

Cheshire East Local Plan

Site Allocations and Development Policies Document

Report of Consultation: Proposed Main Modifications and Policies Map Modifications

June 2022

Contents

1. Introduction.....	5
2. Consultation documents	5
3. Notification of the consultation.....	7
4. Other publicity.....	7
5. Representations.....	8
6. Next steps.....	11
Appendix 1: Consultation and supporting documents	12
Appendix 2: Summary of issues raised and the council's response.....	13
MM01 (Policy PG 9 'Settlement boundaries')	14
MM02 (Policy GEN 1 'Design principles')	15
MM03 (Policy GEN 4 'Recovery of forward funded infrastructure').....	18
MM04 (Policy GEN 5 'Aerodrome safeguarding')	19
MM05 (Policy GEN 6 'Airport public safety zone')	20
MM06 (Policy ENV 1 'Ecological network')	20
MM07 (Policy ENV 2 'Ecological implementation')	23
MM08 (Policy ENV 3 'Landscape character').....	25
MM09 (Policy ENV 4 'River corridors').....	27
MM10 (Policy ENV 5 'Landscaping').....	27
MM11 (Policy ENV 6 'Trees, hedgerows and woodland implementation').....	27
MM12 (Policy ENV 7 'Climate change')	29
MM13 (Policy ENV 8 'District heating network priority areas')	30
MM14 (Policy ENV 9 'Wind energy').....	30
MM15 (Policy ENV 10 'Solar energy').....	30
MM16 (Policy ENV 11 'Proposals for battery energy storage systems')	30
MM17 (Policy ENV 12 'Air quality')	31
MM18 (Policy ENV 13 'Aircraft noise')	32
MM20 (Policy ENV 17 'Protecting water resources').....	32
MM21 (Policy HER 2 'Heritage at risk').....	33
MM22 (Policy HER 3 'Conservation areas').....	34
MM23 (Policy HER 4 'Listed buildings')	35
MM24 (Policy HER 5 'Registered parks and gardens').....	35
MM26 (Policy HER 7 'Non-designated heritage assets')	36
MM27 (Policy HER 8 'Archaeology').....	36
MM28 (Policy HER 9 'World heritage site').....	37
MM29 (Policy RUR 1 'New buildings for agriculture and forestry').....	39
MM30 (Policy RUR 3 'Agriculture and forestry workers dwellings')	39
MM31 (Policy RUR 6 'Outdoor sport, leisure and recreation outside of settlement boundaries').....	40
MM32 (Policy RUR 7 'Equestrian development outside of settlement boundaries').....	41
MM33 (Policy RUR 8 'Visitor accommodation outside of settlement boundaries')	42
MM34 (Policy RUR 9 'Caravan and camping sites')	42
MM35 (Policy RUR 10 'Employment development in the open countryside')	42

MM36 (Policy RUR 11 ‘ Extensions and alterations to buildings outside of settlement boundaries’)	46
MM37 (Policy RUR 12 ‘Residential curtilages outside of settlement boundaries’)	47
MM38 (Policy RUR 13 ‘Replacement buildings outside of settlement boundaries’)	48
MM39 (Policy RUR 14 ‘Re-use of rural buildings for residential use’)	50
MM40 (Policy EMP 2 ‘Employment allocations’)	50
MM41 (Policy HOU 1 ‘Housing mix’)	50
MM42 (Policy HOU 2 ‘Specialist housing provision’)	53
MM43 (Policy HOU 3 ‘Self and custom build housing’)	55
MM46 (Policy HOU 6 ‘Accessibility and wheelchair housing standards’)	56
MM47 (Policy HOU 7 ‘Subdivision of dwellings’)	57
MM48 (Policy HOU 8 ‘Backland development’)	57
MM49 (Policy HOU 9 ‘Extensions and alterations’)	58
MM50 (Policy HOU 10 ‘Amenity’)	58
MM51 (Policy HOU 11 ‘Residential standards’)	58
MM52 (Policy HOU 12 ‘Housing density’)	59
MM53 (Policy RET 1 ‘Retail hierarchy’)	60
MM54 (Policy RET 3 ‘Sequential and impact tests’)	61
MM55 (Policy RET 5 ‘Restaurants, cafés, pubs and hot food takeaways’)	62
MM56 (Policy RET 6 ‘Neighbourhood parades of shops’)	62
MM59 (Policy INF 1 ‘Cycleways, bridleways and footpaths’)	62
MM60 (Policy INF 3 ‘Highway safety and access’)	63
MM61 (Policy INF 4 ‘Manchester Airport’)	63
MM63 (Policy INF 10 ‘Canals and mooring facilities’)	64
MM64 (Policy REC 1 ‘Green/open space protection’)	64
MM65 (Policy REC 2 ‘Indoor sport and recreation implementation’)	65
MM66 (Policy REC 3 ‘Green space implementation’)	66
MM69 (Site MID 2 ‘East and west of Croxton Lane’)	66
MM70 (Site PYT 3 ‘Land at Poynton High School’)	67
MM71 (Site PYT 4 ‘Former Vernon Infants School’)	67
MM72 (Chapter 13: Monitoring and implementation)	68
PM01 (Village Infill Boundaries)	70
PM03 (Airport Public Safety Zones)	71
PM05 (Local Landscape Designation Areas)	71
PM11 (Protected Open Space)	72
Responses regarding other matters or general issues	72
 Appendix 3: Copy of representations received	 75
MM01 (Policy PG 9 ‘Settlement boundaries’)	76
MM02 (Policy GEN 1 ‘Design principles’)	81
MM03 (Policy GEN 4 ‘Recovery of forward funded infrastructure’)	87
MM04 (Policy GEN 5 ‘Aerodrome safeguarding’)	89
MM05 (Policy GEN 6 ‘Airport public safety zone’)	91
MM06 (Policy ENV 1 ‘Ecological network’)	92
MM07 (Policy ENV 2 ‘Ecological implementation’)	98
MM08 (Policy ENV 3 ‘Landscape character’)	102
MM09 (Policy ENV 4 ‘River corridors’)	105
MM10 (Policy ENV 5 ‘Landscaping’)	107

MM11 (Policy ENV 6 'Trees, hedgerows and woodland implementation')	108
MM12 (Policy ENV 7 'Climate change')	114
MM13 (Policy ENV 8 'District heating network priority areas')	116
MM14 (Policy ENV 9 'Wind energy')	117
MM15 (Policy ENV 10 'Solar energy')	118
MM16 (Policy ENV 11 'Proposals for battery energy storage systems')	119
MM17 (Policy ENV 12 'Air quality')	120
MM18 (Policy ENV 13 'Aircraft noise')	122
MM20 (Policy ENV 17 'Protecting water resources')	124
MM21 (Policy HER 2 'Heritage at risk')	126
MM22 (Policy HER 3 'Conservation areas')	129
MM23 (Policy HER 4 'Listed buildings')	131
MM24 (Policy HER 5 'Registered parks and gardens')	133
MM26 (Policy HER 7 'Non-designated heritage assets')	134
MM27 (Policy HER 8 'Archaeology')	136
MM28 (Policy HER 9 'World heritage site')	137
MM29 (Policy RUR 1 'New buildings for agriculture and forestry')	145
MM30 (Policy RUR 3 'Agriculture and forestry workers dwellings')	146
MM31 (Policy RUR 6 'Outdoor sport, leisure and recreation outside of settlement boundaries')	148
MM32 (Policy RUR 7 'Equestrian development outside of settlement boundaries')	149
MM33 (Policy RUR 8 'Visitor accommodation outside of settlement boundaries')	151
MM34 (Policy RUR 9 'Caravan and camping sites')	152
MM35 (Policy RUR 10 'Employment development in the open countryside')	153
MM36 (Policy RUR 11 'Extensions and alterations to buildings outside of settlement boundaries')	155
MM37 (Policy RUR 12 'Residential curtilages outside of settlement boundaries')	159
MM38 (Policy RUR 13 'Replacement buildings outside of settlement boundaries')	160
MM39 (Policy RUR 14 'Re-use of rural buildings for residential use')	163
MM40 (Policy EMP 2 'Employment allocations')	164
MM41 (Policy HOU 1 'Housing mix')	165
MM42 (Policy HOU 2 'Specialist housing provision')	170
MM43 (Policy HOU 3 'Self and custom build housing')	177
MM46 (Policy HOU 6 'Accessibility and wheelchair housing standards')	182
MM47 (Policy HOU 7 'Subdivision of dwellings')	186
MM48 (Policy HOU 8 'Backland development')	187
MM49 (Policy HOU 9 'Extensions and alterations')	188
MM50 (Policy HOU 10 'Amenity')	189
MM51 (Policy HOU 11 'Residential standards')	190
MM52 (Policy HOU 12 'Housing density')	193
MM53 (Policy RET 1 'Retail hierarchy')	200
MM54 (Policy RET 3 'Sequential and impact tests')	202
MM55 (Policy RET 5 'Restaurants, cafés, pubs and hot food takeaways')	204
MM56 (Policy RET 6 'Neighbourhood parades of shops')	205
MM59 (Policy INF 1 'Cycleways, bridleways and footpaths')	206
MM60 (Policy INF 3 'Highway safety and access')	207

MM61 (Policy INF 4 'Manchester Airport').....	209
MM63 (Policy INF 10 'Canals and mooring facilities')	212
MM64 (Policy REC 1 'Green/open space protection')	214
MM65 (Policy REC 2 'Indoor sport and recreation implementation')	216
MM66 (Policy REC 3 'Green space implementation').....	217
MM69 (Site MID 2 'East and west of Croxton Lane').....	218
MM70 (Site PYT 3 'Land at Poynton High School')	221
MM71 (Site PYT 4 'Former Vernon Infants School').....	222
MM72 (Chapter 13: Monitoring and implementation)	225
PM01 (Village Infill Boundaries)	229
PM03 (Airport Public Safety Zones).....	231
PM05 (Local Landscape Designation Areas)	232
PM11 (Protected Open Space).....	233
Responses regarding other matters or general issues.....	240

1. Introduction

- 1.1 Cheshire East Council submitted its 'Site Allocations and Development Policies Document' (SADPD) to the Secretary of State in April 2021 for public examination. The SADPD will set non-strategic and detailed planning policies to guide planning decisions and allocate additional sites to meet the overall development requirements set out in the Local Plan Strategy (LPS). It has been prepared to support the policies and proposals of the LPS by providing additional site allocations and policy detail.
- 1.2 The SADPD is currently being examined by an independent Planning Inspector appointed by the Secretary of State¹ and examination hearing sessions were held in October and November 2021. 'Main Modifications' are changes to the submitted Plan that the Inspector considers necessary to for the Plan to be found sound, legally-compliant and capable of adoption as part of the development plan used to make decisions on planning applications.
- 1.3 Having considered the issues raised through previous representations and the examination process, the Inspector issued his post hearing advice² on the Main Modifications that are likely to be required to make the SADPD sound and/or legally compliant on 25 January 2022. These Main Modifications are in addition to those discussed and agreed at the examination hearing sessions.
- 1.4 Following receipt of the Inspector's post hearing advice, the council published a Schedule of Proposed Main Modifications and a Schedule of Proposed Policies Map Modifications for public consultation.
- 1.5 This Statement of Consultation set out the details of the consultation and publicity carried out during April and May 2022. The statement also gives details of the representations received, the main issues raised and the council's response to those main issues.
- 1.6 The six week representations period took place between 19 April and 5:00pm on 31 May 2022 and the consultation was carried out in accordance with the requirements of the council's Statement of Community Involvement³.

2. Consultation documents

- 2.1 Representations were invited on the following consultation documents:
 - **The Schedule of Proposed Main Modifications**, which sets out the changes arising through the examination process that are considered to

¹ Full details of the examination are available on the dedicate examination website at <https://www.cheshireeast.gov.uk/sadpdexamination>

² Documents [INS/33] and [INS/34] in the examination library available at https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire_east_local_plan/site-allocations-and-policies/sadpd-examination/examination-library.aspx

³ Available at https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire_east_local_plan/sci.aspx

be necessary for the SADPD to be found sound, legally-compliant and capable of adoption.

- **Schedule of Policies Map Modifications**, which shows the proposed changes to the Policies Map.

2.2 In addition, the following supporting documents were also published:

- **Sustainability Appraisal Addendum**. This assesses the extent to which the SADPD, including the proposed Main Modifications, will help to achieve relevant environmental, economic and social objectives, when judged against the alternatives.
- **Habitats Regulations Assessment Addendum**, which considers the impact of the SADPD, including the proposed Main Modifications, on internationally-designated nature conservation sites.
- **Schedule of Proposed Additional Modifications**. The Additional Modifications represent minor clarifications, consequential amendments, typographical changes and factual corrections. They are not required to make the plan sound or legally compliant, were published for information only and did not form part of the Main Modifications consultation.
- **Draft SADPD (Main Modifications Version)**. This version of the SADPD shows the proposed Main Modifications and Additional Modifications as tracked changes to the submitted version of the Plan.

2.3 A formal notice (the Statement of the Representations Procedure), a Representations Form, and a Consultation Guidance Note were also published to support the consultation.

2.4 Copies of all the consultation documents and supporting documents were available online on the council's Local Plan Consultation Portal⁴ and were also available for inspection at:

- Crewe Customer Service Centre, Delamere House, Delamere Street, Crewe CW1 2JZ;
- Macclesfield Customer Service Centre, Town Hall, Market Place, Macclesfield SK10 1EA;
- Westfields, Middlewich Road, Sandbach CW11 1HZ; and
- Public libraries at Alderley Edge, Alsager, Bollington, Congleton, Crewe, Disley, Handforth, Holmes Chapel, Knutsford, Macclesfield, Middlewich, Nantwich, Poynton, Prestbury, Sandbach and Wilmslow.

2.5 The Schedule of Proposed Main Modifications and the Schedule of Proposed Additional Modifications use underlined text to show text that is proposed to be added to the submitted version of the Plan, and strikethrough text to show text that is proposed to be deleted from the submitted version of the Plan. Because the use of underline and strikethrough text may not be suitable for users of

⁴ <https://cheshireeast-consult.objective.co.uk/portal/planning/cs/sadpd/mmschedule>

assistive technology, such as screen-reading software, separate accessible versions of the Schedule of Proposed Main Modifications and Schedule of Proposed Additional Modifications were also published on the council's consultation portal. These accessible versions set out the wording as included in the submitted Plan followed by the wording as proposed by the modification (instead of using underlined and strikethrough text).

- 2.6 Links to all the consultation and supporting documents are provided in Appendix 1.

3. Notification of the consultation

- 3.1 Notification of the consultation was sent to all stakeholders on the council's Local Plan Consultation Database (excluding those who have unsubscribed to notifications or informed the council that they do not wish to receive information regarding the Local Plan). The database includes all parties who made representations to any of the SADPD Regulation 18/19 consultations or who participated in the examination as well as local residents, landowners and developers, planning agents, along with the 'specific consultation bodies', 'general consultation bodies' and 'residents or other persons carrying on business in the local planning authority's area' as specified in the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 3.2 These notifications consisted of 400 letters posted on 14 April 2022 and 2,559 emails sent on the morning of 19 April 2022.
- 3.3 Separate notification letters were also sent to all Cheshire East Council members, all town and parish councils in Cheshire East and all MPs whose constituencies are wholly or partly within Cheshire East.

4. Other publicity

- 4.1 The consultation was signposted from the council's website on:
- The consultations page⁵;
 - The Site Allocations and Development Policies Document page⁶; and
 - The 'latest news' page of the examination website⁷.
- 4.2 In addition, a press release titled 'Examination of planning policies moves a step forward'⁸ was issued on 5 May 2022, highlighting the Main Modifications consultation.

⁵ www.cheshireeast.gov.uk/consultations

⁶ www.cheshireeast.gov.uk/sadpd

⁷ <https://www.cheshireeast.gov.uk/planning/spatial-planning/cheshire-east-local-plan/site-allocations-and-policies/sadpd-examination/latest-news-and-updates.aspx>

⁸ <https://www.cheshireeast.gov.uk/council-and-democracy/council-information/media-hub/media-releases/examination-of-planning-policies-moves-a-step-forward.aspx>

5. Representations

5.1 Printed copies of the representations forms could be collected from the locations listed in ¶2.4 or downloaded from the consultation portal. The consultation portal also allowed representations to be submitted online.

