

Mike Hayden
Inspector: Cheshire East Local Plan Site
Allocations and Development Policies
Document examination

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Dear Mr. Hayden,

Council responses to initial questions

The council has prepared responses to your initial questions as set out in your letters dated 12 July (EX/INS/02) and 26 July (EX/INS/03). These responses are enclosed with this letter.

We would be pleased to provide responses to any further or follow-up questions that you may have.

For your information, we would also like to take this opportunity to let you know that the council has recently published its updated housing monitoring data to the base date of 31 March 2021 and this has been published on the council's website at:
https://www.cheshireeast.gov.uk/planning/spatial-planning/research_and_evidence/strategic_housing_land_assmnt/housing-monitoring-update.aspx.

Should require any further information about this, or any other matter, please do let us know.

Yours sincerely,



Jeremy Owens
Development Planning Manager

Development at Local Service Centres (LSCs)

Q1 Policy PG8 of the SADPD expects the housing element of the LSC requirement to be addressed by windfall sites going forward. Please would the Council clarify the evidence to support this, in particular:

a) What is the breakdown of housing completions and commitments on windfall sites (of all sizes) in the LSCs, as at 31 March 2020, that were granted permission before and after the adoption of the LPS?

b) What is the average annual rate of completions on windfall sites in the LSCs that have been granted permission since the LPS was adopted?

The housing requirement and indicative figures for LSCs

1. As set out in The Provision of Housing and Employment Land and the Approach to Spatial Distribution [ED 05] ¶¶2.1-2.9, LPS Policy PG 1 'Overall Development Strategy' established the housing requirement for Cheshire East of 36,000 new dwellings over the plan period. This is the only housing 'requirement' set out in the LPS - all other figures expressed in LPS Policy PG 7 'Spatial Distribution of Development' are indicative being expressed as 'in the order of'. The LPS supporting text explains that the figures are provided as a guide and are neither a ceiling nor a target.
2. Tables 1 & 2 of [ED 05] show that boroughwide supply (40,995 dwellings without contribution made from sites allocated in the SADPD) is now significantly higher than when the LPS was adopted (36,225). Levels of plan flexibility have increased from 11.7% in 2016 to 25.9% by March 2020 (based on the number of homes left to build to reach 36,000). The SADPD is prepared in different circumstances to those which existed in 2017.
3. Table A1.3 in [ED 05] shows that housing supply at LSCs at 31 March 2020 is 3,210 new homes. This comprises of 2,007 completions on windfall sites of all sizes, 1,193 dwellings on windfall sites with planning permission (commitments) and 10 dwellings allocated in the Wrenbury Neighbourhood Plan.
4. The council's starting point is that the supply of 3,210 dwellings lies 'in the order of' the indicative figure of 3,500 new homes as it now stands [ED 05], ¶¶4.32-4.33).

1(a) Housing completions and commitments (windfall (all sizes))

5. The following table shows the breakdown of housing completions and commitments on windfall sites (of all sizes) in the LSCs at 31 March 2020, that were granted permission before and after the adoption of the LPS:

Windfall Completions (net dwellings)		Windfall Commitments (net remaining dwellings)
On sites granted permission on or before the 26 July 2017	1,767	411
On sites granted permission on or after 27 July 2017 (adoption of LPS)	240	782
TOTAL	2,007	1,193

Table 1: Windfalls granted permission before and after adoption of the LPS

6. Since the LPS was adopted, the council has established a robust five-year housing land supply and it is evident that further housing supply is still being secured on windfall sites at LSCs, in a way that is consistent with development plan policy.

1(b) Average annual rate of completions on windfall sites granted permission since the LPS was adopted

7. The following table shows the breakdown of the number of homes completed on windfall sites (of all sizes) in the LSCs that have been granted permission since the LPS was adopted:

Period	Number of dwellings completed (net)
27 July 2017 – 31 March 2018	2
1 April 2018 – 31 March 2019	32
1 April 2019 – 31 March 2020	206
TOTAL	240

Table 2: Windfall completions granted permission after the adoption of the LPS

8. Given that the first period is a partial year, inclusion of this period to calculate an annual average would skew the figures.
9. However, over the last two monitoring periods, 238 dwellings have been completed on sites granted permission after the LPS was adopted and this equates to annual average of 119 dwellings over two years (238/2).
10. Whilst this average may appear low in comparison to completions granted permission before 27 July 2017 it is inevitable as it is a far shorter time period and many dwellings will not get built immediately after receiving permission. Full permissions will normally have a 3-year commencement condition so a dwelling granted permission in July 2017 might not commence on site until July 2020.
11. Although not quantified by way of any specific allowance, it is inconceivable that additional housing delivery on windfall sites (of all sizes) yet to be granted planning permission, will not occur during the plan period.

Q2 Whilst noting the potential future contribution from small windfalls within the LSCs in paragraph 4.42 of ED05, as the windfall allowance of 875 dwellings for the Plan as a whole is separate from the requirement for 3,500 dwellings at the LSCs, please confirm whether the Council is counting part of the future projected supply from small windfalls towards the LSCs indicative target?

12. For LSCs, the council's starting point is that supply of 3,210 dwellings lies 'in the order of' the indicative figure of 3,500 new homes as it stands [ED 05], ¶¶4.32-4.33). The indicative figure for LSCs is neither a ceiling nor a target.
13. Table A.1.2 of ED 05 identifies the sources of housing land supply (at 31 March 2020) that are counted towards the indicative housing figure for LSCs. The remaining small sites windfall allowance is shown in Table A1.5. The small sites windfall is not disaggregated to individual settlements or tiers and it is not 'counted' as a projected future source of supply at LSCs or other tiers of the settlement hierarchy.
14. Whilst not counted in future supply, all windfalls will make a contribution to settlements within the hierarchy once they come forwards as commitments or completions, given that they are then added to supply and counted towards the indicative figures.
15. In considering whether to allocate further sites at LSCs for housing (which would likely require development on land outside of settlement boundaries) an assessment has also been made of the extent to which small site windfall development may also add to future LSC housing supply.

Q3 For which of the LSCs is a neighbourhood plan likely to be prepared or reviewed during the plan period? In the absence of a disaggregation of the housing requirement for the LSCs in Policy PG8, how will the Council determine a requirement figure for each neighbourhood area if requested?

16. Table 3 sets out the progress made with neighbourhood plans, whose areas generally correlate to the LSCs. Out of the 13 LSCs, 10 have a made neighbourhood plan. All 13 local councils have been contacted. Currently, three have informed us of their intentions regarding plan making or review.

LSC	Stage reached	Preparation of plan or plan review likely?
Alderley Edge	Made 28/07/21	Not known
Audlem	Made 12/4/16	Not known
Bollington	Made 1/6/18	Not known
Bunbury	Made 29/4/16	Yes
Chelford	Made 11/11/19	Not known
Disley	Made 10/8/18	Not known
Goostrey	Made 17/8/17	Yes
Haslington	Neighbourhood area designated 16/2/16	Not known
Holmes Chapel	Made 18/4/17	Yes
Mobberley	N/A	Not known
Prestbury	N/A	Not known
Shavington	Made 28/07/21	Not known
Wrenbury	Made 22/5/19	Not known

Table 3: LSC neighbourhood plan progress

17. ¶66 of the NPPF (2021) sets out that strategic planning authorities should set out a housing requirement for their whole area and for designated neighbourhood areas within their strategic policies. ¶67 goes on to say that if it is not possible to provide a requirement figure for a neighbourhood area, local planning authorities should provide an indicative figure on request. The LPS was adopted in 2017, prior to the 2018 NPPF update, which introduced this requirement. Therefore, the LPS does not establish a local requirement for any neighbourhood area. However, in supporting the development of neighbourhood plans in the borough, the council does provide as much assistance as it can on this matter when requested.
18. When a neighbourhood planning body has asked for help in considering a local housing requirement, a piece of work has been carried out that generates a range of housing figures. These have included figures derived through apportioning out the LPS indicative housing figures on the basis of household and population numbers, disaggregating MHCLG household projections and projecting forward past housing completion rates.
19. Neighbourhood planning bodies whose areas are centred on LSCs will also have increasing regard to the approach towards housing supply in the SADPD as it advances through the plan-making process. Based on the supply position in the SADPD there would be no imperative for neighbourhood planning bodies to plan for further housing development, over and above what is already enabled through policies in the LPS and SADPD. Indeed, the scope of a neighbourhood plan is a matter for the neighbourhood planning body. That said, there would be no reason why additional housing development could not be planned for through their non-strategic policies, including allocations,

subject to the approach being in general conformity with the strategic policies of the LPS (and meeting the other basic conditions). Such approaches may reflect local priorities and evidence, perhaps around achieving a more diverse housing mix or a need for affordable homes or specialist housing.

