

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

**MATTERS, ISSUES AND QUESTIONS
FOR THE EXAMINATION (MIQs)
Part 2 – Matters 8-12**

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Abbreviations used in this document:

AMR – Annual Monitoring Report
AQA – Air Quality Assessment
CIL – Community Infrastructure Levy
KSC – Key Service Centre
LLD – Local landscape designation
LOAEL – Lowest observed adverse effect level
LPS – Local Plan Strategy
LSC – Local Service Centre
MIQs – Matters, Issues and Questions
NPPF – National Planning Policy Framework 2021
OSRA – Other Settlements and Rural Areas
PPG – Planning Practice Guidance
PT – Principal Town
SA – Sustainability Appraisal
SADPD – Cheshire East Site Allocations and Development Policies Document
SOAEL – Significant observed adverse effect level
SPD – Supplementary Planning Document
SuDS – Sustainable Drainage Systems
UOAEL – Unacceptable observed adverse effect level
WHS – World Heritage Site

MATTER 8 – NATURAL ENVIRONMENT, CLIMATE CHANGE AND RESOURCES

Ecological network (Policy ENV 1)

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

Ecological implementation (Policy ENV 2)

118. Is Policy ENV 2 consistent with national policy, in particular with regard to the following requirements:
- In Part 1, that all development 'must' deliver an overall net gain for biodiversity?
 - In Part 1, that major developments and those affecting semi-natural habitats 'must' be supported by a biodiversity metric calculation?
 - In Part 2, that all development which 'impacts' on biodiversity and geodiversity, must satisfy the terms of the mitigation hierarchy?
119. Does the SADPD Viability Assessment¹ 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?

Landscape character (Policy ENV 3)

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?

¹ Core document ED52

121. Is the spatial extent of the Local Landscape Designations (LLDs), updated through the Cheshire East Local Landscape Designation Review² and defined on the Draft Adopted Policies Map³, 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?
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?

River corridors (Policy ENV 4)

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?

Landscaping (Policy ENV 5)

124. 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?

Trees, hedgerows and woodland implementation (Policy ENV 6)

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?
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?
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?

Climate change (Policy ENV 7)

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?

² Core document ED11

³ Core document ED02

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?
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?

District heating network priority areas (Policy ENV 8)

131. 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?
132. For clarity and effectiveness and compliance with the Regulations⁴, 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?

Wind energy (Policy ENV 9)

133. 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?
134. 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?

Solar energy (Policy ENV 10)

135. 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?

Proposals for battery energy storage systems (Policy ENV 11)

136. 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?

Air quality (Policy ENV 12)

137. 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?
138. 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?

⁴ Regulation 9(1) of the Town & Country Planning (Local Planning) (England) Regulations 2012

139. 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?

Aircraft noise (Policy ENV 13)

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?

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?

Surface water management and flood risk (Policy ENV 16)

142. 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?

143. 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?

Protecting water resources (Policy ENV 17)

144. 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?

MATTER 9 – HISTORIC ENVIRONMENT

Heritage at risk (Policy HER 2)

145. Is Policy HER 2 justified, clear, effective and consistent with national policy, in particular in using the word 'enabling' in part 1 and in part 4 in requiring works to listed buildings at risk to be undertaken before occupation of any new buildings?

Conservation areas (Policy HER 3)

146. Is part 2 of Policy HER 3 consistent with national policy in its definition of the circumstances in which proposals for the demolition of buildings that contribute positively to the character or appearance of a conservation area will be supported?

Listed buildings (Policy HER 4)

147. Is Policy HER 4 consistent with the LPS and national policy, particularly in the following respects:

- a) In part 1, the expectation for development proposals to 'enhance' as well as preserve a listed building and its setting?
- b) In part 2, specifying that alterations to a listed building will only be supported where criteria (i) to (v) are met, given that paragraph 201 of the NPPF allows for substantial harm to a listed building if it can be demonstrated that it is necessary to achieve substantial public benefits?
- c) In part 3, requiring exceptional circumstances to be demonstrated for the demolition of a listed building, when paragraph 200 of the NPPF requires clear and convincing justification?
- d) In part 4, specifying changes of use to a listed building will be supported where criteria (i) to (iii) are met, given that paragraph 201 of the NPPF allows for substantial harm to a listed building if it can be demonstrated that it is necessary to achieve substantial public benefits?
- e) In part 5, expecting development affecting the setting of a listed building to 'enhance' as well as preserve its setting?

