard has been given to guidance from local public health services on this issue and to evidence of obesity levels in Cheshire East or the concentrations of hot food takeaway uses within close proximity of secondary schools and colleges?

Neighbourhood parades of shops (Policy RET 6)

89. Should criterion 1 of Policy RET 6 seek to protect future neighbourhood parades of shops, where these are proposed within the strategic site allocations in the LPS?
90. Is criterion 2 of Policy RET 6 justified and consistent with national policy in seeking to protect Class E(a) and F2(a) shops within neighbourhood parades of shops? Is it likely to be effective in achieving this given that the 2020 amendments to the Use Classes Order permit changes of use within Classes E and F to other non-retail uses without the need for planning permission?

Supporting the vitality of town and retail centres (Policy RET 7)

91. Are the Primary Shopping Area boundaries for the principal town centres and town centres, and the boundaries for local centres and local urban centres, as defined on the draft Policies Map, justified based on proportionate evidence of the extent of the main shopping frontages?
92. Is Policy RET 7 consistent with national policy and would it be effective in allowing centres to diversify in response to rapidly changing market circumstances and to allow a suitable mix of uses, including housing?

Residential accommodation in the town centre (Policy RET 8)

93. Is Policy RET 8 consistent with national policy in supporting housing in the borough's centres as part of a suitable mix of uses to maintain vitality and viability? Should the policy also be applied to local centres and local urban centres?
94. In combination with Policy RET 7, would Policy RET 8 be effective in maintaining the primary shopping and commercial function of existing centres?
95. In the light of the recent changes which have taken place in town centres and the reduction in demand for retail and commercial floorspace, particularly during the Covid-19 pandemic, is a more radical approach justified to re-allocate some areas of the Borough's centres for housing and reduce pressure on greenfield sites?

Environmental improvements and design in town centres (Policy RET 9)

96. Does Policy RET 9 serve a clear purpose in addition to the design principles established for all development proposals in Policies SE 1 and GEN 1, and is it consistent with national policy in avoiding unnecessary duplication?

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<sup>31</sup> In particular Core Document ED50

Crewe town centre (Policy RET 10)

97. In light of the Council's answer to Initial Question 9<sup>32</sup>, should the Development Areas for Crewe town centre be added to the Policies Map to ensure the geographical representation of Policy RET 10?

Macclesfield town centre (Policy RET 11)

98. In the light of the Council's answer to Initial Question 9, should the Character Areas for Macclesfield town centre be added to the Policies Map to ensure the geographical representation of Policy RET 11?
99. Should the Grade II\* listed Christ Church and its surrounding area be incorporated as a character area into Policy RET 11 for Macclesfield town centre and its environs?

**MATTER 6: GENERAL REQUIREMENTS**

Design Principles (Policy GEN 1)

100. Does Policy GEN 1 serve a clear purpose, avoiding unnecessary duplication of policies in the NPPF and in the LPS, including Policies SD 1 and SD 2?
101. Is principle 1 of Policy GEN 1 clearly written and unambiguous, so it is evident how a development proposal would 'fail to take the opportunity to support the quality of place of the local area'? Is the policy justified in only determining failure against this principle as a basis for resisting a proposal on design grounds?
102. Are Policy GEN 1 and its supporting justification consistent with the updated national policy on design set out in the 2021 NPPF, in particular with regard to the National Model Design Code and the emphasis on development reflecting local design policies and guidance?

Aerodrome safeguarding and Airport public safety zone (Policies GEN 5 & GEN 6)

103. Regulation 9 of the of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires the adopted policies map to illustrate geographically the application of policies in the development plan. In the light of this, does the Council consider that, to ensure legal compliance, those parts of the Aerodrome Safeguarding area and the Airport public safety zone for Manchester Airport that are located within Cheshire East and to which Policies GEN 5 and GEN 6 apply, should be shown on the Policies Map?

Recovery of forward-funded infrastructure costs (Policy GEN 4)

104. Have the costs associated with forward funded infrastructure been taken into account in the viability assessments of the LPS and SADPD? If so, do these demonstrate whether or not allocations and future windfall development on which the local plan relies can viably support those costs?
105. Given the guidance in the PPG<sup>33</sup> that 'it is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents, as these would not be subject to examination', is Policy GEN 4 consistent with national policy in relying on SPD to set out the mechanism for calculating the cost of contributions?

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<sup>32</sup> Pages 21-23 of Examination document CEC/01

<sup>33</sup> PPG Paragraph: 004 Reference ID: 23b-004-20190901

106. Policy IN 2 of the LPS states that until a CIL Charging Schedule is in place, contributions from S106 agreements may be pooled to meet the costs of strategic infrastructure, subject to meeting legal tests, but once a CIL is in place S106 agreements will be used for site specific costs and affordable housing. Given that Cheshire East adopted a CIL Charging Schedule in February 2019, is Policy GEN 4 consistent with the LPS in now seeking to secure contributions to the forward funding of non-site specific infrastructure through S106 agreements?

Recovery of planning obligations reduced on viability grounds (Policy GEN 7)

107. In the light of the guidance in the PPG<sup>34</sup>, is Policy GEN 7 justified and consistent with national policy in setting out the circumstances where viability review mechanisms may be appropriate, as well as the process for how and when viability will be reassessed over the lifetime of a development?

Viability of SADPD policies as a whole

108. Does the evidence on viability<sup>35</sup> demonstrate whether the additional costs of policies proposed in the SADPD could be viably supported by as yet uncommitted development sites in the borough, in particular for residential development? Is there any substantive evidence to demonstrate that these additional policy costs would put at risk the delivery of the development requirements in the LPS or planned development in the SADPD?

**MATTER 7 – TRANSPORT AND INFRASTRUCTURE**

Cycleways, bridleways and footpaths (Policy INF 1)

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

Highway safety and access (Policy INF 3)

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

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

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

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<sup>34</sup> PPG Paragraph: 009 Reference ID: 10-009-20190509

<sup>35</sup> Local Plan Site Allocations and Development Policies Viability Assessment [ED52]

Protection of existing and proposed infrastructure (Policy INF 6)

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

Telecommunications infrastructure (Policy INF 8)

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

Canals and mooring facilities (Policy INF 10)

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

Roadside Facilities

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