Green Belt and Safeguarded Land

Q4 Policy PG12 of the SADPD proposes the alteration of Green Belt (GB) boundaries to enable the designation of 14.48 hectares (ha) of safeguarded land (SL) at the LSCs in order to meet the remainder of the requirement for 200 ha of SL identified in the Local Plan Strategy (LPS). The exceptional circumstances set out in the LPS to justify the release of 200 ha of GB land for SL were based on a projection forward of the housing requirement in the LPS beyond 2030. However, I note that the standard method (SM) for calculating local housing need (LHN) shows the LHN for Cheshire East to be around 1,040 dpa, compared to the housing requirement of 1,800 dpa in the adopted LPS. Whilst I am clear that the housing requirement in the LPS for the period to 2030 should not be reviewed as part of this examination, I am mindful of the Aireborough court judgement¹ which indicates that a potential future change in the housing requirement in a strategic plan should be taken into account in determining exceptional circumstances for the alteration of GB boundaries in a site allocations plan. In the light of this, what implications does the SM for calculating LHN have for the future long term development needs in Cheshire East beyond 2030 and how should it be taken into account in determining whether exceptional circumstances continue to exist to justify the release of GB land in the SADPD for the designation of further SL to meet development needs beyond 2030?

Summary Response

20. The exceptional circumstances set out in the LPS to justify the release of 200ha of GB land for SL include a spatial dimension, to avoid unsustainable patterns of development. LPS Policy PG 7 'Spatial Distribution of Development' suppresses the amount of development to be provided in the North Cheshire Green Belt settlements and channels a proportion of development to locations beyond the Green Belt. It is the suppressed proportion of housing and employment development to be provided in the North Cheshire Green Belt settlements that is projected forwards in the LPS to justify the release of 200ha of GB land for SL.
21. The SM for calculating LHN produces a minimum LHN figure for the whole borough. It does not include a spatial dimension and as set out in the council's full response below, it is not a proxy for an updated and fully evidenced future housing requirement proposed through any future plan review. No plan review has started in Cheshire East and there is no emerging alternative future

¹ Aireborough Neighbourhood Development Forum v Leeds City Council & Others [2020] EWHC 1461 (Admin) (paragraph 103)

housing requirement or spatial distribution to inform the amount of safeguarded land.

22. The council's full response below also explains the significant differences in circumstances to those of the Aireborough case, and its judgment does not indicate any error in the approach to safeguarded land proposed through the SADPD.
23. The SM for calculating LHN is not a proxy for an alternative housing requirement figure in this plan period and as explained in the council's response, the SM would almost certainly produce a different LHN when calculated at the start of the next plan period in 2030.
24. Outside of a fully evidenced plan review, the implications of the SM for calculating LHN on any alternative overall housing requirement in the near future cannot be determined. Even with a new alternative overall housing requirement (evidenced through a plan review), the implications of the SM for calculating LHN on the future long-term overall development needs (beyond 2030) could not be determined. And even if the implications for the future overall long-term development needs could be determined, the implications on any future spatial distribution of development to be evidenced through a future post-2030 plan could not be determined.
25. The SM for calculating LHN cannot provide any indication of the post-2030 development requirements in Cheshire East and it should not be given any material weight in determining whether exceptional circumstances continue to exist to justify the release of GB land in the SADPD for the designation of SL to meet further potential development needs beyond 2030.
26. One of the essential characteristics of Green Belts is their permanence. As specified in the NPPF 2021 (¶143), safeguarded land is identified in order to meet longer-term development needs, stretching well beyond the plan period. It is not allocated for development at the present time. Safeguarded land is necessary in Cheshire East to be able to demonstrate that Green Belt boundaries will not need to be altered again at the end of the plan period. We cannot determine the development requirements post 2030 but in the event that a lower level of development is required in the North Cheshire Green Belt settlements than at present, then that would simply serve to increase the permanence of the Green Belt, extending the time period before any future review of its boundaries is required.

Standard Method for calculating Local Housing Need

27. The LHN calculated using the SM provides a minimum annual housing need figure and does not produce a housing requirement figure. The LHN produces the current minimum annual housing figure, which will almost certainly be different in the next plan period post-2030 at the point when safeguarded land may be needed. There are also circumstances and factors in Cheshire East that indicate that the future housing requirement for the borough post-2030 may be higher than the LHN calculated using the SM at that time, although this

would be a matter to be considered in light of the evidence that would support a Local Plan update.

Future changes to Local Housing Need

28. Using the latest available (2020) data on affordability, the SM LHN for Cheshire East is currently calculated to be 1,039 dpa. This includes a 24% uplift to account for affordability.
29. Although the current LHN figure is 1,039 dpa, safeguarded land is not allocated for development and is intended to assist in meeting longer-term development needs beyond the plan period. At the start of the next plan period in 2030, the LHN figure will almost certainly be different, even if the methodology for calculating it remains the same. The affordability ratio is updated annually and is likely to be different. The SM calculations are currently based on the average annual household growth over a 10-year period using the 2014-based household projections (even though more recent household projections are available). This provides stability, given that the projected household growth using updated projections differs greatly.
30. This is likely to change the LHN calculated using the SM in the future. For example, if the current Cheshire East LHN was to be calculated using the 2018-based household projections and the 2020 housing affordability ratio, it would be 1,391 dpa. The SM currently requires the use of the 2014-based projections, so the current LHN figure remains at 1,039 dpa but this does demonstrate that in the future, the LHN figure is likely to change at the point in time that the SM is updated to require the use of more recent household projections. At the start of the next plan period in 2030 (at the point that the safeguarded land could potentially be required), the standard method could not use the 2014 projections to calculate the minimum figure, as the 2014 data would not provide the full 10-years projection required. The 2021-based household projections (due to be released in 2023) will use the updated base population that the 2021 Census results will offer and a revised back-series of earlier years of data will also be published. Whilst this does not affect the current SM calculation, it is clear that (even if the methodology stays the same), at the point in time that safeguarded land might be needed in 2030, the data informing the SM calculation may well be significantly different to the data used in the current calculation.

Relationship to the evidenced housing requirement

31. The government's "Housing and economic needs assessment" guidance in NPPG is clear that assessing housing need is the first step in the process of deciding how many homes need to be planned for and should be undertaken separately from establishing a housing requirement figure (Paragraph: 001 Reference ID: 2a-001-20190220). The SM identifies a minimum annual housing need figure and does not produce a housing requirement figure (Paragraph: 002 Reference ID: 2a-002-20190220). Strategic policy-making authorities will need to calculate their LHN figure at the start of the plan-making process. The guidance notes that the LHN figure generated using the SM may

change as the inputs are variable and this should be taken into account by strategic policy-making authorities.

32. The NPPG (Paragraph: 010 Reference ID: 2a-010-20201216) also provides a clear statement that LHN is not a proxy for a fully evidenced housing requirement figure brought forwards through the Local Plan process:

“The government is committed to ensuring that more homes are built and supports ambitious authorities who want to plan for growth. The standard method for assessing local housing need provides a minimum starting point in determining the number of homes needed in an area. It does not attempt to predict the impact that future government policies, changing economic circumstances or other factors might have on demographic behaviour. Therefore, there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates.

This will need to be assessed prior to, and separate from, considering how much of the overall need can be accommodated (and then translated into a housing requirement figure for the strategic policies in the plan). Circumstances where this may be appropriate include, but are not limited to situations where increases in housing need are likely to exceed past trends because of:

- *growth strategies for the area that are likely to be deliverable, for example where funding is in place to promote and facilitate additional growth (e.g. Housing Deals);*
- *strategic infrastructure improvements that are likely to drive an increase in the homes needed locally; or*
- *an authority agreeing to take on unmet need from neighbouring authorities, as set out in a statement of common ground;”*

33. There is currently no plan review in progress in Cheshire East and there is no emerging alternative housing requirement figure to that set out in the LPS. Whilst there is no alternative figure emerging, it is clear that there are circumstances and factors in Cheshire East that indicate that any future housing requirement may be greater than the minimum figure set out by the LHN calculated using the SM.