5.2 Responses were accepted:

- Using the consultation portal;
- By email to localplan@cheshireeast.gov.uk; and
- By post to Strategic Planning Westfields, C/O Municipal Buildings, Earle Street, Crewe CW1 2BJ.

5.3 In total, 262 representations were received from 54 different parties. The number of representations received on each proposed Main Modification is shown below.

Modification	Reps
MM01 (Policy PG 9 'Settlement boundaries')	7
MM02 (Policy GEN 1 'Design principles')	8
MM03 (Policy GEN 4 'Recovery of forward funded infrastructure')	5
MM04 (Policy GEN 5 'Aerodrome safeguarding')	3
MM05 (Policy GEN 6 'Airport public safety zone')	1
MM06 (Policy ENV 1 'Ecological network')	12
MM07 (Policy ENV 2 'Ecological implementation')	7
MM08 (Policy ENV 3 'Landscape character')	5
MM09 (Policy ENV 4 'River corridors')	5
MM10 (Policy ENV 5 'Landscaping')	3
MM11 (Policy ENV 6 'Trees, hedgerows and woodland implementation')	14
MM12 (Policy ENV 7 'Climate change')	6
MM13 (Policy ENV 8 'District heating network priority areas')	1
MM14 (Policy ENV 9 'Wind energy')	1
MM15 (Policy ENV 10 'Solar energy')	1
MM16 (Policy ENV 11 'Proposals for battery energy storage systems')	1
MM17 (Policy ENV 12 'Air quality')	3
MM18 (Policy ENV 13 'Aircraft noise')	5
MM19 (Policy ENV 16 'Surface water management and flood risk')	0
MM20 (Policy ENV 17 'Protecting water resources')	3
MM21 (Policy HER 2 'Heritage at risk')	5

MM22 (Policy HER 3 'Conservation areas')	4
MM23 (Policy HER 4 'Listed buildings')	4
MM24 (Policy HER 5 'Registered parks and gardens')	1
MM25 (Policy HER 6 'Historic battlefields')	0
MM26 (Policy HER 7 'Non-designated heritage assets')	3
MM27 (Policy HER 8 'Archaeology')	1
MM28 (Policy HER 9 'World heritage site')	6
MM29 (Policy RUR 1 'New buildings for agriculture and forestry')	2
MM30 (Policy RUR 3 'Agriculture and forestry workers dwellings')	2
MM31 (Policy RUR 6 'Outdoor sport, leisure and recreation outside of settlement boundaries')	2
MM32 (Policy RUR 7 'Equestrian development outside of settlement boundaries')	3
MM33 (Policy RUR 8 'Visitor accommodation outside of settlement boundaries')	2
MM34 (Policy RUR 9 'Caravan and camping sites')	1
MM35 (Policy RUR 10 'Employment development in the open countryside')	4
MM36 (Policy RUR 11 'Extensions and alterations to buildings outside of settlement boundaries')	6
MM37 (Policy RUR 12 'Residential curtilages outside of settlement boundaries')	2
MM38 (Policy RUR 13 'Replacement buildings outside of settlement boundaries')	4
MM39 (Policy RUR 14 'Re-use of rural buildings for residential use')	3
MM40 (Policy EMP 2 'Employment allocations')	1
MM41 (Policy HOU 1 'Housing mix')	10
MM42 (Policy HOU 2 'Specialist housing provision')	5
MM43 (Policy HOU 3 'Self and custom build housing')	9
MM44 (Policy HOU 5a 'Gypsy and Traveller site provision')	0
MM45 (Policy HOU 5c 'Gypsy and Traveller and Travelling Showperson site principles')	0
MM46 (Policy HOU 6 'Accessibility and wheelchair housing standards')	7
MM47 (Policy HOU 7 'Subdivision of dwellings')	1
MM48 (Policy HOU 8 'Backland development')	2
MM49 (Policy HOU 9 'Extensions and alterations')	2
MM50 (Policy HOU 10 'Amenity')	1
MM51 (Policy HOU 11 'Residential standards')	5

MM52 (Policy HOU 12 'Housing density')	11
MM53 (Policy RET 1 'Retail hierarchy')	2
MM54 (Policy RET 3 'Sequential and impact tests')	2
MM55 (Policy RET 5 'Restaurants, cafés, pubs and hot food takeaways')	1
MM56 (Policy RET 6 'Neighbourhood parades of shops')	1
MM57 (Policy RET 10 'Crewe town centre')	0
MM58 (Policy RET 11 'Macclesfield town centre and environs')	0
MM59 (Policy INF 1 'Cycleways, bridleways and footpaths')	1
MM60 (Policy INF 3 'Highway safety and access')	4
MM61 (Policy INF 4 'Manchester Airport')	3
MM62 (Policy INF 8 'Telecommunications infrastructure')	0
MM63 (Policy INF 10 'Canals and mooring facilities')	2
MM64 (Policy REC 1 'Green/open space protection')	3
MM65 (Policy REC 2 'Indoor sport and recreation implementation')	1
MM66 (Policy REC 3 'Green space implementation')	2
MM67 (Site CRE 1 'Land at Bentley Motors')	0
MM68 (Site CRE 2 'Land off Gresty Road')	0
MM69 (Site MID 2 'East and west of Croxton Lane')	1
MM70 (Site PYT 3 'Land at Poynton High School')	1
MM71 (Site PYT 4 'Former Vernon Infants School')	3
MM72 (Chapter 13: Monitoring and implementation)	5
MM73 (Chapter 14: Glossary)	0
PM01 (Village Infill Boundaries)	2
PM02 (Aerodrome Safeguarding Zones)	0
PM03 (Airport Public Safety Zones)	1
PM04 (Nature Improvement Areas)	0
PM05 (Local Landscape Designation Areas)	2
PM06 (Groundwater Source Protection Zones)	0
PM07 (Town Centre Boundaries)	0
PM08 (Hot Food Takeaway Restriction Zone)	0
PM09 (Crewe Town Centre Development Areas)	0
PM10 (Macclesfield Town Centre and Environs Character Areas)	0
PM11 (Protected Open Space)	9
Responses regarding other matters or general issues	16

- 5.4 The council has considered all the representations and produced a summary of the main issues raised, with a brief response to these main issues. The summary of main issues and the council's response is included as Appendix 2.
- 5.5 Many of the main issues raised repeat points made previously that have already been considered through the examination or do not relate to the proposed Main Modifications or Policies Map Modifications.
- 5.6 Copies of all representations received (grouped by modification) are included in Appendix 3.

6. Next steps

- 6.1 The Inspector will consider all the representations received before preparing his final report into the legal compliance and soundness of the SADPD.
- 6.2 If the Inspector's final report concludes that the SADPD can be found sound and legally-compliant with the Inspector's final recommended Main Modifications, the council can then proceed to adopt the SADPD at a meeting of the full council.
- 6.3 Once adopted, the SADPD will form part of the development plan for Cheshire East and its policies will be used to help make decisions on planning applications in the borough.

Appendix 1: Consultation and supporting documents

- Schedule of Proposed Main Modifications. Available at <https://cheshireeast.objective.co.uk/file/5993250>
- Schedule of Proposed Main Modifications (accessible version). Available at <https://cheshireeast.objective.co.uk/file/5993249>
- Schedule of Policies Map Modifications. Available at <https://cheshireeast.objective.co.uk/file/5993252>
- Sustainability Appraisal Addendum. Available at <https://cheshireeast.objective.co.uk/file/5993256>
- Habitats Regulations Assessment Addendum. Available at <https://cheshireeast.objective.co.uk/file/5993253>
- Schedule of Proposed Additional Modifications. Available at <https://cheshireeast.objective.co.uk/file/5993257>
- Schedule of Proposed Additional Modifications (accessible version). Available at <https://cheshireeast.objective.co.uk/file/5993255>
- Draft Site Allocations and Development Policies Document (Main Modifications Version). Available at <https://cheshireeast.objective.co.uk/file/5993251>
- Part A Representations Form. Available at <https://cheshireeast.objective.co.uk/file/5993094>
- Part B Representations Form. Available at <https://cheshireeast.objective.co.uk/file/5993095>
- Consultation Guidance Note. Available at <https://cheshireeast.objective.co.uk/file/5993254>
- Statement of the Representations Procedure. Available at <https://cheshireeast.objective.co.uk/file/5993248>

Appendix 2: Summary of issues raised and the council's response

MM01 (Policy PG 9 ‘Settlement boundaries’)

Summary of the main issues raised	Representor(s)	Council response
The Holmes Chapel settlement boundary should not include the area west of London Road and south of the River Croco, which is in Brereton Parish.	<ul style="list-style-type: none"> • Brereton Parish Council (MOD30) 	This issue does not relate to a proposed Main Modification. The Holmes Chapel Settlement Report [ED 33] provides the evidence for the proposed Holmes Chapel settlement boundary, which is drawn in accordance with the methodology set out in the Settlement and Infill Boundaries Review [ED 06]. No change is required for soundness or legal compliance.
It is unsound to pick 35 villages and name them as the only places where infill development is acceptable. The list omits numerous villages including Chorley, Dean Row, Disley, Peckforton and Spurstow.	<ul style="list-style-type: none"> • Garner Town Planning (MOD128) 	This issue does not relate to a proposed Main Modification and is addressed in the council’s Matter 2 Hearing Statement [HPS/M2/09] (Q34, ¶¶114-116). Disley is a Local Service Centre under LPS Policy PG 2 ‘Settlement hierarchy’ and has a defined settlement boundary. No change is required for soundness or legal compliance.
The LPS commits the SADPD to allocating 3,335 dwellings; it did not consider smaller sites.	<ul style="list-style-type: none"> • The Estate of Marques Kingsley Deceased (MOD167) 	This issue does not relate to a proposed Main Modification and the council’s position is set out in The Provision of Housing and Employment Land and the Approach to Spatial Distribution [ED 05]. No change is required for soundness or legal compliance.
The SADPD is reliant on windfall sites within settlement boundaries; settlement boundaries will prevent windfall development from coming forward outside of the boundaries.	<ul style="list-style-type: none"> • The Estate of Marques Kingsley Deceased (MOD167) • Gladman Developments Ltd (MOD233) 	This issue does not relate to a proposed Main Modification and is addressed in the council’s Matter 2 Hearing Statement [HPS/M2/09] (Q11c & Q12, ¶¶4-5, 10-14 & 15-21). No change is required for soundness or legal compliance.
Various LPS strategic sites have not delivered as expected.	<ul style="list-style-type: none"> • The Estate of Marques Kingsley Deceased (MOD167) 	This issue does not relate to a proposed Main Modification. The Provision of Housing and Employment Land and the Approach to Spatial Distribution [ED 05] demonstrates how the overall levels of development will be met. No change is required for soundness or legal compliance.

Sites PYT 1 and PYT 2 are unsound.	<ul style="list-style-type: none"> • The Estate of Marques Kingsley Deceased (MOD167) 	This issue does not relate to a proposed Main Modification and is addressed in the council's Matter 2 Hearing Statement [HPS/M2/09]. No change is required for soundness or legal compliance.
PG 9 Criterion 2 should confirm that the reference to village infill boundaries under Policy PG 10 refers to the boundaries as shown on the adopted policies map.	<ul style="list-style-type: none"> • Tatton Group (MOD176) 	Policy PG 10 Criterion 2 already confirms that the defined village infill boundaries are shown on the adopted policies map and additional wording to Policy PG 9 is not required for soundness or legal compliance.
Policy PG 9 limits the amount of growth a settlement could accommodate to a narrow set of circumstances, i.e. replacement dwellings and infill development etc.	<ul style="list-style-type: none"> • Gladman Developments Ltd (MOD233) 	This issue does not relate to a proposed Main Modification. Policy PG 9 Criterion 3 is clear that within settlement boundaries, development proposals will be supported where they are in keeping with the scale, role and function of the settlement and are in accordance with other policies in the plan. No change is required for soundness or legal compliance.
A criteria based approach would ensure flexibility for unallocated sites to come forward.	<ul style="list-style-type: none"> • Gladman Developments Ltd (MOD233) 	This issue does not relate to a proposed Main Modification. The principle of defining settlement boundaries is covered in the council's Matter 2 Hearing Statement [HPS/M2/09] (Q26, ¶¶82-86). No change is required for soundness or legal compliance.

MM02 (Policy GEN 1 'Design principles')

Summary of the main issues raised	Representor(s)	Council response
The Cheshire East Design Guide SPD, adopted in May 2017, is five years old and needs updating to reflect updated national planning guidance. It also refers to larger scale housing proposals.	<ul style="list-style-type: none"> • Prestbury Parish Council (MOD7) • CPRE Cheshire (MOD96) 	The Design Guide SPD is a constructive means to engage in the design process with developers and communities alike, supplementing Building for Life 12 and supporting positive design change in the borough. Criterion 4 of Policy GEN 1 'Design principles' also refers to relevant design policies in Neighbourhood Plans and the National Design Guide/National Model Design Code. This provides an appropriate balance between local and national design

		guidance. No further change is required for soundness or legal compliance.
No local design review panel has been established.	<ul style="list-style-type: none"> • Prestbury Parish Council (MOD7) • CPRE Cheshire (MOD96) 	The issue does not relate to a proposed Main Modification. LPS Policy SE 1 'Design' refers to the ability of the council to establish a local design review panel. There is nothing in Policy GEN 1 'Design principles' that would frustrate that ambition at some point in the future. No further change is required for soundness or legal compliance.
The first design principle including scale, height, density, layout, grouping, urban form, siting, good architecture, massing and materials has been omitted from the policy.	<ul style="list-style-type: none"> • Prestbury Parish Council (MOD7) • CPRE Cheshire (MOD96) 	Many of the factors listed in Criterion 1 (now proposed to be deleted) are already reflected in LPS Policy SD 2 'Sustainable development principles', Criterion 1(ii). There is no need for the policy to be repeated here. No further change is required for soundness or legal compliance.
Lack of reference to low carbon technology and emission targets.	<ul style="list-style-type: none"> • Prestbury Parish Council (MOD7) • CPRE Cheshire (MOD96) 	The Plan is intended to be read as a whole. SADPD Policy ENV 7 'Climate change' includes several measures in relation to supporting low carbon technology and emission targets. No further change is required for soundness or legal compliance.
The policy should not repeat national planning policy or policies in other adopted documents. Need to ensure policy is not overly prescriptive.	<ul style="list-style-type: none"> • Story Homes (MOD 33) 	The policy, as modified, is considered to be reflective of national policy and relevant policies in the LPS, without unnecessary duplication. No further change is required for soundness or legal compliance.
Reference to 'standard house types' should be removed.	<ul style="list-style-type: none"> • Story Homes (MOD 33) • David Wilson Homes North West (MOD 82) • Barratt & David Wilson Homes (MOD146) 	Criterion 1 of Policy GEN 1 'Design principles' is intended to be read as a whole. The policy provides clarification as to when the use of standardised and/or generic design solutions (for example standard house types) will not be supported, i.e., where they do not establish and/or maintain a strong sense of quality and place. This approach is reflective of ¶130 of the NPPF. No further change is required for soundness or legal compliance.

	<ul style="list-style-type: none"> • PH Property Holdings Ltd (MOD154) • Tatton Group (MOD177) 	
Need to ensure that 'passive' considerations set out in the supporting text (¶3.7) do not compete with building regulations etc.	<ul style="list-style-type: none"> • Story Homes (MOD 33) 	Noted. It is considered that the reference in the supporting text to passive considerations is consistent with the approach set out in LPS Policy SD 2 'Sustainable development principles', Criterion 1 (viii) and SADPD Policy ENV 7 'Climate change'. No further change is required for soundness or legal compliance.
Neighbourhood Plans should be given the opportunity to be amended to reflect any revisions to national planning policy / design guide.	<ul style="list-style-type: none"> • South Knutsford Residents Group (MOD 171) 	The issue does not relate to a proposed Main Modification. It is open to local communities to prepare/update neighbourhood plans to reflect revisions to national planning policy etc as required. No further change is required for soundness or legal compliance.
Criterion 10, given the issue of electronic charging points is now proposed to be deleted from Policy INF 3, the proposed supporting paragraph at 10.5a which references the relevant building regulations relevant to this issue would be better placed in the supporting text to Policy GEN 1. Reference to relevant building regulations requirements for electronic car parking charging points should be added to the supporting text of the policy	<ul style="list-style-type: none"> • Tatton Group (MOD177) 	Noted. The council would agree that an additional paragraph would assist in the supporting text of policy GEN 1 'design principles' if the Inspector considers it necessary for soundness or legal compliance. The paragraph could refer to the building regulation changes, in respect of electronic charging points, as follows: "Applicants should be aware that Part S in Schedule 1 to the Building Regulations sets out requirements for electric vehicle charging points within new residential and non-residential development schemes. These requirements should be considered early in the design process."