Registered parks and gardens (Policy HER 5)

148. Is Policy HER 5 consistent with national policy in specifying that development proposals affecting a Registered Historic Park and Garden or its setting will only be supported where criteria (i) to (ii) can be demonstrated, given that paragraph 201 of the NPPF allows for substantial harm to a designated heritage asset if it can be demonstrated that it is necessary to achieve substantial public benefits?

Historic battlefields (Policy HER 6)

149. Is Policy HER 6 consistent with national policy in specifying that development proposals will not be supported that would harm the significance of a registered battlefield, given that paragraph 201 of the NPPF allows for substantial harm to a designated heritage asset if it can be demonstrated that it is necessary to achieve substantial public benefits?

Non-designated heritage assets (Policy HER 7)

150. Is policy HER 7 consistent with national policy in respect of the 'balanced judgement' to be applied to proposals which affect non-designated heritage assets in paragraph 203 of the NPPF?

Archaeology (Policy HER 8)

151. Is Policy HER 8 consistent with national policy in paragraphs 200 and 201 of the NPPF, in stating that proposals involving harm to scheduled ancient monuments or archaeological sites of national importance will only be supported in 'exceptional circumstances'?

152. For clarity and effectiveness, should part 3 of Policy HER 8 specify which applications must be accompanied by an archaeological assessment?

World heritage site (Policy HER 9)

153. With regard to proposals which would cause harm to the significance of Jodrell Bank Observatory (JBO) World Heritage Site (WHS), is Policy HER 9 consistent with national policy, particularly in respect of the approach to assessing substantial and less than substantial harm in paragraphs 200-202 of the NPPF?

154. Is it evident from Policy HER 9 and its supporting justification how harm to the significance of the JBO WHS should be evaluated for proposals on sites within the WHS Buffer Zone?

155. Is the distinction between the JBO Consultation Zone for radio interference and the WHS Buffer Zone, and the respective planning and heritage considerations that apply within each, clear from Policy HER 9 and its supporting justification?

MATTER 10 – RURAL ISSUES

Policy RUR 1 New buildings for agriculture and forestry (Policy RUR 1)

156. Is Policy RUR 1 positively prepared, effective and consistent with national policy in supporting a prosperous rural economy? In particular, does the requirement for an 'established' need for a development in connection with an agricultural or forestry enterprise limit opportunities for the creation of new agricultural businesses?

Farm diversification (Policy RUR 2)

157. Is Policy RUR 2 positively prepared and consistent with the LPS and national policy in supporting farm diversification as part of a sustainable rural economy?

Agricultural and forestry workers dwellings (Policy RUR 3)

158. Is Policy RUR 3 consistent with national policy in respect of the considerations to be taken into account when assessing the essential need for dwellings for rural workers?

159. Is Policy RUR 3 justified in using the nationally described space standards as a guide to floorspace needed for the purposes of rural workers dwellings?

Essential rural worker occupancy conditions (Policy RUR 4)

160. Is Policy RUR 4 justified, based on proportionate evidence, and consistent with national policy on rural housing, with regard to the circumstances in which essential rural worker housing occupancy conditions may be removed, and the requirement that such dwellings remain as affordable housing for local needs in perpetuity?

Best and most versatile agricultural land (Policy RUR 5)

161. Is Policy RUR 5 consistent with national policy and the LPS in recognising the benefits of the best and most versatile agricultural land?

Outdoor sport, leisure and recreation outside of settlement boundaries (Policy RUR 6)

162. Is Policy RUR 6 clear, effective and consistent with national policy and the LPS in defining the circumstances in which development for outdoor sport, recreation and leisure will be permitted outside of settlement boundaries?

Equestrian development outside of settlement boundaries (Policy RUR 7)

163. Is Policy RUR 7 positively prepared and consistent with national policy in supporting equestrian development as part of a prosperous rural economy? In particular, are the following requirements justified?

- to make best use of existing buildings?
- to limit additional buildings to small scale non-commercial proposals or to facilitate the growth of existing businesses?
- to construct new buildings in temporary materials?

Visitor accommodation outside of settlement boundaries (Policy RUR 8)

164. Is Policy RUR 8 positively prepared and consistent with national policy and the LPS in supporting visitor accommodation as part of a prosperous rural economy, whilst conserving the intrinsic beauty and character of the countryside? Is the restriction on new-build hotels and guesthouses and the requirement for additional buildings to be kept to a minimum level justified?

Caravan and camping sites (Policy RUR 9)

165. Is Policy RUR 9 positively prepared and consistent with national policy and the LPS in supporting sites for touring caravans and camping within the open countryside? Are the requirements to make best use of existing buildings and restrict additional buildings to a minimum level justified?