34. The current housing requirement figure of 1,800 dpa is equivalent to the Objectively Assessed Need (OAN) evidenced through the LPS. The starting point for calculating the OAN was the CLG household projections, which showed a need for 1,050 dpa. This starting point was uplifted to 1,800 dpa to account for:

- 10-year migration trends (+236 dpa)
- Market signals: overcrowding, communal housing and vacant/second homes (+180 dpa)
- Employment trends (+334 dpa)

35. The current OAN represents an uplift of more than 70% over the initial starting point.

36. The uplift for employment trends was based on a predicted average 0.7% per year jobs growth rate over the plan period and a balancing of migration and employment trends, i.e. it is accepted that the 0.7% per year level of jobs growth would result in an increase in net in-commuting as well as in-migration. As shown in the Authority Monitoring Report 2019/20 [BD 04] (Indicator MF8 Net jobs growth rate), jobs growth in the first part of the plan period 2010-19 has actually exceeded the predicted rate at an average 1.6% jobs growth per year. However, this was during a period of economic recovery and jobs growth may not necessarily continue at the same rate over the remainder of the plan period.
37. The LPS is clear that the current plan does not account for the full implications of the HS2 proposals. However, a future plan will need to consider the growth implications arising from HS2, including the proposed Crewe Hub Station.
38. A future plan will need to consider the SM calculated LHN at the time as the minimum housing needs figure and the first step in the process for deciding how many homes are needed. As stated in the NPPG, this should be undertaken separately from establishing a housing requirement figure and it is clear that there are circumstances and factors in Cheshire East that will need to be considered at the time, which may result in a future housing requirement being uplifted from the minimum starting point of the LHN.

Spatial distribution of development.

39. Both the current LPS housing requirement figure and the LHN figure calculated using the SM represent an overall minimum level of housing for the whole plan area.
40. Within Cheshire East there are two separate areas of Green Belt, which are the North Cheshire Green Belt (forming part of the Green Belt surrounding the Greater Manchester conurbation) and the South Cheshire Green Belt (forming part of the Green Belt surrounding The Potteries conurbation). Together, these two areas of Green Belt represent around 34% of the plan area. LPS Policy PG 2 'Settlement hierarchy' names all settlements in the top three tiers of the hierarchy (principal towns, key service centres, and local service centres). A number of these named settlements are located (inset) within the North Cheshire Green Belt and a number of them are located beyond the Green Belt. There are no principal towns, key service centres, or local service centres inset within the South Cheshire Green Belt.
41. Due to the importance of Green Belt and the constraints to development that result, the spatial distribution of development set out in LPS Policy PG 7 involves channelling a proportion of the development needs arising in the North Cheshire Green Belt settlements to locations beyond the Green Belt. The amount of development channelled to locations beyond the Green Belt is evidenced through the LPS and balances the need to protect the Green Belt whilst maintaining sustainable patterns of development by allocating land to go some way to meeting the development needs arising in the North Cheshire Green Belt settlements.

42. The current level of development in the North Cheshire Green Belt settlements represents a constrained level of development to account for Green Belt restraints but as demonstrated through the LPS, channelling further development to locations beyond the Green Belt would represent unsustainable patterns of development.
43. If a lower housing requirement figure were to be proposed in a future plan, careful consideration would need to be given to the spatial distribution of that lower figure, particularly in respect of the proportion of development that could be channelled to locations beyond the Green Belt. The spatial distribution of a lower figure would need to retain sustainable patterns of development and make sure that the amount of development to be provided in the North Cheshire Green Belt settlements was not unsustainably low.
44. It cannot be assumed that the same proportion of development would continue to be channelled to locations beyond the Green Belt if the overall housing requirement figure were significantly lower as this could potentially lead to unsustainably low levels of development in the North Cheshire Green Belt settlements. It might be the case that in the circumstances of a significantly lower housing requirement figure, the North Cheshire Green Belt areas may need to accommodate a larger share of that smaller requirement to maintain sustainable patterns of development.
45. Any future spatial distribution of development would need to be fully evidenced through the development of a future plan.
46. This spatial dimension also informs the quantum of safeguarded land evidenced through the LPS, as it is only the proportion of development proposed by LPS Policy PG 7 that falls in the North Cheshire Green Belt area that is projected forward in the safeguarded land calculation. The amount of safeguarded land evidenced through the LPS is not based on a projection of the overall housing requirement in the LPS beyond 2030. This means that the suppressed level of development in the North Cheshire Green Belt settlements is already taken forward into the next plan period through the amount of safeguarded land to be provided.

Aireborough judgment

47. The Leeds Site Allocations Plan (SAP) sought to allocate sufficient land to meet the housing requirement set out in the city's Core Strategy (2014). To assist in meeting the Core Strategy housing requirement, a large number of Green Belt sites were proposed for release from the Green Belt in the SAP.
48. At the same time, the Core Strategy Selective Review (CSSR) sought to revise the CS housing requirement figure. The exceptional circumstances demonstrated through the evidence for the SAP were found to be based solely on the absolute level of housing need required by the adopted CS. However, the evidence set out in the CSSR indicated that the housing requirement was likely to be significantly lower than in the CS and the emerging lower figure was a material consideration that should have been taken into account in the SAP.

49. The Cheshire East circumstances differ from the Leeds circumstances in a number of important ways:

Emerging alternative housing requirement figure

50. In the Aireborough case, the lower emerging housing requirement figure was at a fairly advanced stage towards adoption. The CSSR Inspector was one of the two SAP Inspectors and at the time of adoption of the SAP in July 2019, the hearing sessions of the examination of the CSSR had already concluded and the alternative lower housing requirement figure was justified through the CSSR evidence. Following the CSSR hearing sessions, the council produced a Schedule of Main Modifications and the CSSR Inspector confirmed in her note of April 2019 that the Schedule contained those Main Modifications that were necessary to achieve a sound plan. The proposed annual housing requirement in the CSSR was not modified by the Main Modifications and had not changed from the submission draft CSSR of July 2018. Therefore, at the time of adoption of the SAP in July 2019, the CSSR Inspector had already confirmed that lower annual housing requirement in the CSSR submission draft would be sound.
51. In Cheshire East, the adopted housing requirement is set out in the up to date LPS. No plan review has started, no plan update is underway, and no alternative housing requirement figure is emerging. As set out in ¶¶27-38 above and made clear in the NPPG, the minimum LHN figure produced by applying the SM is the first step in the process of deciding how many homes need to be planned for. The current LHN figure is not an emerging housing requirement figure, the LHN is likely to be different post-2030 when safeguarded land could potentially be needed, and the factors and circumstances in Cheshire East indicate that a fully-evidenced future housing requirement may need to be uplifted from the LHN figure at the time.
52. In contrast to the Leeds situation considered in the Aireborough judgment, there is no emerging alternative housing requirement figure in Cheshire East.

Safeguarded land

53. In the Aireborough case, the emerging lower housing requirement figure was of direct relevance to the quantum of development that was to be provided for through the SAP.
54. In Cheshire East, the SADPD does not propose to alter Green Belt boundaries to accommodate development in this plan period. There is no alternative emerging housing figure that would apply in this plan period and even if there was, this would not necessarily apply to the next plan period. As set out in ¶¶27-38 above, the minimum local housing need figure produced by applying the standard method at the start of the next plan period in 2030 would almost certainly produce a different minimum local housing need figure than the current figure.