MM03 (Policy GEN 4 ‘Recovery of forward funded infrastructure’)

Summary of the main issues raised	Representor(s)	Council response
Any infrastructure works required for the future development of safeguard land site PRE 2 would fall into the category of forward-funded infrastructure.	<ul style="list-style-type: none"> • Prestbury Parish Council (MOD8) 	This issue is not related to a proposed Main Modification. Developer funded infrastructure schemes associated with individual sites would not usually be forward funded by the council.
Criterion 1(d) should be amended to confirm that the viability assessment should be submitted with the planning application.	<ul style="list-style-type: none"> • Story Homes (MOD34) 	The policy already confirms that it is “the applicant” that should submit the viability assessment and additional wording is not required for soundness or legal compliance.
The review of viability assessments should take place within the statutory application determination period and the council should not be able to review them again.	<ul style="list-style-type: none"> • Story Homes (MOD34) 	Criterion 1(e) confirms that, where a reduced contribution is agreed on the basis of viability, then Policy GEN 7 ‘Recovery of planning obligations reduced on viability grounds’ will apply. There are no proposed Main Modifications to Policy GEN 7 and no further changes to Policy GEN 4 are required for soundness or legal compliance.
Each instance of the wording ‘other sites where transport assessments or modelling show a significant distribution of traffic to this infrastructure scheme’ in Table 3.1 should be amended to ‘other sites where such development relies on the infrastructure to mitigate the effects of their development’ to reflect Criterion 1 of the policy.	<ul style="list-style-type: none"> • Story Homes (MOD34) 	The current wording is more precise about the method the council will use to determine the likely impact (in terms of traffic distribution) the proposed development will have on the infrastructure, as well as providing an indication that this impact will need to be "significant" for the policy to apply. The council's modification is considered preferable to the suggested wording which seems to be derived from part of the title to Table 3.1 referenced in the policy and no further change is required for soundness or legal compliance.
Further clarity is needed on how each update to the council’s Medium Term Financial Strategy will feed into the SADPD.	<ul style="list-style-type: none"> • Story Homes (MOD34) 	The council does not consider it is necessary to provide any further explanation regarding the role of the Medium Term Financial Strategy to that already provided in ¶3.25 and no further change is required for soundness or legal compliance.

<p>The policy must ensure all community and green infrastructure required to support development is agreed at the grant of planning permission and developers cannot renege on their contributions later</p>	<ul style="list-style-type: none"> • CPRE Cheshire (MOD97) 	<p>This issue is not related to a proposed Main Modification. Developer funded infrastructure schemes associated with individual sites would not usually be forward funded by the council.</p>
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MM04 (Policy GEN 5 ‘Aerodrome safeguarding’)

Summary of the main issues raised	Representor(s)	Council response
<p>The safeguarding zone for RAF Tern Hill extends into Cheshire East. The Ministry of Defence would wish to be consulted of any potential development which have the potential to increase the risk of bird strike.</p>	<ul style="list-style-type: none"> • Defence Infrastructure Organisation (MOD173) 	<p>Circular 1/2003 only lists civil aerodromes but its definition of an ‘aerodrome’ does include military aerodromes where particulars have been furnished to the local planning authority by the Secretary of State for Defence. A small area of the borough is covered by the safeguarding zone issued for RAF Tern Hill, and in accordance with the statutory requirement, the MoD is consulted on applications within this zone. No further changes are required for soundness or legal compliance.</p>
<p>Further changes are needed to the supporting text to reflect current procedures and to reflect that safeguarding zones may be subject to future review: “3.26 The <u>aerodrome safeguarding zones</u> for Manchester Airport is <u>are defined on a safeguarding maps issued authorised by the Civil Aviation Authority and issued by the Safeguarding Authority / Airport Licence Holder. They</u> Their purpose is to define certain types of development that, by reason of their height, attraction to birds, inclusion of or effect upon aviation activity, or type of development (such as wind turbine development) require prior consultation with the Safeguarding Authority Airport Operator or National Air Traffic Services Ltd in order for them to assess the implications of these developments for</p>	<ul style="list-style-type: none"> • Manchester Airports Group (MOD263) 	<p>Whilst these suggested amendments to the supporting information may be appropriate and could be made if required, they would not affect the operation of the policy. ¶1.20 of the SADPD confirms that the policies map designations not defined by the plan (including aerodrome safeguarding zones) will be updated periodically to reflect the latest position. If the boundaries of the safeguarding zones are altered by any of the safeguarding authorities, the policies map will be updated accordingly. No further changes are required for soundness or legal compliance.</p>

<p><u>the safe operation of aircraft using the airport and its airspace.</u> Government advice in ODPM Circular 1/2003 'Advice to Local Planning Authorities on Safeguarding Aerodromes and Military Explosives Storage Areas' sets out the detailed guidance on how safe and efficient operations can be secured."</p> <p>3.28b As required by Circular 1/2003, the <u>current</u> outer boundary of the safeguarding zones is shown on the adopted policies map. <u>This boundary may be subject to future review and amendment, and the latest versions will be used.</u>"</p>		
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MM05 (Policy GEN 6 'Airport public safety zone')

Summary of the main issues raised	Representor(s)	Council response
No main issues raised.		

MM06 (Policy ENV 1 'Ecological network')

Summary of the main issues raised	Representor(s)	Council response
<p>The modified wording is more restrictive in what it seeks to protect. The policy should be expanded to allow for the identification and protection of other sites of ecological value other than those shown on the policies map or those that feature in neighbourhood plans</p>	<ul style="list-style-type: none"> • Prestbury Parish Council (MOD9) • CPRE Cheshire (MOD98) 	<p>The proposed Main Modification helpfully draws attention to the role that neighbourhood plans can have in designating sites of ecological value and the need to consider such in determining planning applications. Consideration of the ecological value of any site proposed for development is not, however, dependent on whether the site is designated in a local or neighbourhood plan. Policy ENV 2 'Ecological implementation' sets out the required approach to be taken when assessing the effect</p>

		of a proposed development on ecology and it applies to both designated and non-designated sites. There will be an opportunity to include any additional sites of ecological value that have been designated through a plan update. No further changes are required for soundness or legal compliance.
The explanatory text to the policy should be expanded to provide further information as to how the sites that fall within such ecological network space will be affected so that the cost that will be incurred to developers can be gauged.	<ul style="list-style-type: none"> • Story Homes (MOD35) 	The policy provides an appropriate policy framework to establish the components of the ecological network and identify how development proposals should respond in broad terms. It would not be possible or practicable for the policy to set out how, in detail, individual development proposals should address the policy. This is a matter of detail that would need to be determined at a planning application stage and no further changes are required for soundness or legal compliance.
Further information should be provided in the explanatory text to the policy as where the 250m from core areas (restoration areas) has come from as set out in the Inspector's Post Hearing Comments.	<ul style="list-style-type: none"> • Story Homes (MOD35) 	The council submitted Homework item 26 – Ecological Network [CEC/34] to the examination in November 2021 explaining how the 250m distance had been defined. No further change is required for soundness or legal compliance.
There is no proposed modification to the policies map to clearly define the boundaries of the respective designations.	<ul style="list-style-type: none"> • Bloor Homes (MOD41) • Emery Planning (MOD54) 	This issue does not relate to a Main Modification or Policies Map Modification. The respective designations are shown clearly on the Policies Map and no further change is required for soundness or legal compliance.
Part 4. i. as amended continues to require development proposals to increase the size of core areas, which is not justified.	<ul style="list-style-type: none"> • Bloor Homes (MOD41) • Emery Planning (MOD54) 	Criterion 4(i) does not require development proposals to increase the size of core areas. It says that development should "...increase the size, quality or quantity of priority habitat within core areas...". No further change is required for soundness or legal compliance.
It remains unclear how the policy will be applied in respect of proposals within the urban area that also fall within one of the designations.	<ul style="list-style-type: none"> • Bloor Homes (MOD41) 	The policy provides an appropriate policy framework to establish the components of the ecological network and identify how development proposals should respond in

	<ul style="list-style-type: none"> • Emery Planning (MOD54) 	<p>broad terms. It would not be possible or practicable for the policy to set out how, in detail, individual development proposals should address the policy. This is a matter of detail that would need to be determined at a planning application stage for sites falling within an urban area or elsewhere. No further change is required for soundness or legal compliance.</p>
<p>The effectiveness of the policy to deliver robust results over the plan period has been reduced significantly through the use of the word 'or' in Clause 4i. This should be changed to 'and' in order to create a coherent ecological network (in line with NPPF Para 174d).</p>	<ul style="list-style-type: none"> • Cheshire Wildlife Trust (MOD142) 	<p>The use of the word 'or' in Criterion 4(i). of the policy is justified and effective. It provides necessary flexibility as to how individual proposals contribute to the improvement of the ecological network, reflecting the circumstances of individual sites and the opportunities that arise from them. No further change is required for soundness or legal compliance.</p>
<p>the policy wording is incorrect in Clause 4 (iv) as buffer zones (as defined by the ecological network) are not within core areas. Buffer zones surround a number of distinct elements that form the ecological network, including (but not limited) to core areas (i.e. buffer zones also surround corridors and stepping stones etc.). Clause 4iv. should be amended to read: "in buffer zones and around protected meres and mosses, minimise adverse impacts from pollution or disturbance."</p>	<ul style="list-style-type: none"> • Cheshire Wildlife Trust (MOD143) 	<p>Buffer zones are correctly defined in the policy which reflects the description given to them on page 4 of the Ecological Network for Cheshire East [ED 09]: "(iv) Buffer zones – areas within the identified core areas around the individual component sites and habitats (as selected during the habitat density mapping) which protects the sites/habitats from external adverse impacts such as pollution and disturbance." No further change is required for soundness or legal compliance.</p>
<p>Policy ENV 1 should also contain text to reference the forthcoming Local Nature Recovery Strategy (LNRS) for Cheshire, the production of which is a legal requirement under the Environment Act 2021. Reference to the LNRS will avoid the potential for local policy overriding or undermining the ecological network and opportunity map (Local Nature Recovery Network) produced during the LNRS process.</p>	<ul style="list-style-type: none"> • Cheshire Wildlife Trust (MOD144) 	<p>This issue does not relate to a proposed Main Modification. A future Local Nature Recovery Strategy may, depending on the circumstances, be capable of being a material consideration in determining planning applications. No further change is required for soundness or legal compliance.</p>
<p>Criterion 4.ii sets out to improve connectivity within green corridors yet PM11 proposes to remove protection of an</p>	<ul style="list-style-type: none"> • South Knutsford Residents 	<p>This relates to the proposed removal of an area of designated open space, Land bound by Brook Street,</p>

open space of ecological value from just such a stepping-stone in a designated Neighbourhood Plan corridor.	Groups (MOD172)	Hollow Lane and Mobberley Road, Knutsford, from the Policies Map. The justification for the identification of this open space was discussed in some detail at the Matter 11 (Recreation and community facilities) hearing session. Its removal as a designated area of open space would not prevent the consideration of the site's ecological value when determining any planning application that promoted development on it.
The identification of local ecological areas and wildlife corridors is appropriate for neighbourhood plans but the policy should make it clear that this will only apply to local designations and not designations of national or international importance. It is also important that local designations are only identified if appropriate evidence has been gathered by professional and qualified ecologists in order for this policy to be justified and found sound.	<ul style="list-style-type: none"> Tatton Group (MOD181) 	Ecological sites of national or international importance are not designated through neighbourhood plans. Whether a local designation within a neighbourhood plan is justified is a matter for that plan preparation and examination process. No further change is required for soundness or legal compliance.
The inclusion of all meres and mosses should be included within the ecological network plan for clarity and effectiveness. This would also be beneficial to identify areas to implement the issue of nutrient neutrality following the March 2022, Ministerial Statement on 'Delivering the Environment Act: taking action to protect and restore nature'.	<ul style="list-style-type: none"> Environment Agency (MOD259) 	This issue does not relate to a proposed Main Modification or proposed Policies Map Modification. The March 2022 Ministerial Statement and its significance is appropriately highlighted through a proposed Main Modification to the supporting information (proposed additional paragraph 4.13b) to Policy ENV 2 (Ecological implementation). No further change is required for soundness or legal compliance.

MM07 (Policy ENV 2 'Ecological implementation')

Summary of the main issues raised	Representor(s)	Council response
Whilst reference has been made to Nutrient Neutrality, the paragraph included at para 4.13.b is a statement of fact.	<ul style="list-style-type: none"> Story Homes (MOD36) 	The HRA published alongside the SADPD satisfactorily addresses the issue of nutrient neutrality. In a letter to the

<p>The updated HRA should be referred to as it is not sufficient for the LPA to discharge their HRA duty in a Local Plan with just a statement of fact as set out in para 4.13b.</p>		<p>council dated 7 April 2022 [CEC/38a] Natural England confirmed that it was satisfied that the necessary steps had been taken to review the Habitats Regulations Assessment following the release of the Ministerial Statement of Nutrient Levels in River Basin Catchments in March 2022 (Defra, 2022) and that it had no outstanding concerns relating to nutrient impacts to Rostherne Mere Ramsar, Oak Mere SAC and the catchments of Abbots Moss SSSI and Wybunbury Mosses SSSI, part of the West Midlands Mosses SAC. No further change is required for soundness or legal compliance.</p>
<p>The emphasis of national policy is to protect and enhance biodiversity but it does not require all development to deliver an overall net gain for biodiversity or be accompanied by a biodiversity metric calculation, this is not a mandatory requirement at present. This emerging policy should reflect the potential difficulties in meeting the requirements and should have regard to the context of the site, the project feasibility, and its viability.</p>	<ul style="list-style-type: none"> • Bloor Homes (NW) Ltd (MOD42) • Emery Planning Partnership (MOD55) • Bourne Leisure Ltd (MOD137) 	<p>The first part of the policy has been amended through the proposed Main Modification and now encourages net gain and the submission of a biodiversity metric calculation for development proposals. The amended wording aligns with the approach towards net gain in NPPF ¶¶174, 179 and 180. No further change is required for soundness or legal compliance.</p>
<p>Reference should be made in the proposed new paragraph 4.13b directing planning applicants to the advice published by Natural England to determine if nutrient mitigation is required or not.</p>	<ul style="list-style-type: none"> • Tatton Group (MOD182) 	<p>It is agreed that a link to Natural England's guidance may be useful to applicants however this is not necessary for soundness or legal compliance.</p>
<p>In clause 4.iii. of the policy, reference should also be made to a Local Nature Recovery Strategy in determining which areas should be prioritised firstly for off-site habitat provision.</p>	<ul style="list-style-type: none"> • United Utilities Water Ltd (MOD240) 	<p>This issue does not relate to a proposed Main Modification. Introduced through the Environment Act 2021, Local Nature Recovery Strategies (LNRSs) are a new, England-wide system of spatial strategies that will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits. The Department for Environment, Food and Rural Affairs carried out a public consultation seeking views on how LNRSs should be prepared and what should be included in them between 10 August 2021 to 2 November 2021. The</p>

		<p>purpose of this consultation was to gather views on key questions that will help government produce both regulations and guidance. At the time that this response was prepared, the government was yet to respond to the consultation and had not brought forward regulations or published guidance.</p> <p>Although LNRSs will be an important source of evidence for local planning authorities to use in preparation of their local plans in the future, there is currently no LNRS covering Cheshire East. As such there is no detail at present that can be provided within the SADPD or its Policies Map to give applicants any indication of what will be expected of them. However, once LNRSs are in place they may be capable of being a material consideration, particularly if a clear role in planning application decision making is set out for them within an updated NPPF, ahead of LNRSs being reflected in local plans.</p>
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MM08 (Policy ENV 3 ‘Landscape character’)