Employment development in the open countryside (Policy RUR 10)

166. Is Policy RUR 10 positively prepared and consistent with national policy and the LPS in supporting the growth and expansion of all types of businesses in the rural areas of Cheshire East, in particular by limiting this to 'certain types of' and 'small scale' employment development?

167. Is Policy RUR 10 justified in restricting additional or new employment buildings to the minimum level reasonably required for the existing or planned business operation and in requiring new buildings not to be designed to be easily converted to residential use in future?

Extensions and alterations to buildings outside of settlement boundaries (Policy RUR 11)

168. Is Policy RUR 11 justified, effective and consistent with the LPS and national policy, particularly in respect of the criteria and thresholds used to define whether an extension or alteration to a building in the open countryside or the Green Belt amounts to a disproportionate addition?

Residential curtilages outside of settlement boundaries (Policy RUR 12)

169. Given that national policy regards a material change of use of land in the Green Belt as not inappropriate development, provided it preserves its openness and does not conflict with the purposes of the Green Belt, is Policy RUR 12 justified and consistent with national policy in applying a different, more restrictive basis for determining whether a material change of use of land in the open countryside to residential garden is appropriate?

Replacement buildings outside of settlement boundaries (Policy RUR 13)

170. Is Policy RUR 13 justified, effective and consistent with the LPS and national policy, in respect of the criteria and thresholds used to define whether proposals for replacement buildings in the open countryside or the Green Belt are materially larger than the ones they would replace?

Re-use of rural buildings for residential use (Policy RUR 14)

171. Is Policy RUR 14 consistent with the LPS and national policy in supporting the residential re-use of rural buildings? Is it justified in requiring such buildings to be of a size to accommodate a satisfactory living environment without the need for extension, given that Policy RUR 11 permits additions to existing buildings of up to 50% in the open countryside?

MATTER 11 – RECREATION AND COMMUNITY FACILITIES

Green/open space protection (Policy REC 1)

172. Is Policy REC 1 justified, effective and consistent with the LPS and national policy in protecting open space in Cheshire East of recreational or amenity value? In particular:

- a) Is the inclusion of term 'green space' clear and unambiguous, is it clearly defined in the SADPD and is it consistent with national policy for the protection of open space?
- b) Is the methodology used to define open spaces for protection robust and are the areas of land identified on the Policies Map as protected open space justified, based on proportionate evidence?
- c) Is the identification of the following areas of land as protected open space justified based on their current status?
 - Land at Goddard Street, Crewe
 - Dyers Mill pond, Bollington
 - Land bound by Brook Street, Hollow Lane and Mobberley Road, Knutsford
 - Car park on land at Radbrooke Hall, near Knutsford
 - Land to the rear of 43 London Road North, Poynton
 - Land at Waterworks House, Dingle Lane, Sandbach
 - Land at Pownall Park, Wilmslow
- d) Is the protection of incidental open spaces and amenity areas which are not identified on the Policies Map justified and effective, and is it compliant with Regulation 9(1)⁵ which requires the Policies Map to illustrate geographically the application of the policies in the Plan?

Indoor sport and recreation implementation (Policy REC 2)

173. Is Policy REC 2 justified and consistent with the LPS and national policy in:

- a) Requiring housing developments to contribute towards indoor sport and recreation facilities where they would increase the demand for such facilities, rather than where there is an existing deficiency in the quantum or quality of facilities in the area or the development would lead to a deficiency?
- b) Where there is no existing leisure facility nearby, requiring contributions to be directed to the nearest community facility providing recreational activities, rather than nearby private leisure facilities?

Green space implementation (Policy REC 3)

174. Is Policy REC 3 justified and consistent with the LPS and national policy in requiring:

- a) all major employment and other non-residential development to provide open space as part of good design and to support health and well-being, and if so, to what open space standards should it be provided?

⁵ Of the Town & Country Planning (Local Planning) (England) Regulations 2012

- b) a commuted sum for maintenance of areas of open space of strategic significance for a minimum period of 20 years?

Community facilities (Policy REC 5)

175. Is Policy REC 5 consistent with national policy and will it be effective in guarding against the unnecessary loss of community facilities? Should the policy stipulate that development proposals which would result in the loss of a community facility, must provide an assessment of the value of the facility and the impact of its loss on local services and demonstrate that the loss is necessary?

MATTER 12 – IMPLEMENTATION & MONITORING

176. Is the framework for the implementation and monitoring of the LPS and SADPD⁶ appropriate and robust? Is it necessary for soundness or legal compliance for the monitoring framework to be included in the SADPD rather than in a separate document?

⁶ Local Plan Monitoring Framework 2020 – Core document ED54