Spatial dimension

55. It is also relevant that in the Aireborough judgment, it was found that the exceptional circumstances were based solely on the absolute level of housing need required by the adopted Core Strategy. Although the Leeds City Council submission claimed that there was a spatial dimension to the exceptional circumstances, the judgment concludes this was not supported through the evidence base or Inspector's report. Although the need to provide a broad spread of housing may be a valid planning point to justify Green Belt release even though there was no need in terms of the crude housing figures, this was not supported through the evidence base and was not given as a reason within the Inspector's report.
56. In Cheshire East, the exceptional circumstances have a clear spatial dimension as set out in ¶¶39-46 above. The spatial dimension to the exceptional circumstances is set out in the LPS evidence base, written into the LPS and referenced in the Inspector's report. Under the current plan period spatial distribution of development set out the LPS, a significant proportion of development needs arising in the North Cheshire Green Belt are channelled to locations beyond the Green Belt, but to retain sustainable patterns of development, there is a need to provide a reasonable amount of development in the North Cheshire Green Belt settlements.
57. The identified exceptional circumstances in Cheshire East are not based solely on the absolute level of housing need identified by the LPS. As set out in the LPS, the importance of allocating land to go some way to meeting the identified development needs in the north of the borough, combined with the consequences for sustainable development of not doing so, constitutes the exceptional circumstances required to justify alteration of the existing detailed Green Belt boundaries, whilst maintaining the overall general extent of the Green Belt (LPS ¶63).
58. The LPS Inspector's final report (¶94) confirms that the council has provided sufficient evidence to establish the exceptional circumstances needed to justify altering Green Belt boundaries; this is essentially based on the need to allocate sufficient land for market and affordable housing and employment development, combined with the adverse consequences for patterns of sustainable development of not doing so, since it is not practicable to fully meet the assessed development needs of the area without amending Green Belt boundaries.

National Planning Policy Framework

59. When reviewing the exceptional circumstances demonstrated through the strategic policies, there have been no changes in circumstances in Cheshire East that indicate that the 200 ha of safeguarded land evidenced through the LPS is no longer an appropriate amount of safeguarded land to provide the required permanence to the Green Belt boundary, meaning that Green Belt boundaries will not need to be altered again at the end of the plan period (as required by NPPF 2021 ¶143). It is considered that the demonstrated exceptional circumstances continue to apply to justify detailed boundary

amendments in order to identify sufficient safeguarded land to be able to demonstrate that Green Belt boundaries will not need to be altered again at the end of the plan period.

60. The Aireborough case considered the exceptional circumstances issue in the context of the 2012 NPPF and there are differences between the 2012 Framework and the current version. ¶140 of the 2021 NPPF (¶136 of the 2019 NPPF) confirms that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. The 2021 NPPF differs from the 2012 NPPF in that it explicitly states that “Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period”. It also confirms that “where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies...”.
61. The 2021 NPPF is therefore clear that the exceptional circumstances are established through the strategic policies. In Cheshire East, the exceptional circumstances are established through the strategic policies of the LPS, which include the current housing requirement figure. The need for changes to Green Belt boundaries has been established through strategic policies of the LPS and the SADPD proposes to make detailed amendments through its non-strategic policies.
62. In addition, the 2021 NPPF includes some degree of flexibility in relation to the tests of soundness when applied to non-strategic policies. ¶36 confirms that the tests of soundness will be applied to non-strategic policies in a proportionate way, taking into account the extent to which they are consistent with the relevant strategic policies for the area. This flexibility in applying the tests of soundness to non-strategic policies was not explicit in the 2012 NPPF.

Conclusions on the Aireborough judgment

63. The circumstances of the case are significantly different to the circumstances in Cheshire East such that the judgment does not result in any implications for the evidence and approach of the SADPD or its proposals.
64. The Cheshire East SADPD proposes to release Green Belt land for safeguarded land, which is intended to assist in meeting longer term development needs stretching well beyond the plan period. There is no emerging alternative figure for the overall housing requirement and even if there was, this would not necessarily apply to the next plan period. And even if there was an emerging lower housing requirement figure, and even if this did apply to the next plan period, the amount of safeguarded land is based on the current plan’s suppressed proportion of development to be accommodated in the Green Belt settlements and we cannot assume the spatial distribution of development would be proportionally the same under a lower housing requirement. The identified exceptional circumstances in Cheshire East include a spatial element to avoid the adverse consequences for patterns of sustainable development of not amending Green Belt boundaries.

Limited Infilling in Villages

- Q5 The definition of 'limited infilling' in Policies PG6 of the LPS and PG10 of the SADPD differ. The former defines it as 'the infill of a small gap with one or two dwellings in an otherwise built up frontage' and the latter 'the development of a relatively small gap between existing buildings'. To ensure it is clear how decision makers should react to proposals for infilling in 'villages', is there a need to modify or justify the definition in the SADPD? If not, which definition would take precedence?**
65. LPS Policy PG 6 allows for limited infilling in villages within the open countryside, but it does not define the term "limited infilling". SADPD Policy PG 10 provides further guidance for decision-makers by providing a definition of "limited infilling", which will be supported within the defined village infill boundaries.
66. LPS Policy PG 6 Criterion 3 sets out a list of exceptions to the usual restrictive approach to development in the open countryside. The four separate exceptions listed in Criterion 3(i) should be read as a list, where each exception in the list is separated by a semicolon. The four exceptions listed in Criterion 3(i) are:
- Where there is the opportunity for limited infilling in villages.
 - The infill of a small gap with one or two dwellings in an otherwise built-up frontage elsewhere.
 - Affordable housing in accordance with the criteria contained in Policy SC 6 'Rural Exceptions Housing for Local Needs'.
 - Where the dwelling is exceptional in design and sustainable development terms.
67. The exception for "limited infilling in villages" is separate to the exception for "the infill of a small gap with one or two dwellings in an otherwise built-up frontage elsewhere".
68. "The infill of a small gap with one or two dwellings in an otherwise built-up frontage" applies "elsewhere" (i.e. in open countryside locations outside of villages). It is not a definition of "limited infilling in villages" allowed under the previous exception in the list.
69. In the council's view, there is no need to modify or justify the definition of "limited infilling" in the SADPD as it is considered to be sound and in accordance with the LPS.
70. In open countryside locations outside of villages, LPS Policy PG 6 allows for "the infill of a small gap with one or two dwellings in an otherwise built-up frontage".
71. In open countryside locations within villages, LPS Policy PG 6 allows for "limited infilling in villages" and SADPD Policy PG 10 defines this to be "the development of a relatively small gap between existing buildings". This could include the infill of a small gap with one or two dwellings in an otherwise built-

up frontage, but also allows for other types of development that may be appropriate in villages, such as a small group of new homes or a small non-residential development.

Local Green Gaps

Q6 Please identify any localised separation or green gap/green wedge policies in existing made Neighbourhood Plans that Policy PG14 would support. Would Policy PG14 unnecessarily duplicate those policies or would it serve a clear purpose in protecting the openness of local green gaps or green wedges identified in Neighbourhood Plans, which those plans do not currently achieve?

72. The purpose of Policy PG 14 'Local green gaps' is to assist with and encourage the take-up of local green gap designations in neighbourhood plans and to provide a consistent policy approach when considering planning applications for development proposals within them. Although it would be for neighbourhood planning bodies to appropriately identify such areas, should the SADPD be adopted with this policy, in the future it would be possible for neighbourhood planning bodies to cross-refer to it to apply to the local green gaps identified in their neighbourhood plans.

73. There are ten made neighbourhood development plans that include local green gap policies, although sometimes called other things. These are:

- **Sandbach Neighbourhood Plan²** (made April 2016). Policy PC1 identifies a number of 'Areas of Separation' in order to maintain the established pattern of development and the distinctive identities of the built-up and separate areas (called 'settlements' in the Plan) of the town. This policy looks for new development to minimise the impact of new development on the open character of the areas identified and prevent development that would result in further coalescence between the 'settlements'. Policy PC1 is broadly consistent with SADPD Policy PG 14. Sandbach Town Council is currently carrying out a partial update of its Plan. It has reached Regulation 14 stage and public consultation on draft revisions to the Plan³ is taking place until 1st August. One of the revisions proposed is to Policy PC1. It has been retitled 'Local Green Gaps' and additional wording has been added to it closely reflecting the wording of Policy PG 14.
- **Goostrey Parish Neighbourhood Plan⁴** (made August 2017). Policy VDLC2 identifies Local Green Gaps. It is broadly consistent with SADPD Policy PG 14 and supports development that minimises any adverse impact on the open countryside and landscape. It seeks to preserve the open countryside within local green gaps and avoid coalescence of the built form.