Summary of the main issues raised	Representor(s)	Council response
<p>The later part of point 2 unnecessarily duplicates point 3 of LPS Policy SE4 contrary to Policy 16f) of the Framework.</p>	<ul style="list-style-type: none"> • Bloor Homes (NW) Ltd (MOD43) • Emery Planning (MOD56) 	<p>In identifying the Local Landscape Designation areas, the policy adds necessary and important detail, consistent with LPS Policy SE 4, to highlight that development should avoid having an adverse effect on their special qualities described in the Cheshire East Local Landscape Designation Review 2018. No further change is required for soundness or legal compliance.</p>

<p>The words 'and most valued' should be deleted from the second sentence of point 2 to avoid confusion with the meaning of 'valued' in paragraph 174 of the Framework</p>	<ul style="list-style-type: none"> • Bloor Homes (NW) Ltd (MOD43) • Emery Planning (MOD56) 	<p>The description of Local Landscape Designations (LLDs) being the most valued in the borough is correct and does not cause any confusion with NPPF ¶174. It is clear that LLDs are valued landscapes under this part of the NPPF and no further change is required for soundness or legal compliance.</p>
<p>The second sentence under point 2 should be deleted. The LLD cannot be regarded as the most valued landscapes in the Borough because the borough includes part of the Peak District National Park. This sentence/statement is therefore false and not justified or in accordance with national policy.</p>	<ul style="list-style-type: none"> • Tatton Group (MOD183) 	<p>The description of Local Landscape Designations (LLDs) being the most valued in the borough is correct. The Peak District National Park falls outside the area covered by the Cheshire East Local Plan. No further change is required for soundness or legal compliance.</p>
<p>The Cheshire Gateway site located within the A556/M56 slip roads should not be included within the Bollin Valley LLD because its inclusion is not in line with the special qualities of the LLD.</p>	<ul style="list-style-type: none"> • Tatton Group (MOD183) 	<p>This issue does not relate to a proposed Main Modification or Policies Map Modifications. It was considered in detail under Matter 8 (Natural environment, climate change and resources) and was discussed during day 8 of the Examination Hearing on Tuesday 2 November 2021. It is addressed on page 19 (under the heading 'Yarwood Health Farm') of the Inspector's Post Hearing Comments [INS/34]. No change is required for soundness or legal compliance.</p>
<p>The inclusion of land located to the east of Ashley Hall, south of Ashley Road and located either side of the railway line between Ashley and Hale is not sufficiently justified.</p>	<ul style="list-style-type: none"> • Tatton Group (MOD183) 	<p>This issue does not relate to a proposed Main Modification or Policies Map Modification. The land in question is appropriately identified as falling within the Bollin Valley LLD and is supported by relevant evidence in the Cheshire East Local Landscape Designation Review [ED 11]. No change is required for soundness or legal compliance.</p>

MM09 (Policy ENV 4 ‘River corridors’)

Summary of the main issues raised	Representor(s)	Council response
There should be a reference to run-offs from agricultural land into rivers and to illegal discharges into them	<ul style="list-style-type: none"> • Prestbury Parish Council (MOD11) • CPRE Cheshire (MOD101) 	This issue does not relate to a proposed Main Modification and is not necessary for soundness. New ¶4.27a provides an appropriate, non-exhaustive list of measures that could be achieved through planning controls to protect and enhance river corridors.
Riverside corridors are often locations for United Utilities wastewater infrastructure including outfalls. Paragraph 4.27a should make reference to maintaining access to utility services.	<ul style="list-style-type: none"> • United Utilities Water Ltd (MOD241) 	This is not necessary for soundness. New ¶4.27a provides an appropriate, non-exhaustive list of measures that could be achieved through planning controls to protect and enhance river corridors.
The North West River Basin Management Plan should be listed in under ‘Related documents’	<ul style="list-style-type: none"> • Environment Agency (MOD260) 	This issue does not relate to a proposed Main Modification and is not necessary for soundness or legal compliance.

MM10 (Policy ENV 5 ‘Landscaping’)

Summary of the main issues raised	Representor(s)	Council response
No main issues raised.		

MM11 (Policy ENV 6 ‘Trees, hedgerows and woodland implementation’)

Summary of the main issues raised	Representor(s)	Council response
Highways authorities sometimes refuse to adopt street trees and new Criterion 5 should include highway adoption	<ul style="list-style-type: none"> • Story Homes (MOD37) 	Highway adoption issues may be one of a number of justifiable or compelling reason why trees may be inappropriate and is therefore already covered by the

issues as a reason why tree-lined streets would be inappropriate.		policy wording. No further change required for soundness or legal compliance.
The reference to the Hedgerow Regulations 1997 should remain due to the statutory protection implied.	<ul style="list-style-type: none"> CPRE Cheshire (MOD103) 	The Hedgerow Regulations are referred to in ¶4.40 as the means for assessing the importance of old established hedgerow threatened with removal through development. The policy does not need to duplicate the requirements of the Hedgerow Regulations and no further change is required for soundness or legal compliance.
The wording 'commensurate amenity value' may result in fewer trees than are needed. Specific reference should be made to consultation with the council's arboriculturist to identify the developer requirement specific to each case.	<ul style="list-style-type: none"> CPRE Cheshire (MOD103) 	Criterion 2 states that development proposal layouts must be informed and supported by an arboricultural impact and/or hedgerow survey. The requirement for replacement tree planting to be of commensurate amenity value allows consideration of the requirements specific to each case and no further changes are required for soundness or legal compliance.
For consistency and avoidance of doubt, the supporting text at ¶4.41 should be updated to accord with the proposed modification.	<ul style="list-style-type: none"> The Crown Estate (MOD123) 	The proposed Main Modification deletes the requirement for three replacement trees for every significant tree removed. The supporting text at ¶4.41 refers to the deleted part of the policy and therefore it would be appropriate to delete ¶4.41 for soundness.
New Criterion 5 does not align with guidance in the National Design Guide and could be an unnecessary constraint to development. Alternative wordings are suggested.	<ul style="list-style-type: none"> Barratt & David Wilson Homes (MOD147) PH Property Holdings Ltd (MOD155) 	The proposed Main Modification is fully consistent with the NPPF (¶131), which requires that planning policies and decisions should ensure that new streets are tree-lined (unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate. No further changes are required for soundness or legal compliance.
Criteria 5 and 6 could cross reference to the council's Residential Design Guide SPD to define a 'street' in the hierarchy of roads.	<ul style="list-style-type: none"> Tatton Group (MOD186) 	As proposed, the policy applies to all new streets and is not limited to residential streets. Exceptions to the requirement for new streets to be tree-lined may be made where there are clear, justified and compelling reasons

		why this would be inappropriate. No further change is required for soundness or legal compliance.
The policy and proposed Main Modification remain weak and therefore unsound. The presumption should be that these features are to be retained unless compelling reasons are proven to require their removal. Section 211 notices for felling should be accompanied by replacement requirement in reasonable locations so that the biodiversity is not lost.	<ul style="list-style-type: none"> • South Knutsford Residents Group (MOD245) 	The presumption is that ecological features such as trees and hedges will be protected: Criterion 1 seeks to “retain and protect trees, woodland and hedgerows”; Criterion 3 covers replacement of significant loss and requires an environmental net gain to be secured. No further changes are required for soundness or legal compliance.

MM12 (Policy ENV 7 ‘Climate change’)

Summary of the main issues raised	Representor(s)	Council response
There should be a policy that states that planning applications for developments on peatlands or land with significant peat deposits must be refused.	<ul style="list-style-type: none"> • Thomas Eccles (MOD3) 	This issue does not relate to a proposed Main Modification. Reference to peat extraction is made in respect of minerals in LPS Policy SE10 ‘Sustainable Provision of Minerals’. This approach is consistent with ¶¶210 & 211 of the NPPF. No further changes are required for reasons of soundness or legal compliance.
The list of related documents should include the Council’s Carbon Neutral Action Plan (2020).	<ul style="list-style-type: none"> • Prestbury Parish Council (MOD14) • CPRE Cheshire (MOD104) 	This issue does not relate to a proposed Main Modification. The council agrees that reference to the Carbon Neutral Action Plan could be added to the related documents to policy ENV 7, if the Inspector considers it necessary for reasons for soundness/legal compliance. Reference to the Carbon Neutral Action Plan (2020) document is included in the related documents to policies ENV 8 ‘District heating network priority areas’, ENV 10 ‘Solar energy’ and ENV 11 ‘Proposals for battery energy storage systems’.

MM13 (Policy ENV 8 'District heating network priority areas')

Summary of the main issues raised	Representor(s)	Council response
No main issued raised.		

MM14 (Policy ENV 9 'Wind energy')

Summary of the main issues raised	Representor(s)	Council response
No main issued raised.		

MM15 (Policy ENV 10 'Solar energy')

Summary of the main issues raised	Representor(s)	Council response
No main issued raised.		

MM16 (Policy ENV 11 'Proposals for battery energy storage systems')

Summary of the main issues raised	Representor(s)	Council response
No main issued raised.		

MM17 (Policy ENV 12 ‘Air quality’)

Summary of the main issues raised	Representor(s)	Council response
MM17, Policy ENV12 ‘Air Quality’ section 4.71 should also include quarries and waste sites in the list of sites that air quality assessments are to be required.	<ul style="list-style-type: none"> Alsager Town Council (MOD5) 	The list includes the broad term ‘ <i>industrial installations</i> ’ – which is intended to include quarries and waste sites within its definition. Quarries and waste sites could be specifically cited within the list if the Inspector feels this is necessary for clarity and/or soundness however.
Air quality should improve across Cheshire East in the future and any exceedance should be prevented in the future with the application of this policy. Avoiding car dependency and remote rural development is key to this aim.	<ul style="list-style-type: none"> CPRE Cheshire (MOD106) 	This issue does not relate to a proposed Main Modification and no change is required for soundness or legal compliance.
Unclear why these changes are proposed. Inspector did not comment on the soundness of this policy within his interim comments. Paragraph 4.71 provides a long list of potential development types requiring Air Quality Impact Assessment. It is unclear where this is derived from and what has influenced the various thresholds. Without this evidence, the list should be deleted.	<ul style="list-style-type: none"> Tatton Group (MOD192) 	Q138 from the Inspector’s matters, issues and questions part 2 [INS/10] was discussed at the hearings, regarding whether the initial wording setting out the circumstances of when an Air Quality Impact Assessment (AQIA) was clear/unambiguous. As set out within ¶67 of the council’s Matter 8 Hearing Statement [HPS/M8/03], the Inspector was informed of informal guidance published on the council website regarding the circumstances of when an AQIA was required. The council has acted upon the request of the Inspector to incorporate this into the policy and no further change is required for soundness or legal compliance.
When establishing the level of an Air Quality Impact Assessment, the ‘allocated status of the site’ should also be a consideration because the Local Plan process will have also considered the location and extent of development in the context of air quality issues (as per the NPPF and NPPG).	<ul style="list-style-type: none"> Tatton Group (MOD192) 	New ¶4.71a states: “ <i>The level of assessment will depend on the nature, extent and location of the development</i> ”. A site’s planning status is a factor intended to be included within this phrase. The term “ <i>planning status</i> ” (or similar) could be cited within the list if the Inspector feels this is necessary for clarity and/or soundness however.

MM18 (Policy ENV 13 ‘Aircraft noise’)

Summary of the main issues raised	Representor(s)	Council response
There should be wording in the supporting text to acknowledge the fact that Manchester Airport is working its way through the CAP 1616 Airspace Change proposal, which is likely to result in new flight paths and altered noise impacts within the borough.	<ul style="list-style-type: none"> Prestbury Parish Council (MOD15) 	This issue does not relate to a proposed Main Modification. The Manchester Airport Future Airspace project is underway (Stage 2) but has some way to go. The implementation (Stage 6) of any airspace changes that may be made is not expected until at least 2025. The requested additional text is not necessary for soundness or legal compliance. Any future airspace changes will need to be taken into account in updating the Local Plan.
Although the issue of night flights not strictly a planning matter, it is of surprise that this is not a strategic commitment of CEC to work to achieve a better quality of life for residents.	<ul style="list-style-type: none"> South Knutsford Residents Group (MOD246) 	This issue does not relate to a proposed Main Modification. The control/management of night flights falls outside the scope of SADPD policy. No further change is required for soundness or legal compliance.

MM20 (Policy ENV 17 ‘Protecting water resources’)

Summary of the main issues raised	Representor(s)	Council response
Applicants should be advised to refer to the latest available information on the designation of groundwater source protection zones on gov.uk.	<ul style="list-style-type: none"> (United Utilities Water Ltd) 	¶4.101 already guides developers to refer to the Environment Agency’s groundwater source protection zones map guidance documents. ¶1.20 of the SADPD confirms that the policies map designations not defined by the plan (including groundwater source protection zones) will be updated periodically to reflect the latest position. If the boundaries of the zones are altered by the Environment Agency, the policies map will be updated accordingly. No further changes are required for soundness or legal compliance.

MM21 (Policy HER 2 ‘Heritage at risk’)

Summary of the main issues raised	Representor(s)	Council response
Historic England’s Heritage at Risk Register should be listed as a related document.	<ul style="list-style-type: none"> • Prestbury Parish Council (MOD16) • CPRE Cheshire (MOD107) 	Historic England’s Heritage at Risk Register is already referenced in ¶5.7a and the council’s review of all listed buildings, is referenced in ¶5.9. No further change is required for soundness or legal compliance.
The Modifications propose a level of detail in excess of the NPPF and therefore remain unsound and not legally compliant. To be considered sound the following wording is proposed. ‘Where a development site contains a listed building identified as being at risk, proposals should be phased to secure its repair and re-use as early as possible in the development process, based on a phasing plan agreed with the Council’.	<ul style="list-style-type: none"> • The Estate of Marques Kingsley Deceased (MOD168) 	The proposed modification reflects the wording of the NPPF regarding the phasing of development. The policy wording contains the word “should” regarding the use of legal agreements. Other details are proposed as supporting information and are not part of the policy. No further change is required for soundness or legal compliance.
Criterion 1 is still not effective on the basis that it is not clear as to what extent new development should identify specific opportunities for heritage assets at risk. The Criterion can only be applied if the heritage asset is on site and where relevant to the development proposal in question. The current wording could apply to a wider area that might be outside of the applicants control or the proposed development might be required for an matter that is an entirely separate matter to the heritage asset.	<ul style="list-style-type: none"> • Tatton Group (MOD195) 	This issue does not relate to a proposed Main Modification. As set out in ¶5.7a, every site and building will differ in its circumstance. It will be through legally binding mechanisms, that the level of works to secure a listed building and prevent that building from being at risk will vary and each case will need to be considered individually. No further change is required for soundness or legal compliance.
To make sound, define what ‘proactively manage’ or ‘periodically review’ listed buildings.	<ul style="list-style-type: none"> • South Knutsford Residents Group (MOD247) 	This issue does not relate to a proposed Main Modification and no further change is required for soundness or legally compliance.

MM22 (Policy HER 3 ‘Conservation areas’)

Summary of the main issues raised	Representor(s)	Council response
<p>The reference is incorrect in only recognising one conservation area in Prestbury as there are two. The second, is Butley Town, which is in Prestbury Parish, and subject to Policy HER 3.</p>	<ul style="list-style-type: none"> • Prestbury Parish Council (MOD17) 	<p>This issue does not relate to a proposed Main Modification and the policy does not reference the number of conservation areas in Prestbury. The Butley Town Conservation Area is within the Parish of Prestbury but it is not within the Prestbury settlement boundary. No further change is required for soundness or legal compliance.</p>
<p>The policy states that proposals for the demolition of a group or group of buildings that positively contribute to the character and appearance of a conservation area will not be supported unless the harm or loss is outweighed by the public benefits of an approved replacement scheme. The Dorothy Bohm v SSCLG [2017] EWHC 3217 Judgment clarifies that just because something is a ‘positive contributor’, so long as it is not designated in itself, a Local Planning Authority should not automatically conclude that it cannot be demolished/redeveloped until it has assessed it in comparison with the potential enhancements of a proposed development. The Judgment implies that the demolition of a positive contributor in a Conservation Area cannot be treated as harm to a designated heritage asset in isolation, but that the scheme as a whole needs to be considered, with the demolition being just one factor in this. The wording as currently suggested is not consistent with case law on this matter</p>	<ul style="list-style-type: none"> • Emery Planning (MOD58) 	<p>Criterion 2 sets out that the consideration for demolition would be within the context of the replacement scheme. This is consistent with the case law quoted from 2017 which talks about the scheme as a whole needing to be considered, with the demolition being just one factor in this. No further change is required for soundness or legal compliance</p>
<p>The modification proposes deleting reasons ii and iii under which the loss of a building in a conservation area will be supported. This is justified on the basis of consistency with NPPF Paragraph 201 and 202. To ensure consistency, Policy HER 3 should also reference the four bullet points under</p>	<ul style="list-style-type: none"> • PH Property Holding Ltd (MOD156) 	<p>Local Plans should reflect the NPPF, but not repeat it. NPPF ¶201 is concerned with the substantial harm to (or total loss of) a designated heritage asset whereas Criterion 2 of Policy HER 3 refers to the demolition of buildings that positively contribute to the character or</p>

Paragraph 201, a-d, which set out the circumstances in which the loss of a designated heritage asset would be acceptable.		appearance of a conservation area. No further change is required for soundness or legal compliance
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MM23 (Policy HER 4 ‘Listed buildings’)

Summary of the main issues raised	Representor(s)	Council response
Criterion 2 should confirm that it refers to the 2021 version of the NPPF given that paragraph numbers change with different versions.	<ul style="list-style-type: none"> Tatton Group (MOD197) 	This does not materially affect the policy and is not required for soundness or legal compliance. However, the council could amend the reference to include “(2021)” as an Additional Modification prior to adoption.
Stress the importance of settings in advisory paragraphs	<ul style="list-style-type: none"> South Knutsford Residents Group (MOD248) 	¶5.22 already refers to the settings of heritage assets and no further changes are required for soundness or legal compliance.

MM24 (Policy HER 5 ‘Registered parks and gardens’)

Summary of the main issues raised	Representor(s)	Council response
The NPPF applies the same tests to listed buildings (which are a Statutory Heritage Asset) to Registered Parks and Gardens under ¶¶200 to 202. Even so, the proposed modifications are not in line with these requirements of the NPPF. ¶200 of the NPPF specifically refers to proposals that result in the ‘alteration or destruction or from development within its setting’ of designated heritage assets. The only defined setting for a Registered Park and Garden in Cheshire East is the boundary afforded to the Registered Park and Garden as illustrated on the Proposals Map. As such, Criterion 1, which seeks to preserve the heritage asset	<ul style="list-style-type: none"> Tatton Group (MOD198) 	According to the NPPF, the setting of a Registered Park or Garden, would apply similarly to that of a Statutory Heritage Asset, neither of which would be defined. Criterion 1 seeks to protect the Registered Park and Garden and its setting. No further change is required for soundness or legal compliance.

<p>irrespective of the level of harm caused, should only relate to development proposals 'within' Registered Historic Parks and Gardens and not to development proposals located outside of the defined boundary. Whilst there might be land located beyond the defined boundary that contributes to a Registered Park and Garden's significance (for instance, if the Garden was originally designed with a long distance view in mind which remains unchanged), not all land located adjacent or near to a Registered Park and Garden will be relevant to its significance. Development proposals within and outside of Registered Parks and Gardens that impact on the significance of the heritage asset will be captured by Part 2 of the policy irrespective of this. The policy should refer to development "within" a Registered Historic Park and Garden, not development "affecting" it.</p>		
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MM26 (Policy HER 7 'Non-designated heritage assets')

Summary of the main issues raised	Representor(s)	Council response
<p>The definition of buildings of "townscape merit" should be added to glossaries of appraisals as they come forward for review but subject to the approval of the authority's relevant specialist officers.</p>	<ul style="list-style-type: none"> South Knutsford Residents Group (MOD249) 	<p>This issue is not related to a proposed Main Modification. It would not be a justified approach for development plan policy to specify the content of Conservation Area Appraisals. No further changes are required for soundness or legal compliance.</p>

MM27 (Policy HER 8 'Archaeology')

Summary of the main issues raised	Representor(s)	Council response
<p>No main issues raised.</p>		

MM28 (Policy HER 9 ‘World heritage site’)

Summary of the main issues raised	Representor(s)	Council response
<p>It remains unclear how harm to the significance of the JBO WHS will be evaluated from a heritage perspective for proposals within it. The policy should be more prescriptive in this respect including how radio interference impacts will be assessed against the established heritage impacts criteria. The policy is unclear whether a heritage impact assessment is required for all proposals in the buffer zone.</p>	<ul style="list-style-type: none"> • Bloor Homes (NW) Ltd (MOD51) • Emery Planning (MOD60) 	<p>These are issues that have been raised in representations previously and discussed under Matter 9 on Day 9 of the Examination Hearing that took place on Wednesday 3rd November 2021. The policy, through its Main Modification, affords appropriate policy protection to the significance of this internationally important historic asset in line with national planning policy. It is not possible for the policy to set out a detailed methodology for how radio interference will be calculated. This is a matter of complex science and cannot be meaningfully set out in the policy. However, the policy does set out the relevant considerations and tests that should be applied when determining the acceptability of development proposals that may have an impact on its Outstanding Universal Value. It is deliberate that the policy has a constraining effect on new development, which properly reflects the need to protect the Observatory’s Outstanding Universal Value.</p> <p>The need for a heritage statement and the level of detail in it is a matter that must be judged in the light of the location and nature of individual development proposals. This is reflected in proposed new paragraph 5.36 within the supporting information to the policy. No further change is required for soundness or legal compliance.</p>
<p>Greater clarity should be provided about how ‘less than substantial harm’ can be demonstrated.</p>	<ul style="list-style-type: none"> • The landowners of Land off New Platt Lane, Goostrey (MOD87) 	<p>This is not something that can practicably be set out in the policy. Whether a proposal causes substantial harm or non-substantial harm and the threshold between these is a judgement for the decision-maker having regard to the circumstances of the case and the policy in the NPPF. No</p>

		further change is required for soundness or legal compliance.
A more flexible policy approach to development within the buffer zone will be key in delivering the requirements of the Local Plan, particularly to address the identified requirement for 3,500 homes and 7ha of employment land. The policy, coupled with the advice provided in the emerging Jodrell Bank SPD, will set a too restrictive policy framework and have a significant impact on the delivery of sustainable development over an extensive area of the borough.	<ul style="list-style-type: none"> • The landowners of Land off New Platt Lane, Goostrey (MOD87) • Tatton Group (MOD201) 	A more flexible policy approach is not appropriate or justified. The policy, through its Main Modification, affords an appropriate level of policy protection to the significance of this internationally important historic asset. It has been demonstrated that the policy does not prevent the achievement of the development requirements established through the Local Plan Strategy. No further change is required for soundness or legal compliance.
The proposed change to Policy HER 9, excludes the need for proposals to enhance (only preserve) the significance of Jodrell Bank which is not consistent with national policy.	<ul style="list-style-type: none"> • Historic England (MOD92) 	NPPF ¶206 states that local planning authorities should look for opportunities for new development within World Heritage Sites or within the setting of heritage assets, to enhance or better reveal their significance. However, it does not go as far as making enhancement a pre-condition of obtaining planning permission for such development proposals and no further change is required for soundness or legal compliance.
The continued relevance of the JBO Buffer Zone (used to apply a level of protection to the efficiency of the JBO and first established in 1973), is questioned in light of the Square Kilometre Array project which will involve newer technology and gather better data. In light of this, further changes should be made to the supporting text of the policy to include a reference to for the council to review the relevance of the 1973 Buffer Zone, with the University of Manchester, Central Government and World Heritage Organisation once the Square Kilometre Array becomes operational and address this through a Local Plan Review (and/or through an amendment to the SPD).	<ul style="list-style-type: none"> • Tatton Group (MOD201) 	The advancement of the Square Kilometre Array project does not justify adopting a policy approach that would result in a reduction to the efficiency of the radio telescopes at the Observatory. The objector is promoting an approach that would result in harm to the significance of this World Heritage Site. The continued scientific operation of the Observatory's telescopes is central to its Outstanding Universal Value, and therefore the heritage significance of the World Heritage Site. The considerable development pressures that now exist with the Consultation/Buffer Zone increase its relevance and importance as a means of protecting the significance of this historic asset of international importance. No further change is required for soundness or legal compliance.

MM29 (Policy RUR 1 ‘New buildings for agriculture and forestry’)

Summary of the main issues raised	Representor(s)	Council response
Criterion 3 should refer to controlled waters rather than watercourses, to recognise that drainage systems can also pose a risk to groundwater.	<ul style="list-style-type: none"> Environment Agency (MOD262) 	This issue does not relate to a proposed Main Modification. LPS Policy SE 13 ‘Flood risk and water management’; and SADPD policies ENV 16 ‘Surface water management and flood risk’ and ENV 17 ‘Protecting water resources’ are sufficient to manage this issue and no further changes are required for soundness or legal compliance.

MM30 (Policy RUR 3 ‘Agriculture and forestry workers dwellings’)

Summary of the main issues raised	Representor(s)	Council response
Criterion 1(iii) should refer to the “functional need” rather than the “existing functional need”, for example in case a family’s needs grow in the future.	<ul style="list-style-type: none"> Emery Planning (MOD61) 	This issue does not relate to a proposed Main Modification. As set out in the NPPF, rural workers dwellings can only be justified where there is an “essential” need for a rural worker to live at or near their place of work. It is not sufficient for the need to be desirable, or preferable to the other options available. Criterion 2(ii) notes that the functional need must not relate to the personal preferences or personal circumstances of the individuals involved. It would not be justified or effective to allow the size of dwelling to include space commensurate with an unspecified potential future functional need, and no further amendments are required for soundness or legal compliance.
The additional wording in ¶6.11a should accurately reflect ¶80 of the NPPF and be included in the policy rather than the explanatory text by amending Criterion 1(i) to confirm that the existing functional need includes those taking majority control of a farm business.	<ul style="list-style-type: none"> Emery Planning (MOD61) 	The policy is in accordance with NPPF ¶80 and allows for essential rural workers dwellings where there is an existing functional need for an additional worker to live permanently at the site. The NPPF establishes that this can include those taking majority control of a farm business and the exact repetition of the NPPF wording is not required for soundness or legal compliance, particularly as the NPPF (¶16f) requires plans to

		avoid unnecessary duplication of its policies. The additional wording proposed at ¶6.11a is in accordance with the PPG (Paragraph: 010 Reference ID: 67-010-20190722) and no further changes are required for soundness or legal compliance.
The ¶6.13 wording should be amended to note that the size of dwelling “should be commensurate” to the functional need rather than requiring that it “must be strictly commensurate” to the functional need.	<ul style="list-style-type: none"> • Tatton Group (MOD203) 	As set out in the NPPF, rural workers dwellings can only be justified where there is an “essential” need for a rural worker to live at or near their place of work. It is not sufficient for the need to be desirable, or preferable to the other options available. Criterion 1(iii) requires the size and siting of the dwelling to be “strictly commensurate” to the functional need and no Main Modification is proposed to this part of the wording. The proposed additional text at ¶6.13 accords with Criterion 1(iii) and it would not be justified or effective for the supporting information to offer a more relaxed approach to the consideration of dwelling size than the policy itself. No further changes are required for soundness or legal compliance.

MM31 (Policy RUR 6 ‘Outdoor sport, leisure and recreation outside of settlement boundaries’)

Summary of the main issues raised	Representor(s)	Council response
The policy should include definitions of what constitutes sport or recreation; for example dog exercise area do not seem to constitute sport or recreation outside of settlement boundaries, particularly when fields are littered with equipment and subdivided with fencing.	<ul style="list-style-type: none"> • South Knutsford Residents Group (MOD250) 	This issue does not relate to a proposed Main Modification. The policy already: requires applicants to demonstrate that a countryside location is necessary for the proposal; includes safeguards on the amenity and character of the surrounding area and landscape; and requires appropriate landscaping and screening. No further changes are required for soundness or legal compliance.

MM32 (Policy RUR 7 ‘Equestrian development outside of settlement boundaries’)

Summary of the main issues raised	Representor(s)	Council response
<p>In Criterion 2, the words “seeking a location in the countryside” should be deleted as the policy relates only to equestrian development outside of settlement boundaries.</p>	<ul style="list-style-type: none"> • Emery Planning (MOD62) 	<p>Whilst the application of the policy would remain the same without these words, they do assist in making the policy clear and understandable. No further change is required for soundness or legal compliance.</p>
<p>There is no justification for a restriction on new buildings for equestrian purposes in the open countryside and the final part of Criterion 2 should be deleted. The NPPF supports the sustainable growth and expansion of all types of businesses in rural areas, both through the conversion of existing buildings and well-designed new buildings and the approach is too restrictive on new businesses and new equestrian buildings.</p>	<ul style="list-style-type: none"> • Emery Planning (MOD62) • Tatton Group (MOD204) 	<p>NPPF ¶84 supports the sustainable growth and expansion of all types of businesses in rural areas, both through the conversion of existing buildings and well-designed new buildings and the policy is in accordance with this requirement. To be able to “grow” or “expand”, it is clear that the business should already be in existence and the support for new buildings in rural areas under NPPF ¶84 does not extend to development required to start a brand new business in the open countryside. The policy allows for additional new buildings for proposals to facilitate the sustainable growth and expansion of existing businesses (of any scale), and is in accordance with NPPF ¶84. The policy is positively written and it also allows for additional new buildings for brand new businesses in the open countryside and for non-commercial proposals where these are small in scale. No further change is necessary for soundness or legal compliance.</p>
<p>In Criterion 2, the words “restricted to the minimum level” should be deleted as this is not justified in the context of the NPPF, which supports the sustainable growth and expansion of businesses in rural areas.</p>	<ul style="list-style-type: none"> • Emery Planning (MOD62) 	<p>This issue does not relate to a proposed Main Modification. LPS Policy PG 6 allows for development that is essential for uses appropriate to a rural area; and also allows for development that is essential for the expansion or redevelopment of an existing business. The construction of additional new buildings in the open countryside that are not reasonably required for the operation of the facility cannot be considered to be essential under LPS Policy PG 6. The NPPF ¶84 does not require policies to allow new buildings</p>

		that are not needed for the operation of a rural business and no change is needed for soundness or legal compliance.
The word “temporary” in Criterion 3 should be retained due to the Green Belt purpose of retaining land permanently open.	<ul style="list-style-type: none"> CPRE Cheshire (MOD109) 	The council’s reason for including the word “temporary” is set out in its Matter 10 Hearing Statement [HPS/M10/01] (¶41) but as discussed at the hearing session, it is proposed to delete this word for reasons of soundness.

MM33 (Policy RUR 8 ‘Visitor accommodation outside of settlement boundaries’)

Summary of the main issues raised	Representor(s)	Council response
No main issues raised.		

MM34 (Policy RUR 9 ‘Caravan and camping sites’)

Summary of the main issues raised	Representor(s)	Council response
No main issues raised.		