² <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-plans-n-z/sandbach-neighbourhood-plan.aspx>

³ <https://sandbach.gov.uk/sandbach-neighbourhood-development-plan-2021-review/>

⁴ <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-plans-g-m/goostrey-neighbourhood-plan.aspx>

- **Weston and Basford Neighbourhood Plan**⁵ (made November 2017). Policy GG1 (Green Gap) covers the extent of the Local Plan Strategic Green Gap in the parish and could perhaps be described as a holding policy pending the definition of detailed Strategic Green Gap boundaries through the SADPD.
- **Willaston Neighbourhood Plan**⁶ (made December 2017). The purpose of the green gap policy in this Plan is similar to the Weston and Basford policy. The policy numbering is the same in both plans. Its Policy GG1 (Green Gap) similarly covers the extent of the Local Plan Strategic Green Gap in the parish and is also effectively a holding policy pending the definition of detailed Strategic Green Gap boundaries through the SADPD.
- **Wistaston Neighbourhood Plan**⁷ (made December 2018). Again, containing a policy with the same reference and title, Policy GG1 (Green Gap), the Wistaston Neighbourhood Plan also adopts a holding policy approach over a green gap area based on the extent of the Local Plan Strategic Green Gap within the Parish.
- **Wrenbury Neighbourhood Plan**⁸ (made May 2019). The Wrenbury Neighbourhood Plan does not have a specific green gap policy but its Policy HOU 2 (Location of new residential development) states that any residential development outside the village settlement boundary must not negatively impact on the gaps between three separate ‘settlements’ within the Parish and result in their coalescence.
- **Moston Neighbourhood Plan**⁹ (made November 2019). This Plan defines two local green gaps. Policy LGG1 (Local Green Gaps) seeks to preserve these areas as open countryside, to prevent coalescence of the built form to maintain the established character and identity of Moston, and to prevent coalescence with Sandbach and Middlewich.
- **Acton, Edleston and Henhull Neighbourhood Plan**¹⁰ (made April 2020). This Plan designates a Local Green Gap to prevent coalescence between the eastern side of Nantwich and Acton village, and to maintain openness around the village which is important to its setting. The wording of Policy ENV4 draws largely from SADPD Policy PG 14.

⁵ <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-plans-n-z/weston-and-basford-neighbourhood-plan.aspx>

⁶ <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-plans-n-z/willaston-neighbourhood-plan.aspx>

⁷ <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-plans-n-z/wistaston-neighbourhood-plan.aspx>

⁸ <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-plans-n-z/wrenbury-neighbourhood-plan.aspx>

⁹ <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-plans-g-m/moston-neighbourhood-plan.aspx>

¹⁰ <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-plans-a-f/acton-edleston-and-henhull-neighbourhood-plan.aspx>

- **Wybunbury Combined Parishes Neighbourhood Plan**¹¹ (made April 2020). Gap Policy GG1 provides for the appropriate protection of the identified green gap between Shavington, Hough and Wybunbury to protect against their coalescence and to protect their character along with the character of the countryside between them. The Policy draws from SADPD Policy PG14 and is consistent with it. The Neighbourhood Plan policy adds in the protection of biodiversity across the green gap; however this does not result in any tension between it and SADPD Policy PG 14.
- **Eaton Neighbourhood Plan**¹² (made July 2021). Policy BNE2 (Local Green Gaps) designates a Local Green Gap between Eaton and the town of Congleton and very closely follows the wording of SADPD Policy PG 14.

74. In conclusion, the council considers that SADPD Policy PG 14 would serve a clear purpose in protecting the openness of local green gaps identified in neighbourhood plans. Although there are no significant tensions between existing neighbourhood plan local green gap policies and Policy PG 14, these neighbourhood plan policies differ in their scope and the way that green gap considerations are expressed. Policy PG 14 allows for an appropriate and consistent, and therefore a more effective, policy approach to be applied to local green gaps already identified in neighbourhood plans. It is also clear that more recent neighbourhood plans are now being informed by SADPD Policy PG 14 and, to a significant extent, adopting its wording. The Sandbach Neighbourhood Plan is a good illustration of this. Its existing policy is being amended in the light of SADPD Policy PG 14 and is now proposed to closely follow it. Should Policy PG 14 become part of the statutory development plan, future neighbourhood plans would be able to cross refer to it if they designate such areas rather than having to include their own individual policy.

Gypsy, Traveller and Travelling Showperson Accommodation

Q7 The Planning Policy for Traveller Sites requires a supply of deliverable sites sufficient to provide 5 years' worth of sites against the annualised need for pitches. For soundness this will need to be from the date of adoption of the SADPD. With regard to permanent pitches for Gypsies and Travellers, whilst the overall supply, comprising permanent pitches granted planning permission since the base date of the Gypsy and Traveller Need Assessment (GTAA) (19 pitches) and sites allocated in the SADPD (21 pitches), exceeds the need to the end of the plan period, there is insufficient information on delivery timescales for the permitted or allocated sites, to demonstrate a deliverable 5 year supply from the date of adoption. If I have overlooked this in the evidence submitted, please point me to it. Otherwise, please would the Council supply a schedule of sites for Gypsy, Traveller and Travelling Showpersons' accommodation

¹¹ <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-plans-n-z/wybunbury-ward-combined-parishes-neighbourhood-plan.aspx>

¹² <https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-plans-a-f/eaton-neighbourhood-plan.aspx>

(both permitted and allocated), with dates for the completion of pitches and evidence to support the delivery trajectory.

Introduction

75. Planning Policy for Traveller Sites (“PPTS”), ¶10, asks local planning authorities producing their Local Plan to a) identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years’ worth of sites against their locally set targets; and b) identify a supply of specific, developable sites, or broad locations for growth, for years 6-10 and, where possible, for years 11-15.
76. The tables in appendix 1 set out a schedule of sites, both permitted and allocated, and notes their status, including if pitches/plots on the site have been completed. The PPTS, in footnotes 4 and 5 set out the definition of sites considered to be deliverable and sites considered to be developable, as follows:
- Footnote 4 “To be considered deliverable, sites should be available now, offer a suitable location for development, and be achievable with a realistic prospect that development will be delivered on the site within five years. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within 5 years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans”.
 - Footnote 5 “To be considered developable, sites should be in a suitable location for traveller site development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged”
77. In line with the definition of deliverability set out above, sites with planning permission are considered to be deliverable sites for the purposes of calculating 5 years’ worth of sites against locally set targets. The tables in appendix 1 also set out those sites that are considered to be developable, where delivery is expected in the later stages of the Plan period.

Annualised Requirement

78. Table 2 of the Gypsy, Traveller and Travelling Showpeople Site Selection Report [ED 14] (page 5) sets out the annualised requirement for pitches and plots over the 13 remaining plan period from the base date of the GTAA [ED 13]. For the five-year period from the expected date of adoption of the SADPD (2022/23-2026/27), there is a locally set target to provide a total of 26 pitches, including 10% allowance for ‘unknown’ households (where it has not been determined through the GTAA whether the household meets the definition set out in annex 1 of the PPTS) and also taking account of any backlog. For Travelling Showpeople, there is a target of four plots, again taking account of backlog. For transit Gypsy and Traveller site provision, a target of between 5 and 10 pitches is included.

Years from GTAA base date	1	2	3	4	5	6	7	8	9	10	11	12	13	Total (2030)
	17/18 (base date of GTAA)	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	
Gypsy & Traveller permanent residential accumulated annualised need (rounded)	2.46 (2)	4.9 (5)	7.4 (7)	9.8 (10)	12.3 (12)	14.8 (15)	17.2 (17)	19.7 (20)	22.1 (22)	24.6 (25)	27.1 (27)	29.5 (30)	32 (32)	32
Gypsy & Traveller permanent residential accumulated annualised need (rounded) including 10% allowance ¹³	2.61 (3)	5.22 (5)	7.83 (8)	10.44 (10)	13.05 (13)	15.66 (16)	18.27 (18)	20.88 (21)	23.49 (23)	26.1 (26)	28.71 (29)	31.32 (31)	34 (34)	34
Travelling Showpeople Plots permanent accumulated annualised need (rounded)	0.38 (0)	0.8 (1)	1.2 (1)	1.5 (2)	1.9 (2)	2.3 (2)	2.7 (3)	3.1 (3)	3.5 (4)	3.8 (4)	4.2 (4)	4.6 (5)	5 (5)	5
Gypsy & Traveller transit provision	5-10 pitches													

Table 4: Annualised requirement for pitches/plots 2017/18-2030 (Table 2 in [ED 14])

¹³ For potential future households where it has not been able to be determined through the GTAA whether that household meets the definition set out in annex 1 of Planning Policy for Traveller Sites (August 2015).