MM35 (Policy RUR 10 ‘Employment development in the open countryside’)

Summary of the main issues raised	Representor(s)	Council response
Criterion 1 paraphrases LPS Policy PG 6 resulting in a different meaning and should instead include all the types of development allowed in the open countryside under PG 6.	<ul style="list-style-type: none"> Emery Planning (MOD64) 	This issue is not related to a proposed Main Modification. LPS Policy PG 6 Criterion 2 lists the types of development that will be permitted in the open countryside. This policy gives further guidance on the application of LPS Policy PG 6 with regard to employment development (E(g), B2 and B8), which is an “other use appropriate to a rural area” under PG 6. It is not necessary

		<p>for this policy to repeat all the other types of development that will be permitted in a rural area that do not relate to employment development (agriculture, forestry, outdoor recreation, public infrastructure, and essential works undertaken by public service authorities or statutory undertakers). Other policies in the SADPD give further guidance on these other types of development where needed and no change is required for soundness or legal compliance.</p>
<p>The NPPF allows for the sustainable growth and expansion of all types of businesses in rural area criterion 1(ii) should refer to the nature of the business being “appropriate to a rural area” rather than meaning that “a countryside location is essential”.</p>	<ul style="list-style-type: none"> • Emery Planning (MOD64) 	<p>This issue is not related to a proposed Main Modification. LPS Policy PG 6 Criterion 2 permits development that is essential for uses appropriate to a rural area and this policy provides further guidance on when employment development may be considered as a use appropriate to a rural area. In addition to the types of development allowed under PG 6 Criterion 2, Criterion 3 then makes a series of exceptions in allowing certain types of development that do not fall within the types allowed in Criterion 2. One of these is “for development that is essential for the expansion of redevelopment of an existing business” and this policy RUR 10 does not affect this exception under LPS Policy PG 6.</p> <p>The NPPF (¶84) supports the sustainable growth and expansion of all types of businesses in rural areas, both through the conversion of existing buildings and well-designed new buildings and the policy is in accordance with this requirement. To be able to “grow” or “expand”, it is clear that the business should already be in existence and the support for new buildings in rural areas under NPPF ¶84 does not extend to development required to start a brand new business in the open countryside. LPS Policy PG 6 Criterion 3(v) already allows for development essential for the expansion or redevelopment of an existing business, with no restriction on the nature of the business or whether it needs a countryside location.</p>

		<p>PG 6 allows for development that is essential for uses appropriate to a rural area. The plan should be read as a whole and this policy actually adds further flexibility by confirming the circumstances under which employment development is a use appropriate to a rural area and can be allowed under Policy PG 6. It is appropriate to require a countryside location to be essential, otherwise the development would not be essential for a use appropriate to a rural area under PG 6.</p> <p>This policy is positively written and allows for development for brand new businesses in the open countryside, but as confirmed in the supporting information (¶6.38), it does not remove any existing ability for existing businesses to expand under the exception in LPS Policy PG 6 Criterion 3(v). No change is required for soundness or legal compliance.</p>
<p>Deletion of the words “small scale” will result in large incursions in the countryside.</p>	<ul style="list-style-type: none"> • CPRE Cheshire (MOD110) 	<p>The council has proposed to delete the references to “small scale” in response to the Inspector’s Post Hearing Comments [INS/34] (¶25), which states: <i>“Parts 1 and 2 of Policy RUR 10 limit employment development in rural areas to ‘small scale’ proposals. However, paragraph 84 of the NPPF expects planning policies to enable the sustainable growth and expansion of all types of business in rural areas, and is not limited to small scale employment development. It may be appropriate, even essential for certain types of larger scale employment development to occupy a rural location, where this is necessary for the operation of the business. Other criteria in part 1 of the policy control the scale of new buildings and their impact on the character of the countryside. Accordingly, as drafted, the restriction to ‘small scale’ employment development in Policy ENV 10 is neither consistent with national policy nor justified, and should be deleted for soundness.”</i></p> <p>It is agreed that NPPF ¶84 expects planning policies to enable the sustainable growth and expansion of all types of businesses</p>

		<p>in rural areas, and is not limited to small scale employment development. However, LPS Policy PG 6 Criterion 3(v) already allows for development essential for the expansion or redevelopment of an existing business, with no restriction on scale. Policy RUR 10 adds further guidance to the types of development that are essential for other uses appropriate to a rural area in Criterion 2 of Policy PG 6. As confirmed the supporting information (¶6.38), Policy RUR 10 does not have any bearing on development that is essential for the expansion or redevelopment of an existing business under Criterion 3(v) of Policy PG 6 and therefore it does not restrict the sustainable growth and expansion of all types of businesses in rural areas as required by NPPF ¶84.</p> <p>Instead, it is a positively-written policy that makes additional provision for new buildings (where appropriate) for development in the E(g), B2 and B8 uses classes, with no restriction on the development being essential for the expansion or redevelopment of an existing business under PG 6 Criterion 3(v). This provides the opportunity for new buildings for brand new businesses in the open countryside, which is not related to the requirements of the NPPF ¶84 to support the sustainable growth and expansion of rural businesses. It is in accordance with LPS Policy EG 2 which allows for developments that provide opportunities for local rural employment development that supports the vitality of rural settlements (EG 2 Criterion 1) where the development does not conflict with PG 6 of the LPS (EG 2 Criterion vii). Policy RUR 10 confirms the circumstances under which rural employment development is a use appropriate to a rural area under LPS PG 6 Criterion 2 and therefore does not conflict with that policy.</p> <p>For the reasons set out in the council’s Matter 10 Hearing Statement [HPS/M10/01] (Q166, ¶¶56-63), the reference to “small scale” in the submitted plan is considered to be consistent with national policy and justified. Whilst the proposed modification</p>
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		reference to the scale being appropriate to the location and setting provides some form of check and balance, the council shares the concerns of CPRE Cheshire regarding the appropriateness of allowing large scale development involving new buildings for brand new E(g)/B2/B8 businesses in the open countryside where development does not already meet any of the number of exceptions listed in LPS Policy PG 6 Criterion 3. Provision for such types of development can (and has) been made through the allocation of specific sites in the development plan.
One aspect of scale will be the proposed function of any new building and this should be included in Criterion 1(i). Alternatively, Criterion 1(i) could be deleted and reference to scale made in Criterion 3.	<ul style="list-style-type: none"> Tatton Group (MOD207) 	Criterion 2 already restricts additional new buildings to the minimum level reasonably required for the existing or planned operation of the business. A further reference to the scale of development being appropriate to its function is not required for soundness or legal compliance.
More attention is needed to the expansion of farm shops, some of which have grown larger and are affecting the viability of retail centres.	<ul style="list-style-type: none"> South Knutsford Residents Group (MOD251) 	This issue is not related to a proposed Main Modification. SADPD ¶6.35 confirms that the policy applies to E(g), B2 and B8 development. It does not apply to retail development (including farm shops) and no further changes are required for soundness or legal compliance.

MM36 (Policy RUR 11 ‘ Extensions and alterations to buildings outside of settlement boundaries’)

Summary of the main issues raised	Representor(s)	Council response
The removal of the use of a percentage figure increase is supported	<ul style="list-style-type: none"> Prestbury Parish Council (MOD18) CPRE Cheshire (MOD111) 	This issue does not relate to a proposed Main Modification and it is not proposed to delete the percentage figures. Criterion 2 gives guidance on the matters to be taken into account when considering whether a proposal represents disproportionate additions. Criterion 3 gives guidance on

		the percentage increase in size above that of the original buildings that may be considered as disproportionate additions. The use of guidance thresholds is sound and legally-compliant.
The Inspector required deletion of the sentence imposing a blanket rule that increases in building height will be disproportionate. The MM redrafts this sentence instead of deleting it. There is no reason to identify height in isolation, it places undue emphasis on one single element of the matters for consideration, serves no meaningful planning purpose, is not directly consistent with the NPPF, and is contrary to the Inspector’s recommendation.	<ul style="list-style-type: none"> • Emery Planning (MOD65) • Kev Ryder (MOD130) • Tatton Group (MOD208) 	The NPPF (¶174) requires planning policies and decisions to contribute to and enhance the natural and local environment by (amongst other matters) recognising the intrinsic character and beauty of the countryside. It also requires plans to contain policies that are clearly written and unambiguous (¶16). The policy, as modified, allows for increases in height where these are not disproportionate, but also gives useful guidance to applicants and decision-makers that increases in overall buildings height will be given particular attention, as in the council’s experience, increases in height are often problematic when considering the intrinsic character and beauty of the countryside, and the need to enhance the local environment. No further changes are needed for soundness or legal compliance.
The exception to the guidance percentage thresholds where a proposal “is within a village infill boundary” under Criterion 3(i) prevents the potential for larger extensions in other settlements without an infill boundary and is not justified or supported by evidence. This exception should instead refer to where a proposal “lies within a group of buildings or ribbon development and the extension would not be prominent”.	<ul style="list-style-type: none"> • Amos Group (MOD93) 	This issue does not relate to a proposed Main Modification. The proposed village infill boundaries are supported by evidence and providing an exception to the guidance percentage increase threshold within village infill boundaries is justified and effective. It also means that the policy is clearly written and unambiguous, as required by NPPF ¶16. No further changes are required for soundness or legal compliance.

MM37 (Policy RUR 12 ‘Residential curtilages outside of settlement boundaries’)

Summary of the main issues raised	Representor(s)	Council response
No main issues raised.		

MM38 (Policy RUR 13 ‘Replacement buildings outside of settlement boundaries’)

Summary of the main issues raised	Representor(s)	Council response
<p>The removal of percentage thresholds could lead to much larger replacement dwellings which could have a negative impact on the countryside.</p>	<ul style="list-style-type: none"> • Prestbury Parish Council (MOD19) • CPRE Cheshire (MOD112) 	<p>The council has proposed to delete the thresholds in response to the Inspector’s Post Hearing Comments [INS/34] (¶25), which states: <i>“part 3 of Policy RUR 12 should be deleted and the policy modified accordingly to define the range of considerations to be taken into account in determining whether a replacement building outside of settlement boundaries is materially larger.”</i></p> <p>The Inspector’s Post Hearing Comments [INS/34] (¶25) refer to case law in respect of this issue, and it is accepted that case law indicates that it would not be justified or effective to use a percentage increase in floorspace as a proxy for what is deemed to be materially larger. However, for the reasons set out in the council’s Matter 10 Hearing Statement [HPS/M10/01] (Q170, ¶¶83-91), the use of thresholds (relating to “size” rather than “floorspace”) alongside other considerations is considered to be a sound approach. The use of guidance percentage threshold figures is an approach that has been found sound in other plans and the council shares the concerns of Prestbury Parish Council and CPRE Cheshire in this regard.</p>
<p>The sentence in Criterion 2 “Increases in overall building height and development extending notably beyond the existing footprint in particular have the potential to be materially larger” should be deleted. There may be proposals involving a modest increase in height or change in footprint that are not materially larger and there is no justification to single out height and footprint. Case law does not single out these matters and it is not reflected in the NPPF.</p>	<ul style="list-style-type: none"> • Emery Planning (MOD67) • Tatton Group (MOD210) 	<p>The NPPF (¶174) requires planning policies and decisions to contribute to and enhance the natural and local environment by (amongst other matters) recognising the intrinsic character and beauty of the countryside. It also requires plans to contain policies that are clearly written and unambiguous (¶16). The policy, as modified, allows for increases in overall building height and development extending notably beyond the existing footprint where these are not materially larger, but also gives useful</p>

		guidance to applicants and decision-makers that these matters have particular potential to be materially larger, as in the council's experience, these matters are often problematic when considering the intrinsic character and beauty of the countryside, and the need to enhance the local environment. No further changes are needed for soundness or legal compliance.
The increase in size between the existing and replacement building should refer to "size" instead of "floorspace".	<ul style="list-style-type: none"> • Emery Planning (MOD67) 	The proposed Main Modification deletes the statement that the increase in size will usually be determined by assessing the net increase in floorspace. However, an assessment of the increase in floorspace will still form part of the consideration of whether a proposal is materially larger, where it is appropriate to do so. In these instances, it is justified and effective for the policy to give guidance on how the floorspace from detached outbuildings will be taken into account. No further changes are required for soundness or legal compliance.
The statement that "the existing building means the building as it exists at the time of submitting the planning application" implies that any fall-back position will not be taken into account and should be deleted. The local planning authority is obliged to have regard to the fall-back position and this may form a material consideration. It is not for policy to pre-determine what matters are material considerations.	<ul style="list-style-type: none"> • Emery Planning (MOD67) 	This issue does not relate to a proposed Main Modification. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise, and case law establishes that 'fall-back' positions can be a material consideration in some circumstances. The development plan position is that the existing building is as it exists at the time of submitting the planning application but it does not pre-determine matters that might be a material consideration justifying a departure from the policy. Where a 'fall-back' position is a material consideration, the council will have regard to this in the determination of any application. No further changes are required for soundness or legal compliance.

MM39 (Policy RUR 14 ‘Re-use of rural buildings for residential use’)

Summary of the main issues raised	Representor(s)	Council response
RUR 14 relates only to the re-use of rural buildings for residential use and there is no policy relating to the re-use of buildings for other uses. The NPPF does not restrict the use that a rural building can change to and re-use for other uses such as employment or commercial uses would also be acceptable in principle.	<ul style="list-style-type: none"> Emery Planning (MOD68) 	This issue does not relate to a proposed Main Modification. The policy gives guidance on the re-use of rural buildings for residential purposes but does not restrict their re-use to residential only. The re-use of rural buildings for other uses is covered by several other policies, including LPS policies PG 6 ‘Open countryside’ and EG 2 ‘Rural economy’; and SADPD policies RUR 6; RUR 7; RUR 8; and RUR 10. No further changes are required for soundness or legal compliance.

MM40 (Policy EMP 2 ‘Employment allocations’)

Summary of the main issues raised	Representor(s)	Council response
Additional employment land should be allocated in Knutsford.	<ul style="list-style-type: none"> Tatton Group (MOD212) 	This issue does not relate to a proposed Main Modification. As discussed at the hearing sessions and set out in the council’s homework items 8a [CEC/09] and 8b [CEC/10], there is no need to make further employment land allocations in Knutsford. No further changes are required for soundness or legal compliance.

MM41 (Policy HOU 1 ‘Housing mix’)

Summary of the main issues raised	Representor(s)	Council response
Missing from the policy is reference to the proposed development needing to comply with other relevant policies in the Local Plan and the NPPF.	<ul style="list-style-type: none"> Prestbury Parish Council (MOD20) 	This issue does not relate to a proposed Main Modification. The Local Plan is intended to be read as a whole, when considering development proposals, alongside other

		material considerations including the NPPF. No further change is required for soundness or legal compliance.
Important that the policy is flexible and not overly prescriptive to stifle development.	<ul style="list-style-type: none"> • Story Homes (MOD38) • David Wilson Homes NW (MOD84) • Home Builders Federation (MOD119) 	As noted in the council's Matter 3 Hearing Statement [HPS/M3/03] (Q47, ¶30), the policy clearly states the circumstances where a housing mix statement is to be provided and the factors that should be considered in the preparation of the statement. No further change is required for soundness or legal compliance.
Concerns over significant amount of evidence with planning applications to justify the proposed housing mix.	<ul style="list-style-type: none"> • David Wilson Homes NW (MOD84) • Home Builders Federation (MOD119) 	This issue does not relate to a proposed Main Modification. ¶8.5 of the supporting text to Policy HOU 1 'Housing mix' is clear that the housing mix statement should be proportionate. No further change is required for soundness or legal compliance.
Up to date evidence on housing mix should be provided by the local planning authority as part of its annual monitoring.	<ul style="list-style-type: none"> • David Wilson Homes NW (MOD84) 	This issue does not relate to a proposed Main Modification. Authority monitoring reports and the SADPD monitoring framework (indicator MF27) provide information on the mix of homes completed in the borough during the respective monitoring periods. Policy HOU 1 'Housing mix' clearly sets out factors to be included in the housing mix statement and provides a starting point, in table 8.1 of the supporting text, for consideration for major housing schemes. The policy also recognises that there may be several site-specific characteristics that are relevant for the applicant to consider in preparing a housing mix statement. No further change is required for soundness or legal compliance.
Table 8.1 'indicative house type tenures and sizes' should be deleted.	<ul style="list-style-type: none"> • Barratt and David Wilson 	This issue does not relate to a proposed Main Modification. The policy wording for HOU 1 'Housing mix' is clear that Table 8.1 represents indicative house type tenures and