Q8 With regard to transit pitches for Gypsies and Travellers, the site selection report [ED14] records that 12 transit pitches on two sites have been granted planning permission since the base date of the GTAA. Given that this already exceeds the need for 5-10 transit pitches over the plan period, please would the Council explain why the SADPD allocates a site (G&T5) for a further 10 transit pitches?

Summary Response

79. The SADPD proposes to allocate a site (G&T 5) for a further 10 transit pitches for the following reasons: -
- To provide suitable transit provision to allow the police to use their powers of enforcement for unauthorised encampments in line with the Section 62A of the Criminal Justice and Public Order Act 1994. Existing Transit provision is focused primarily on privately owned sites where there is discretion of the site owner as to who is allowed onto the site [ED 14, ¶5.237].
 - The pitch numbers in Policy HOU 5a ('Gypsy and Traveller Site Provision) address the likely permanent and transit accommodation needs of Travellers in their area in line with the requirements of the PPTS. They are framed as targets and are not a ceiling that cannot be exceeded.
 - The GTAA [ED 13] acknowledges that Cheshire East is reliant upon the implementation of the then consented (at the time of drafting the GTAA) public transit site at Cledford Lane, Middlewich to meet the identified need of between 5 and 10 transit pitches [ED13, ¶¶ 1.47-1.49].
 - The Site Selection Report [ED 14] considers the Cledford Hall site (as site option GTTS 67) and following the implementation of a detailed site selection process, the site is considered suitable for allocation in the emerging SADPD, as site G&T 5.

Background

80. There are two sites that have been granted planning permission for transit pitch provision since the base date of the 2018 GTAA [ED 14], ¶ 4.5. These are:
- James Acre, Bradwell Road (land opposite Five Acres Farm), Middlewich for four transit pitches and one permanent pitch (planning reference 16/0198C, 12 May 2017).
 - Horseshoe Farm, Warmingham Lane Moston for eight private transit pitches (planning reference 17/2398N, 17 December 2018).
81. Both sites are privately owned sites. The GTAA [ED 13] acknowledges that local authorities are not able to use transit provision on private sites as part of their enforcement action policies (¶¶ 1.47-1.49). Therefore, whilst the sites listed above provide an option for visiting households, it is at the discretion of the site owner who is allowed onto the site.
82. The Criminal Justice and Public Order Act 1994 is particularly important regarding the issue of Gypsy and Traveller transit site provision. Section 62A

of the Act allows the police to direct trespassers (unauthorised encampments) to remove themselves, their vehicles and their property from any land where a suitable pitch on a relevant caravan site is available within the same local authority area. A suitable pitch on a relevant caravan site is one that is situated in the same local authority area as the land on which the trespass has occurred, and that is managed by a local authority, registered provider or other person or body as specified by order by the Secretary of State [ED 14, ¶5.237].

83. The PPTS requires local planning authorities to set pitch targets for Gypsies and Travellers that address the likely permanent and transit site accommodation needs of Travellers in their area. Policy HOU 5a 'Gypsy and Traveller site provision' includes pitch targets for transit provision. The numbers presented in the policy are framed as targets and are not maximum numbers that cannot be exceeded.
84. The GTAA [ED 13] acknowledges that due to issues with the number of encampments, Cheshire East is reliant upon the implementation of the consented (at the time of drafting the GTAA) public transit site at Cledford Lane, Middlewich to meet the identified need of between 5 and 10 transit pitches. Since the completion of the GTAA [ED 13], the planning permission at Cledford Lane, Middlewich has lapsed. The Gypsy, Traveller and Travelling Showperson site selection report [ED 14] included the Cledford Lane site (as site option GTTS 67), and following a detailed site selection process, the site is considered suitable for allocation in the emerging SADPD albeit with some appropriate policy wording to support its delivery.
85. Separately to the SADPD process, a planning application has now been submitted on the former Cledford Hall Farm, Cledford Lane Site for the erection of 10 Gypsy and Traveller Transit Pitches (planning reference 21/1205C). The planning application at former Cledford Hall Farm (reference 21/1205C) will be considered on its own merits in accordance with the adopted development plan and any other material considerations in due course.

Crewe and Macclesfield town centres – Policies RET 10 and RET 11

- Q9 Figures 9.1 and 9.2 of the SADPD show a series of development and character areas for Crewe and Macclesfield town centres to which Policies RET10 and RET11 apply area specific development considerations. However, it is not clear from the evidence what status these plans have, whether they are part of the policies, supporting text or policies map. If they are intended to illustrate geographically the application of Policies RET10 and RET11, they should be part of the Policies Map, with boundaries following clearly identifiable physical boundaries on an ordnance survey (OS) base drawn to scale. The boundaries for the character areas in Figure 9.2 are not clearly defined on an OS base and they overlap with each other in a number of places. Therefore, in some parts of Macclesfield town centre, it will be unclear**

which character area requirements must be adhered to. For example, the considerations relevant to development proposals in the Chestergate and historic heart area are different to those for the Retail core, but both will apply where the boundaries overlap. This would be ambiguous and it will not be evident how a decision maker should react to development proposals in those areas. Please let me have your comments on this matter.

Policy RET 10 ‘Crewe town centre’

86. A red line boundary is included on the Policies Map [ED 02a] to refer the decision maker to the policy wording contained within the SADPD for Policy RET 10 ‘Crewe town centre’.
87. Policy RET 10 sets out four development areas and principles, which apply across the town centre. The policy, in its introduction, highlights that the development areas are defined in the policy wording and Figure 9.1 ‘Crewe town centre development areas’, to which the decision taker is referred. The boundaries shown in Figure 9.1 are shown on an OS base.
88. There is precedent in the LPS for the approach the council has taken to Policy RET 10. In the LPS, a number of site allocation policies present a red line boundary for the respective sites on the LPS Policies Map, but the decision taker, through the policy is referred to a figure (included in the supporting information and presented on an OS base) for clarification on site specific considerations including distribution of uses or where a masterplan has been prepared for the site. These site allocation policies include:
 - Site LPS 3 ‘Basford West, Crewe’
 - Site LPS 26 ‘Back Lane / Radnor Park, Congleton’
 - Site LPS 27 ‘Congleton Business Park Extension, Congleton’
 - Site LPS 29 ‘Giantswood Lane to Manchester Road, Congleton’
 - Site LPS 46 ‘Kingsley Fields, Nantwich’
 - Site LPS 53 ‘Land adj to J17 of M6, south east of Congleton Road, Sandbach’
89. However, if the Inspector considers that Figure 9.1 of the SADPD should be transposed onto the Policies Map for reasons of soundness and to assist in the implementation of the policy, the council would be happy to make this change. .

Policy RET 11 ‘Macclesfield Town Centre and Environs’

90. A red line boundary is included on the Policies Map to refer the decision taker to the policy wording contained within the SADPD for policy RET 11 ‘Macclesfield town centre and environs’.
91. Policy RET 11 sets out six character areas and principles, which apply across the town centre. The policy, in its introduction, highlights that the character areas are defined in Figure 9.2 ‘Macclesfield town centre and environs character areas’ to which the decision taker is referred.

92. If the way in which the character areas are currently presented raises a soundness problem, the council could revise them to follow clearly identifiable physical boundaries on an Ordinance Survey base. With one exception, the council is confident that boundaries could be amended so as not to overlap.
93. The council considers that an exception to this approach would be justified in relation to the Churchill Way Boulevard character area, which overlaps with Jordangate West, Retail Core and Chestergate at different intervals. The Churchill Way Boulevard character area is focused on sites fronting onto Churchill Way. The policy wording for the Churchill Way Boulevard character area is considered to be complementary rather than in tension with the character areas of Jordangate West, Retail Core and Chestergate which it overlaps with.
94. The council would similarly be happy to revise Figure 9.2 as described and transpose it onto the Policies Map if considered necessary by the Inspector for reasons of soundness and to assist in the implementation of the policy.

Site Allocations

- Q10 The allocation for Site CRE1 – Land at Bentley Motors includes the whole of the existing Bentley Motors site, which is also designated as a Strategic Employment area (EMP1). The sports ground is also identified as a Protected Open Space under Policy REC1. I have read the supporting evidence in the Crewe Settlement Report [ED28], which justifies the allocation to support further investment by Bentley Motors. But given that Policy EMP1 already supports proposals for further investment within the same site boundary and Policy REC1 protects the sports ground from development, it is not clear why the Bentley Motors site has been identified as a separate site allocation. This appears to be an unnecessary duplication of policies, which paragraph 16(f) of the NPPF discourages. The same approach has not been applied to other strategic employment areas. Please would the Council provide further clarification of the reasons for this allocation?**
95. ¶11.25 of the supporting text to LPS Policy EG 3 ‘Existing and Allocated Employment Sites’ lists a number of existing employment areas that are of particular significance to the economy of Cheshire East.
 96. The sites listed are not identified as Strategic Employment Areas via a policy in the LPS nor are they defined on the adopted policies map. Instead they are indicated on a series of ‘town maps’ in the plan for example, Figure 15.1 Crewe Town Map.
 97. SADPD Policy EMP 1 ‘Strategic employment areas’ puts those existing employment areas listed in the LPS supporting text into policy and the extent of those areas is defined on the policies map. Policy EMP 1 recognises that these are important existing employment sites and should be protected for employment use. Criterion 3 of Policy EMP 1 states that ‘proposals for further investment for employment uses in these areas will be supported, subject to other policies in the development plan’.

98. As set out in the supporting text to Site CRE 1 ‘Land at Bentley Motors’ and the Crewe Settlement Report [ED 28], Bentley Motors is of particular significance to the Crewe economy and Cheshire East. In conjunction with the council, Bentley Motors has produced a Development Framework and Masterplan which was endorsed by the council in May 2017. The masterplan includes proposals for phased investment at the site including the potential expansion into the adjacent allocated Site LPS 4 ‘Leighton West’ which sits to the immediate north. In the context of Bentley forming part of the Volkswagen Group comprising twelve brands from seven European countries the council would wish to give the Bentley site particular recognition in the Plan as a location where further investment is positively promoted. This may assist in securing investment in the site in circumstances where there may be competing locations internationally as to where this could be directed.
99. Policy CRE 1 recognises the importance of the Bentley site and it provides support to the continued investment at the site by Bentley Motors. The policy brings together a set of site-specific criteria against which phased redevelopment proposals can be assessed for the duration of the plan period. To date, no single planning application submitted or approved at the site, covers the extent of the entire allocation.
100. There are other employment sites that are protected as existing employment sites and are also subject to a specific site allocation policy. Alderley Park is also cited in Policy EMP 1 and the supporting text to LPS Policy EG 3 but is also allocated in the LPS (Site LPS 61 ‘Alderley Park’) for various uses including employment.

Revised National Planning Policy Framework

Q11 The Government published a revised National Planning Policy Framework (the new Framework) on 20 July 2021.

Paragraph 218 of the new Framework states that plans may need to be revised to reflect the policy changes which it has made. With the exception of the policy on larger-scale development in paragraph 22 of the new Framework, there are no transitional arrangements for the remaining policy changes in the new Framework for Local Plans submitted after 24 January 2019.

One of the tests of soundness in paragraph 35 of the new Framework is consistency with national policy. Therefore, as part of my examination, I will need to consider whether the changes to national policy in the new Framework have any implications for the soundness of the SADPD as submitted, and, if so, how these might be resolved.

101. The council has reviewed the policies and proposals of the SADPD in light of the new Framework and considers that the changes have very limited, if any implications for the soundness of the SADPD.
102. In the council’s view, the need for any amendment to the SADPD only arises through ¶131 of the new Framework . This requires planning policies to

ensure that streets are tree-lined; opportunities are taken to incorporate trees elsewhere; long-term maintenance of newly-planted trees is secured; and existing trees are retained wherever possible.

103. SADPD Policy ENV 6 ‘Trees, hedgerows and woodland implementation’ seeks to retain existing trees and requires trees to be incorporated into developments as part of a comprehensive landscaping scheme, but it does not reference tree-lined streets or long-term maintenance. Should the Inspector find that a main modification to Policy ENV 6 is required for soundness in light of the new Framework, the council would be happy to propose additions to address this matter.
104. Prior to adoption of the SADPD, the council would also make the following minor (additional) modifications to refer to updated NPPF paragraph and footnote numbers where these have changed:
- ¶4.36: “...and paragraph 175(e)-180(c) of the NPPF (2021). Woodland...”
 - ¶4.46: “... The NPPF 2021 (footnote 49)-(footnote 54) and LPS Policy...”
 - ¶11.4: “The policy reflects paragraph 97-99 of the NPPF (2021), which...”
105. The council’s view regarding the implications of each of the changes to the NPPF is set out in Table 5 below, where these changes have potential relevance to the SADPD.

2021 NPPF ¶	Description of amendment	Council view regarding Implications
7	Additional information on the high level summary of sustainable development.	The approach to sustainable development set out through the LPS and SADPD remains in accordance with this revision.
8b	New emphasis on the creation of ‘beautiful places’ to achieve sustainable development.	The SADPD promotes good design and includes draft Policy GEN 1 ‘Design Principles’ to supplement LPS Policy SE 1 ‘Design’. Further guidance is also set out in the Cheshire East Design Guide SPD.
11a	The meaning of the presumption in favour of sustainable development for plan-making has been amended to say that all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects.	The matters added to the meaning of the presumption for plan-making are not new to national policy. All of these matters have guided the preparation of the LPS and the SADPD and are addressed in LPS and SADPD policies and proposals. The council does not consider that the changes to paragraph 11a have any implications for the soundness of the SADPD.

20; 22	The section on 'strategic policies' now includes additional emphasis on design plus a requirement for longer-term visions for larger scale developments.	The LPS already sets out strategic policies and the SADPD adds further detail through non-strategic policies. The SADPD does not propose any larger scale developments that would fall under the transitional arrangements.
35d	The fourth test of soundness has been amended. It now says that consistency with national policy not only involves enabling the delivery of sustainable development in accordance with the policies in the Framework but also other statements of national planning policy, where relevant.	All relevant statements of national planning policy were taken into account during the preparation of the SADPD and the council considers there to be no other statements of national planning policy that affect the consistency of the SADPD with national policy.
53	Changes to policy on the use of Article 4 Directions.	SADPD policies are not reliant on the use of Article 4 Directions.
73	Introduction of additional requirements when planning for larger scale development such as new settlements or significant extensions to existing villages and towns.	The SADPD does not propose any larger scale developments to which these changes would apply.
92	In respect of prevention of crime and disorder, an increased emphasis on attractive and well-designed routes and high quality public space; and confirmation that this applies to cycle as well as pedestrian routes.	These principles are already embedded with the local plan through LPS Policies SE 1 'Design' and CO 1 'Sustainable travel and transport'.
96	A new requirement for local planning authorities to work proactively with stakeholders to plan for public service infrastructure and resolve key issues before applications are submitted.	Whilst this primarily relates to the development management phase, input from infrastructure providers has been fully-considered at stage 6 of the Site Selection Methodology [ED 07].
98	In addition to being important for the health and well-being of communities, the revision confirms that a network of high quality open spaces can also deliver benefits for nature and support efforts to address climate change.	The LPS (¶13.49) already acknowledges the importance of multi-functional green infrastructure for nature and climate change adaptation. A minor (additional) modification to the supporting information of SADPD Policy REC 1 'Green/open space protection' will be needed at ¶11.4 to update the NPPF reference from ¶197 to ¶199.