	<p>Homes (MOD148)</p> <ul style="list-style-type: none"> • PH Property Holdings Ltd (MOD157) 	<p>sizes and is a starting point for analysis on housing mix. The policy then refers to a host of other relevant factors that will inform the housing mix, on a site-by-site basis. No further change is required for soundness or legal compliance.</p>
<p>New text should be added to refer to a transitional period of six months after the date of adoption of the Plan for the implementation of this policy.</p>	<ul style="list-style-type: none"> • Barratt and David Wilson Homes (MOD148) • PH Property Holdings Ltd (MOD157) 	<p>This issue does not relate to a proposed Main Modification. Policy HOU 1 'Housing mix' does not prescribe the precise mix in every case. Rather it requires consideration of Table 8.1 (in the supporting text) as a starting point for analysis. It clearly sets out the relevant factors that should also be considered in respect of housing mix. It should be noted that the policy also applies at a particular point in the development cycle, at reserved matters or full application stage, where information on housing mix is known. The Local Plan Site Allocations and Development Policies Viability Assessment [ED 52] notes that in general terms, policies in the SADPD are deliverable when considered with policies in the LPS (¶12.98). No further change is required for soundness or legal compliance.</p>
<p>Additional change proposed as follows: - 8.5 The housing mix statement should be a proportionate and up to date assessment of local circumstances and demonstrate how the proposed mix of housing tenure, type and sizes can help support the creation of mixed, balanced and inclusive communities. The mix of housing coming forward on sites will vary dependent on several site, <u>settlement</u> and <u>wider</u> market factors. Information presented through the housing mix statement, focused on the factors identified in Policy HOU 1, will assist the council in determining whether a proposal provides for an appropriate housing mix</p>	<ul style="list-style-type: none"> • Tatton Group (MOD213) 	<p>The council would have no objection to this additional wording should the Inspector consider it necessary for soundness/legal compliance. It is noted that the remainder of ¶8.5 appropriately refers to the factors outlined in Policy HOU 1 'housing mix', including local housing market and its characteristics.</p>
<p>Regrets the omission of the retention of bungalow or other single-storey dwellings.</p>	<ul style="list-style-type: none"> • South Knutsford Residents 	<p>This issue does not relate to a proposed Main Modification. Policy HOU 1 'housing mix' refers to the housing mix statement addressing how a scheme meets the</p>

	Group (MOD252)	requirements of an ageing population and those wishing to downsize. No further change is required for soundness or legal compliance.
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MM42 (Policy HOU 2 ‘Specialist housing provision’)

Summary of the main issues raised	Representor(s)	Council response
Concerns that the SADPD does not boost provision of older persons accommodation to meet the backlog of requirements and the forecasted future need. The Main Modifications do not go far enough to provide for the need identified for older persons’ accommodation within Cheshire East and are inconsistent with other local plans.	<ul style="list-style-type: none"> • Cognatum Developments Limited (MOD165) • Symphony Park Holdings Ltd (MOD 174) 	This issue does not relate to a proposed Main Modification. The Inspector’s post hearing comments ([INS 34] (issue 7) noted that he was satisfied that the combination of:- the supply of C2 accommodation delivered or committed since 2010; the remaining housing allocations in the LPS and SADPD without permission alongside the potential of windfall sites alongside the policy approach set out in the Local Plan would provide for adequate provision to meet the need for specialist accommodation for older people within the plan period. No further change is needed for soundness or legal compliance.
Objection to Clause vii and the approach to viability and affordable housing. The approach adopted is not sound due to direct conflict with PPG which notes that policy requirements should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability that takes into account all relevant policies, and local and national standards. There will now be a policy presumption that affordable housing is to be provided subject to a test to consider viability at the planning application stage whereas guidance makes it clear that the viability testing exercise should be fully undertaken at the plan-making	<ul style="list-style-type: none"> • Symphony Park Holdings Ltd (MOD 174) 	The PPG (paragraph: 007 reference ID: 10-007-2019050) states that in respect of viability, housing for older people is noted as a circumstance where a viability assessment may be required at the planning application stage, in recognition of the type of development being provided, which may vary from standard models of development for sale. The outcomes of the SADPD viability study indicates that sheltered and extra care housing may not be able to viably support a full policy compliant level of affordable housing (as identified in the Inspector’s post hearing comments [INS 34] issue 7) and therefore the viability

<p>stage. A full assessment to test the remit of LPS Policy SC 5 to incorporate specialist housing for older people would need to be undertaken to be a compliant PPG approach.</p>		<p>clause set out in Criterion 3(vii) is necessary. No further change is needed for soundness or legal compliance.</p>
<p>CEC should consider the matter of older persons accommodation as part of an immediate review of the Local Plan Strategy.</p>	<ul style="list-style-type: none"> • Symphony Park Holdings Ltd (MOD 174) 	<p>In line with ¶33 (and footnote 20) of the NPPF, it is a legal requirement for Local Plans to be reviewed at least every five years to determine whether a Plan is needed to be updated. In line with this requirement, the LPS will be subject to a review before the five years of its adoption (by the 27 July 2022). No change is needed for soundness or legal compliance.</p>
<p>The policy should include the following policy text: “affordable housing provision will be required in line with the thresholds set out in the Cheshire East Local Plan Strategy (LPS) Policy SC 5 ‘Affordable homes’ for elements of a proposal for supported and specialist housing that would create use class C3 self-contained dwellings”.</p>	<ul style="list-style-type: none"> • Gladman Developments Ltd (MOD236) 	<p>As set out in the council’s Matter 3 Hearing Statement [HPS/M3/03] (¶¶43-46) the approach in Policy HOU 2 ‘Specialist housing provision’ is considered to be consistent with the Rectory Homes Limited v SSHCLG and South Oxfordshire District Council (2020) EWHC 2098 (Admin) decision and is reflective of the wording contained in LPS Policy SC 5 ‘Affordable homes’. No further change is needed for soundness or legal compliance.</p>
<p>Reference to the protection of existing bungalows or other single-storey dwellings and bungalows should still be provided within major new build developments. They are a form of specialist housing that enables the elderly and the disabled to continue to live independently.</p>	<ul style="list-style-type: none"> • South Knutsford Residents Group (MOD253) 	<p>This issue does not relate to a proposed Main Modification. Policy HOU 2 ‘Specialist housing provision’, as currently structured, does not preclude the delivery of bungalows or other single-storey buildings as a form of specialist housing, if evidenced as part of a planning application. No further change is needed for soundness or legal compliance.</p>

MM43 (Policy HOU 3 ‘Self and custom build housing’)

Summary of the main issues raised	Representor(s)	Council response
<p>It is unnecessary to require developments of 30+ dwellings (criterion 2) to provide a proportion of serviced plots where there is evidence of unmet demand. Evidence shows that self-build and custom-build homes are already being provided at a sufficient level to meet needs without this policy.</p>	<ul style="list-style-type: none"> • Emery Planning (MOD70) • Bloor Homes (NW) Ltd (MOD47) • Home Builders Federation (MOD120) • Tatton Group (MOD215) • Gladman Developments Ltd (MOD237) 	<p>This issue does not relate to a proposed Main Modification and no additional points are raised. The issue has already been discussed during the examination. No further changes are required for soundness or legal compliance.</p>
<p>Criterion 2 will cause numerous practical issues/technical constraints compromising delivery of large housing sites.</p>	<ul style="list-style-type: none"> • Tatton Group (MOD215) • Barratt & David Wilson Homes (MOD149) • PH Property Holdings Ltd (MOD158) 	<p>This issue does not relate to a proposed Main Modification and no additional points are raised. The issue has already been discussed during the examination. No further changes are required for soundness or legal compliance.</p>
<p>There is no evidence to suggest what an acceptable ‘proportion’ of serviced plots should be. The requirement for a ‘proportion of plots’ to be self-build is unclear and ambiguous.</p>	<ul style="list-style-type: none"> • Emery Planning (MOD70) • Bloor Homes (NW) Ltd (MOD47) 	<p>As discussed at the hearings, the quantum of self-build plots sought at sites of 30+ will be dependent upon location and the extent of unmet demand at the time of application. The term “proportion” is therefore considered sound and no further changes are required.</p>
<p>For viability reasons, if the policy is to remain, a transitional period should be included within the policy (e.g., 6 months from adoption).</p>	<ul style="list-style-type: none"> • Barratt & David Wilson Homes (MOD149) 	<p>Citing a transitional period within the policy is unnecessary. The council has is currently meeting its supply/demand legal duties, including already meet its Base Period 4 (2019)/</p>

	<ul style="list-style-type: none"> PH Property Holdings Ltd (MOD158) 	Plots permitted: Y/E 30 October 2022 target. The council's performance provides a natural transition period within which adaptations can be made. No further changes are required for soundness or legal compliance.
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MM46 (Policy HOU 6 'Accessibility and wheelchair housing standards')

Summary of the main issues raised	Representor(s)	Council response
Parts 1(i)a and 1(i)b are not fully justified. Limited evidence has been provided on the size, location, and quality of dwellings required to address the need identified and it is not therefore clear what requirements are and how they differ across different parts of Cheshire East	<ul style="list-style-type: none"> Story Homes (MOD39) Home Builders Federation (MOD121) 	The issue does not relate to a proposed Main Modification. Policy HOU 6 'Space, accessibility and wheelchair housing standards' applies across the borough and is fully justified by evidence including the Residential Mix Assessment [ED 49] and the SADPD Viability Assessment [ED 52]. This issue is also considered in the council's Matter 3 Hearing Statement [HPS/M3/03] (¶¶54-58). No further changes are required for soundness or legal compliance.
Unclear whether the evidence in ED49 (Residential Mix) supports a need for 6% of all housing and 25% of specialist housing for older people to meet the optional technical standards in section M4(3) of the Building Regulations. The Inspector states that for soundness, clarification should be provided within the supporting text to Policy HOU6 and if necessary, the policy wording itself. This amendment does not appear to have been made and further clarification is needed for the plan to be sound.	<ul style="list-style-type: none"> Bloor Homes (NW) Ltd (MOD48) Emery Planning (MOD71) Barratt and David Wilson Homes (MOD150) PH Property Holdings Ltd (MOD 159) 	The modification proposed in MM46 clarifies the application of the 6% of all housing and 25% of specialist housing for older people to meet the optional technical standards in section M4(3) of the Building Regulations. The amounts quoted in the policy are reflective of the evidence contained in the Residential Mix Assessment Study [ED 49] which has been tested in the SADPD Viability Assessment [ED 52]. No further changes are required for soundness or legal compliance.

<p>Recommend that a transitional period is added for the accessibility standards set out in the policy, for viability reasons</p>	<ul style="list-style-type: none"> Barratt and David Wilson Homes (MOD150) 	<p>The issue does not relate to a Main Modification. As noted in the Inspector’s Post Hearing Comments [INS/34] (issue 8), the accessibility and wheelchair user standards were tested in the Viability Appraisal [ED 52] and a subject to viability clause has been added accordingly. Criterion 2 of Policy HOU 6 includes references to the standards applying unless site specific factors indicate that access cannot be achieved or is not viable. No further change is required for soundness or legal compliance.</p>
<p>The policy is inconsistent with NPPG which states “Local Plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling (Paragraph: 009 Reference ID: 56-009-20150327).</p>	<ul style="list-style-type: none"> Barratt and David Wilson Homes (MOD150) PH Property Holdings Ltd (MOD 159) 	<p>The issue does not relate to a Main Modification. Criterion 1(i)(b) of Policy HOU 6 ‘Space, accessibility and wheelchair housing standards’ refers to M4(3)(2)(a) Category 3 of the Building Regulations regarding wheelchair adaptable dwellings, not wheelchair accessible homes. No further change is required for soundness or legal compliance.</p>

MM47 (Policy HOU 7 ‘Subdivision of dwellings’)

Summary of the main issues raised	Representor(s)	Council response
No main issues raised.		

MM48 (Policy HOU 8 ‘Backland development’)

Summary of the main issues raised	Representor(s)	Council response
No main issues raised.		

MM49 (Policy HOU 9 ‘Extensions and alterations’)

Summary of the main issues raised	Representor(s)	Council response
The policy should also refer to design guidance in neighbourhood plans.	<ul style="list-style-type: none"> South Knutsford Residents Group (MOD254) 	There are a large number of neighbourhood plans in place across the borough, which differ in their approach to design guidance. Made neighbourhood plans are part of the development and will be given appropriate consideration. No further changes are required for soundness or legal compliance.

MM50 (Policy HOU 10 ‘Amenity’)

Summary of the main issues raised	Representor(s)	Council response
No main issues raised.		

MM51 (Policy HOU 11 ‘Residential standards’)

Summary of the main issues raised	Representor(s)	Council response
New Criterion 3 is overly restrictive and in some circumstances, an adequate degree of light and privacy for existing dwellings can be achieved without meeting the specified distances in Table 8.2, such as in town centres. Therefore it should be deleted. The supporting text should recognise that exceptions to the distances in Table 8.2 can be made in some circumstances.	<ul style="list-style-type: none"> Bloor Homes (MOD49) Emery Planning (MOD72) Barratt & David Wilson Homes (MOD151) PH Property Holdings Ltd (MOD160) 	As set out in the council’s Matter 3 Hearing Statement [HPS/M3/03] (¶83), the standards should be seen as a minimum in relation to existing property, so the policy does not inhibit innovative design within new residential developments, but it does make sure new developments do not have an unacceptable impact on the existing established residential properties in a particular area. As discussed at the hearing session, this is a policy requirement and should be within the policy itself, rather than in the supporting information. No further changes are required for soundness or legal compliance.

	<ul style="list-style-type: none"> • Tatton Group (MOD221) 	
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MM52 (Policy HOU 12 ‘Housing density’)

Summary of the main issues raised	Representor(s)	Council response
A separate section should be added to make explicit reference to low density housing areas (using the approach of H12 from the Macclesfield Local Plan), a separate section should be introduced into criterion 3 of Policy HOU 12 specifying the low density housing areas, and relevant SPDs and identifying them on the Adopted Policies Map.	<ul style="list-style-type: none"> • Prestbury Parish Council (MOD22) • Norman and Fiona Braithwaite (MOD78) • CPRE Cheshire (MOD114) • Jamie Mutton (MOD132) • Peter J Yates (MOD175) 	The Inspector’s Post Hearing Comments [INS/34], issue 9, asked for further clarification to be added to Criterion 1 of Policy HOU 12 ‘Housing density’ as to how proposals for lower density schemes will be considered.. MM52 provides such clarification and directs the applicant/decision maker to relevant factors that will be considered. The overall approach in Policy HOU 12 ‘housing density’ is consistent with ¶¶124 & 125 of the NPPF. No further change is necessary for soundness or legal compliance.
Part 3 of Policy HOU12 should include a further factor on density which says: "ix the density policies contained in the relevant made Neighbourhood Plan"	<ul style="list-style-type: none"> • Goostrey Parish Council (MOD 88) 	Neighbourhood Plans form part of the Development Plan used in determining planning applications, where relevant. No further change is necessary for soundness or legal compliance.
Neighbourhood plans should be prepared to insert reference to low-density areas.	<ul style="list-style-type: none"> • South Knutsford Residents Group (MOD255) 	It is open to local communities to prepare/update neighbourhood plans, as appropriate to insert reference to low-density areas, where justified to do so. No further change is necessary for soundness or legal compliance.