110c	This paragraph now refers to ensuring that, in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code.	Within the SADPD, Policy GEN 1 supporting info (¶3.5) notes that proposals should take account of the National Design Guide. In addition, Policy INF 3 'Highway safety and access' requires proposals to comply with the Highway Authority's and other highway design guidance. The new paragraph in the 2021 NPPF will also be a material consideration in planning decisions.
125	This paragraph, reflecting the NPPF's additional emphasis on high quality, well-designed places now says that local planning authorities can use area-based character assessments, design guides and codes and masterplans to help ensure that land is used efficiently while also creating beautiful and sustainable places.	The SADPD Policy GEN 1 'Design' is supportive of these tools (see ¶3.5) and the Cheshire East Design Guide SPD is also used to guide proposals.
126-129	Encouragement for all local planning authorities to prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences.	The Cheshire East Design Guide SPD is used to guide proposals. The council will review whether revised or additional guidance (in the form of SPD or other guidance) is required in light of the amends to the NPPF.
131	New requirements for planning policies to ensure that streets are tree-lined; opportunities are taken to incorporate trees elsewhere; long-term maintenance of newly-planted trees is secured; existing trees are retained wherever possible.	SADPD Policy ENV 6 'Trees, hedgerows and woodland implementation' seeks to retain existing trees and requires trees to be incorporated into developments as part of a comprehensive landscaping scheme. If the Inspector considers it to be necessary for soundness, the council could propose additions to Policy ENV 6 as a main modification, to ensure that streets are tree-lined and to secure the long-term maintenance of newly planted trees.
134	Revisions to emphasise the importance of good design and to confirm the significant weight to be applied to local and government design guidance.	In addition to LPS Policy SE 1'Design' and SADPD Policy GEN 1 'Design principles', the Cheshire East Design Guide SPD is used to guide proposals. The council will review

		whether revised or additional guidance (in the form of SPD or other guidance) is required in light of the amends to the NPPF.
160-161	Amendments so that flooding considerations include all sources of flood risk and increased emphasis on natural flood management techniques.	LPS Policy SE 13 'Flood risk and water management' is considered to be in accordance with this revised policy on flood risk.
176	Additional words to confirm that development in the setting of National Parks should be sensitively located and designed to avoid or minimise adverse impacts on designated areas.	LPS Policy SE 15 'Peak District National Park Fringe' addresses this issue.
198	Additional requirements for retaining statues, plaques, memorials or monuments when considering planning applications.	This new paragraph will be taken into account as a material consideration when determining planning applications.

Table 5: Council view regarding implications of the new Framework

Appendix 1 - Gypsy and Traveller Pitch Schedule

Completions May 2017 (after GTAA) - 31 March 2020 (base date of SADPD)

Number	Commitment (C) or Allocation (A)	Permission/ Allocation Reference	Date Permission Granted	Address	Pitches		Evidence / Commentary
					Permanent	Transit	
1	C	16/0198C	12-May-17	James Acre, Bradwell Road, Middlewich, CW10 0JS	1	4	Conditions discharged 17/4132D. Included as a site in the 2020 & 2021 caravan count. Address details present for caravans on site.
2	C	17/2398N	17-Dec-18	Horseshoe Farm, Warmingham Lane, Moston, CW10 0HJ		8	2020 caravan count notes two chalet (mobile home) and nine touring caravans. 2021 caravan count notes two chalet and six touring caravans.
3	C	17/2114C	27-Jun-19	Thimswarra Farm, Dragons Lane, Moston, CW11 3QB	2		Permission from temporary planning permission to permanent (ref 17/2114C). Discharge of conditions approval 19/4849D. Two chalet and six touring caravans noted in the 2020 caravan count. Presence noted in the 2021 caravan count. Address detail for caravan on site.
4	C	17/5170C	17-Jun-19	Meadowview, South of Dragons Lane, Moston, CW11 3QB	4		Permission from temporary planning permission to permanent (ref 17/5170C). Discharge of conditions approval 19/4341D. Four chalets noted on site in the 2020 caravan count. Address details for caravans present on site.
6	C	17/2879N	29-Aug-19	12 Cemetery Road, Weston, CW2 5LQ	1		One touring caravan on site according to the 2020 caravan count.
7	C	19/0463N	14-Mar-19	5 Waldrons Lane, Crewe, CW1 4PT	2		Application is retrospective according to the description of development. Four caravans on site according to the 2020 caravan count.
Total					10	12	

Sites that form 'Deliverable' Supply of Permanent Pitches - 01 April 2020 onwards

Number	Commitment (C) or Allocation (A)	Permission/ Allocation Reference	Date Permission Granted	Address	Pitches		Evidence / Commentary	20/21	21/22	22/23	23/24	24/25	25/26	26/27
					Permanent	Transit								
5	C	16/0962C	17-Jun-19	Land south of Dragons Lane, Moston, CW11 3QB	1		Three year permission - would expire on the 17 June 2022.			1				
8	C	16/2247C	19-Dec-19	Land off Dragons Lane, Moston, CW11 3QB	1		Three year permission - would expire on the 19 December 2022.			1				
9	C	19/5261N	10-Mar-20	Baddington Lane, Nantwich, CW5 8AD	6		Three year permission - would expire on the 10 March 2023.			6				
10	C	18/2413C	02-Apr-20	Land adjoining Meadowview Park, Dragons Lane, Moston, CW11 3QB	1		Permission granted, at appeal, post 31.03.2020 base date. Conditions discharged 20/2300D. Has an address. Site complete	1						
11	A	G&T 1		Baddington Park, Baddington Lane, Nantwich, CW5 8AD	2		The allocation would represent an extension to site number 9 (Baddington Park). Allocation would support intensification of the site by a further 2 pitches. Representations received from the landowner to support the allocation of the site for 8 pitches in total (reference PBD 1588).						2	

13	A	G&T 3 & 18/2925N	28-Jan-21	New Start Park, Wettenhall Road, Nantwich, CW5 6EL	8	Permission granted, at appeal, post 31.3.2020 base date. The planning permission related to a change from temporary planning permission to permanent planning permission. Complete.	8							
16	A	G&T 8		The Oakes, Mill Lane, Smallwood, CW11 2UB	4	This allocation would represent an extension to an existing site (ref 14/2590C - 4 pitches). There is a current application for 8 pitches on the site which includes the area with planning permission (ref 20/1876C). A call for sites submission was received (reference PBD 2705) for the site to be considered for Gypsy and Traveller pitches in the SADPD. The site was considered through the Gypsy and Traveller and Travelling Showpeople Site Selection Report [ED 13] and considered suitable for allocation.						4		
Total					23	Total	9	0	8	4	2			

Sites that form 'Deliverable' Supply of Transit Pitches

Number	Commitment (C) or	Permission/ Allocation	Date Permission	Address	Pitches		Evidence / Commentary	22/23	23/24	24/25	25/26	26/27
					Permanent	Transit						
15	A	G&T 5		Cledford Hall, Cledford Lane, Middlewich, CW10 0JR		10	Subject of a current planning application ref 21/1205C.	10				
Total						10	Total	10				

Allocations that are considered to be 'Developable' for Permanent Gypsy and Traveller Site Provision

Number	Commitment (C) or Allocation (A)	Permission/ Allocation Reference	Date Permission Granted	Address	Pitches		Evidence / Commentary
					Permanent	Transit	
12	A	G&T 2		Land at Coppenhall Moss, Parkers Road / Kents Lane, CW1 4PX	7		Council owned site. Subject to allocation being confirmed then the necessary land / planning consent would be required to bring the site forward. Council would dispose of the land to a private landowner or registered provider with appropriate safeguards, including covenants and/or conditions to ensure the site is brought forward as a permanent Gypsy and Traveller site allocation.
14	A	G&T 4		Three Oakes Site, Booth Lane, Middlewich, CW10 OHE	24		Extension to an existing site. Considered suitable for allocation through the site selection process documented in ED 14. Allocation of the site would provide certainty to the use of the site as previous permission lapsed. As counted in the supply of sites within the GTAA then does not form part of 'new' supply to meet the target set out in the GTAA. Subject to allocation being confirmed then the necessary planning consent would be required to bring the site forward.
Total					7		

Appendix 1 - Travelling Showperson Plot Schedule

Commitment (C) or Allocation (A)	Permission/ Allocation Reference	Date Granted	Address	Plots		Evidence / Commentary	22/23	23/24	24/25	25/26	26/27
				Permanent	Transit						
A	TS1		Lorry Park, off Mobberley Road, Knutsford, WA16 8HX	3		Council owned site. Subject to allocation being confirmed then the necessary land / planning consent would then be required to bring the site forward. Site is currently a lorry park with annual licence arrangements in place. Licence holders would need to be given the appropriate notification period.					3
A	TS2		Land at Fir Farm, Brereton, CW11 2SW	10		Site not included in the GTAA. Represents a site specific need presented to the Council following the completion of the GTAA. Further information on the site submitted during the consultation process on the SADPD, including the Revised Publication Draft SADPD (ref RPD859). New access road now constructed and conditions discharged (ref 19/3093D).		10			
A	TS3		Land at Former Brickworks, A50 Newcastle Road, CW11 1RS	2		Existing site. Site has personal planning permission for 1 plot (ref 20525/3). Allocation proposed to intensify and regularise use and the number of plots on the site.					2
Total				5		Total					5