MM53 (Policy RET 1 ‘Retail hierarchy’)

Summary of the main issues raised	Representor(s)	Council response
<p>The SADPD glossary should refer to local urban centres being included within the definition of town centres.</p>	<ul style="list-style-type: none"> Orbit Investments (MOD52) 	<p>A modification (MM73) is already proposed to the SADPD glossary entry for Local Urban Centres to make clear that Local Urban Centres fall within the definition of town centres. No further changes are required for soundness or legal compliance.</p>
<p>Proposed new paragraph 9.6a requires proposals outside of a defined centre to consider impact on existing centres and LPS allocations. Whilst the recognition that protection will be afforded to local urban centres is supported, the purpose of the new paragraph in the explanatory text is not clear and this appears to better relate to Policy RET3 on impact tests rather than RET 1.</p>	<ul style="list-style-type: none"> Orbit Investments (MOD52) 	<p>¶9.6a is consistent with the approach set out in ¶90a of the NPPF. It makes clear that for schemes where a retail impact assessment is required, then they should consider relevant LPS allocations. This was a matter discussed during the town centres and retail policies examination hearing on Wednesday 20 October 2021. No further changes are required for soundness or legal compliance.</p>
<p>New local centres proposed under the adopted development plan as part of a number of the strategic sites (including at NW Knutsford) should be listed under this policy as appropriate and identified locations for new local centres. Their status should also be reviewed through any Local Plan Update.</p>	<ul style="list-style-type: none"> Tatton Group (MOD223) 	<p>The issue does not relate to a Main Modification. The council has responded to this issue in its Matter 5 Hearing Statement [HPS/M5/02] (¶4) noting that individual settlement reports have been prepared to justify the approach and definition of retail centres in the SADPD in a consistent way. It is often not until detail has been provided through a planning permission and an allocation has been built than a full understanding of factors (including the scale and form of an individual centre) can be appreciated. It is the council’s position that the status of new local centres proposed as strategic allocations in the LPS would be an issue best considered as part of any update to the Local Plan. By which time, several of the centres will have been built. No further changes are required for soundness or legal compliance.</p>

MM54 (Policy RET 3 ‘Sequential and impact tests’)

Summary of the main issues raised	Representor(s)	Council response
<p>The impact test threshold for local urban centres is set out in a table 9.3 in the explanatory text. It is not clear why this is included within the explanatory text rather than the policy itself (which is the case for principal, town and local centres). For consistency, the thresholds for local urban centres should be included within Policy RET 3 and not the explanatory text.</p>	<ul style="list-style-type: none"> Orbit Investments (Properties Ltd) (MOD53) 	<p>The approach to table 9.3 (impact test thresholds for local urban centres) directly follows paragraph 9.12 which clarifies that for local urban centres, the threshold for the town where the local urban centre is located will apply. If the Inspector considers it appropriate for reasons of soundness/legal compliance, the council has no objection to the table being inserted into the policy itself.</p>
<p>It is not clear how the thresholds for local urban centres have been derived. The explanatory text should be amended to cross reference the evidence base for the local urban centre impact test threshold in the same way it is cross referenced for principal, town and local centres, to ensure the policy is fully justified and sound.</p>	<ul style="list-style-type: none"> Orbit Investments (Properties Ltd) (MOD53) 	<p>The justification for the thresholds for local urban centres derives from the Cheshire East Retail Study Partial Update (2020, WYG) [ED 17]. No further changes to the policy / supporting text are required for reasons of soundness or legal compliance.</p>
<p>Maintain objection to the very low impact thresholds that will be applied regardless of the evidenced need for additional retail floorspace and the existing health and vibrancy of Knutsford Town Centre</p>	<ul style="list-style-type: none"> Tatton Group (MOD224) 	<p>This issue does not relate to a proposed Main Modification. The Inspector’s Post Hearing Comments [INS/34] in relation to issue 12 notes that for principal town centres, town centres and local centres, Policy RET 3 is justified as an appropriate mechanism to ensure the vitality and viability of these tiers of centre in the borough.. No further changes are required for reasons of soundness or legal compliance.</p>
<p>Maintain that the need for convenience goods floorspace in Knutsford should be adequately planned for by this plan. The Council’s retail evidence supporting this Plan does specifically accounts for a large increase in online spending patterns into the future by applying/discounting rates for Spatial Forms of Trading within the capacity and expenditure analysis. Even after allowing for these discounts, the</p>	<ul style="list-style-type: none"> Tatton Group (MOD224) 	<p>This issue does not relate to a Main Modification. The Inspector’s Post Hearing Comments [INS/34], for issue 11 note that in the light of the combination of LPS allocations alongside the commitment to regularly review retail needs to take account of changes over the medium and long term, with the opportunity to address any shortfalls through development management policies,</p>

evidence still generates the above significant convenience goods floorspace requirements for Knutsford as presented in Table 9.2. As such, the Inspector's interim conclusions in this regard are not correct. To not plan for the need as part of this Plan, is not in accordance with the NPPF.		the approach in Policy RET 2 is justified as an appropriate strategy. No further change is required for reasons of soundness or legal compliance.
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MM55 (Policy RET 5 'Restaurants, cafés, pubs and hot food takeaways')

Summary of the main issues raised	Representor(s)	Council response
No main issues raised.		

MM56 (Policy RET 6 'Neighbourhood parades of shops')

Summary of the main issues raised	Representor(s)	Council response
Consider the first sentence in paragraph 9.25 ought to be deleted for consistency with the Framework and other policies within the Plan.	<ul style="list-style-type: none"> Tatton Group (MOD226) 	The council has no objection to the first sentence of paragraph 9.25 being deleted, if the Inspector considers it necessary for reasons of soundness or legal compliance. The policy wording in the LPS Policy EG 5 'Promoting a town centre first approach to retail and commerce' in respect of small parades of shops being protected will still apply, where relevant.

MM59 (Policy INF 1 'Cycleways, bridleways and footpaths')

Summary of the main issues raised	Representor(s)	Council response
No main issues raised.		

MM60 (Policy INF 3 ‘Highway safety and access’)

Summary of the main issues raised	Representor(s)	Council response
The amended paragraph 10.5a is a useful reminder to developers and applicants but the title (and now amended content) of the policy does not really lend itself to issues relating to electric vehicles. As such, this paragraph might be best placed elsewhere within the plan under the supporting text to Policy GEN 1 in light of Criterion 10 of that policy.	<ul style="list-style-type: none"> Tatton Group (MOD227) 	Although this could sit within the supporting information to Policy GEN 1 ‘Design principles’, this change is not considered necessary for soundness or legal compliance.

MM61 (Policy INF 4 ‘Manchester Airport’)

Summary of the main issues raised	Representor(s)	Council response
It is not clear whether the reference to “development plan” means the council’s development plan or the airport’s development plan.	<ul style="list-style-type: none"> South Knutsford Residents Group (MOD256) 	The “development plan” is defined in the Planning and Compulsory Purchase Act and an explanation is set out in the Glossary to the SADPD. No further change is required for soundness or legal compliance.
The assessment, minimisation and mitigation of adverse impacts of development should be acceptable to the council. The policy does not specify who will undertake the assessment and decide the minimising and mitigation of adverse impacts of development.	<ul style="list-style-type: none"> South Knutsford Residents Group (MOD256) Paul Webster (MOD258) 	The council is the local planning authority and will assess the impacts of development as part of its determination of planning applications. No further change is required for soundness or legal compliance.
Insufficient account has been taken of the increase of noise with the expansion of ground-based airport operations.	<ul style="list-style-type: none"> South Knutsford Residents Group (MOD256) 	The policy, as proposed to be modified, requires an assessment of the adverse impacts of development and no further change is required for soundness or legal compliance.

MM63 (Policy INF 10 ‘Canals and mooring facilities’)

Summary of the main issues raised	Representor(s)	Council response
Under this policy it would not be possible to develop moorings serving the Shropshire Union Canal (and connecting Canals) between (or in the vicinity of) Audlem and Tarporley. There is no developable land adjacent to the Union canal within Audlem or Nantwich settlement boundaries, accordingly the only opportunity would be within the open countryside. The policy therefore effectively acts as a moratorium on any moorings being brought forward. The policy should be amended so that moorings are supported in the open countryside where other criteria in the policy are met and the Canal and Rivers Trust confirm there is a need for such facilities.	<ul style="list-style-type: none"> FCC Environment (UK) Limited (MOD91) 	This issue does not relate to a proposed Main Modification. The Main Modification to this policy has been made to assist with its understanding. It does not alter its requirements, including the provisions which the concerns raised relate to. The policy sets out an appropriate policy framework for the determination of planning applications involving new moorings including only permitting new moorings for permanent residential use in settlement and infill boundaries. The council would consider all relevant information and circumstances material to the determination of a planning application. No further changes are required for soundness or legal compliance.
it is not explicitly clear that Criterion 3 refers only to new moorings and does not apply to change of use of existing moorings. Minor changes to the supporting information for the policy could help to address this matter.	<ul style="list-style-type: none"> Canal & River Trust (MOD164) 	This issue does not relate to a proposed Main Modification. The council has responded to this point on page 291 of the SADPD Consultation Statement Part II (Regulation 20 representations statement) [ED56a] – that the requirement in criterion 3 would not apply to the change of use of existing moorings. It is not considered that the additional text sought is necessary for soundness or legal compliance.

MM64 (Policy REC 1 ‘Green/open space protection’)

Summary of the main issues raised	Representor(s)	Council response
The modification should allow the decision maker to arrive at an effective conclusion in relation to development proposals. Proposed wording: “other public open spaces, which are too small to be shown	<ul style="list-style-type: none"> Bourne Leisure Ltd (MOD141) 	The policy does not only apply to public space and visual amenity is an important consideration. The modification is justified and effective as

<p>on the adopted Policies Map, but which are of public value for informal recreation or visual amenity; and public open spaces provided through new development yet to be shown on the adopted Policies Map.”</p>		<p>written and no further change is required for soundness or legal compliance.</p>
<p>Protection of undefined open spaces, not defined on the proposals map, cannot be protected by this policy. Suggested change: 2. The types of open space to which this policy applies includes: existing areas of open space shown on the adopted Policies Map, such as formal town parks, playing fields, pitches and courts, play areas, allotments and amenity open space; other incidental open spaces, which are too small to be shown on the adopted Policies Map, but which are of public value for informal recreation or visual amenity; and open spaces provided through new development yet to be shown on the adopted Policies Map. " Paragraph 11.2: "The adopted policies map identifies the majority of areas of open space that should be protected from other forms of development. The council maintains a GIS layer of open space and a database, which covers a number of categories ranging from formal town parks and playing fields to play areas, allotments and amenity open space. As development takes place across the borough, further open spaces will be created and added to this GIS layer and the database <u>and then formally designated as part of any Local Plan Review process.</u> Local green spaces can also be designated in neighbourhood plans."</p>	<ul style="list-style-type: none"> • Tatton Group (MOD229) 	<p>The policy reflects paragraph 99 of the NPPF (2021), which sets out the criteria to be satisfied should development of an open space be considered. No further change is required for soundness or legal compliance</p>

MM65 (Policy REC 2 ‘Indoor sport and recreation implementation’)

Summary of the main issues raised	Representor(s)	Council response
No main issues raised.		

MM66 (Policy REC 3 ‘Green space implementation’)

Summary of the main issues raised	Representor(s)	Council response
No main issued raised.		

MM69 (Site MID 2 ‘East and west of Croxton Lane’)

Summary of the main issues raised	Representor(s)	Council response
<p>There is no justification for the inclusion of Criterion 4 (towpath improvements), it does not meet the tests set out in ¶57 of the NPPF and Regulation 122 of the CIL Regulations and it should be deleted. In their responses to the current planning application, neither the Canal & River Trust nor the council’s Public Rights of Way Officer have provided any justification that the improvements are necessary to make the development acceptable in planning terms or that the surface is unacceptable at present. A financial contribution would not be directly related to the development or reasonably related in scale and kind.</p>	<ul style="list-style-type: none"> Anwyl Land Limited (MOD 134) 	<p>¶¶69&70 of the council’s Matter 2 Hearing Statement [HPS/M2/09] states that the policy requirements to provide for improvements to the surface of the canal towpath to promote its use for walking and cycling are in accordance with the objectives of national and local planning policies. ¶¶104&110 of the NPPF state that opportunities to promote sustainable transport including walking and cycling should be identified and pursued. Following the examination hearings, the Inspector’s Post Hearing Comments [INS/34] identify that Criterion 4 should be modified (rather than deleted) to ensure that the requirement for development proposals to provide for improvements to the surface of the canal towpath is subject to whether it meets the tests for planning obligations in ¶57 of the NPPF and Regulation 122 of the CIL Regulations 2010.</p> <p>The proposed Main Modification accords with the Inspector’s post hearing comments and Criterion 4 allows for the decision taker to assess whether such improvements are necessary based on the planning circumstances at the relevant time. No further changes are required for soundness or legal compliance.</p>

MM70 (Site PYT 3 ‘Land at Poynton High School’)

Summary of the main issues raised	Representor(s)	Council response
No main issues raised.		

MM71 (Site PYT 4 ‘Former Vernon Infants School’)

Summary of the main issues raised	Representor(s)	Council response
<p>The modification is not sufficient to provide the certainty required that PYT4 will deliver housing in the plan period due to slippage in delivery of PYT1 and PYT 2. The Poynton Sports Mitigation Strategy confirms that housing development commencement at PYT 4 would have to wait until the initial physical provision of the pitches at PYT 2 had been completed but could go ahead once the subsequent establishment and maintenance phase associated with bringing them into use had commenced. Under the delivery programme submitted for sites PYT 1 and PYT 2, the last completion on PYT 1 would not take place until 12/12/29 but there has already been 2 months slippage on this programme and it is not known when an application will be submitted.</p>	<ul style="list-style-type: none"> Hollins Strategic Land (MOD239) 	<p>In line with the Poynton Sports Mitigation Strategy [CEC/02a] (¶4.62), if the qualitative improvements to the remaining playing field at site PYT 4 are completed and in use ahead of the loss of the associated playing field land for housing, and the initial physical provision of the new pitches at PYT 2 is completed, then development at PYT 4 can commence before the new pitches at PYT 2 are brought into use, once the establishment and maintenance stage has commenced. Under the indicative programme for delivery of sites PYT 1 and PYT 2 in the Jones Homes Matter 2 Hearing Statement [MPS/M2/24], the initial physical provision of the pitches at PYT 2 would be complete by 26/08/24 and the establishment and maintenance stage would commence on 02/09/24.</p> <p>Therefore, assuming planning permission was granted, pre-commencement conditions discharged and qualitative improvements to the remaining playing field at PYT 4 were completed, development could begin at site PYT 4 as early as September 2024, which would leave 5.5 years for completion of dwellings within the plan period. Even with an allowance for any slippage, there is a sufficient degree of certainty that housing will be completed within the plan</p>

		period and no further modifications are required for soundness or legal compliance.
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MM72 (Chapter 13: Monitoring and implementation)

Summary of the main issues raised	Representor(s)	Council response
The Annual Monitoring Report should be completed and approved by the council within six months of the end of the financial year.	<ul style="list-style-type: none"> Prestbury Parish Council (MOD23) 	This issue does not relate to a proposed Main Modification. The council's Monitoring Report is completed annually and published as soon as reasonably practicable. Due to the amount and complexity of data that must be collected and the time lag in some of this data becoming available to the council, it is not possible to produce the comprehensive report by 30 th September each year. The Monitoring Report is produced in accordance with the Regulations and no further amendment is required for soundness or legal compliance.
There should be a statement as to how and when the council is to undertake a review of the Local Plan.	<ul style="list-style-type: none"> Prestbury Parish Council (MOD23) 	This issue does not relate to a proposed Main Modification. The footnote to ¶13.2 confirms the NPPF requirement that policies should be reviewed at least every 5 years to assess whether they need updating. There is no requirement for plans to be any more precise about when or how they will be reviewed and no further change is required for soundness or legal compliance.
The new footnote to the 'Trigger' column in Table 13.1 is unclear. The word 'persistent' should be amended as there may inconsistent delivery rates that point to an under supply or challenges to delivery, even if not sustained for 5 years. More imminent timescales and specific triggers which are measurable should be identified for each indicator. This would enable safeguarded sites to come forward within the plan period.	<ul style="list-style-type: none"> Story Homes (MOD40) 	The explanation of "persistence" in the footnote is only relevant to those indicators whose triggers refer to a situation being persistent, i.e. MF21, MF24, MF26 and MF35. In line with the NPPF (¶143d) and LPS Policy PG 4 (Criterion 4), safeguarded land should not come forward for development unless proposed and allocated through a future update of the plan. No further changes are necessary for soundness or legal compliance.

<p>The Main Modification (or Inspector’s final report) should confirm that the Inspector’s consideration on the Strategic Green Gap was made in the context of there being no requirement for him to consider any strategic scale housing growth in the SADPD and that the future Local Plan Review should, as part of its evidence base, undertake an assessment of the function and the detailed role that land in the Strategic Green Gap performs having regard to landform and features on the ground along with potential for mitigation over the full extent of the Strategic Green Gaps.</p>	<ul style="list-style-type: none"> • IM Land (MOD127) 	<p>This issue does not relate to a proposed Main Modification. The council’s Matter 2 Hearing Statement [HPS/M2/09] (Q38&39, ¶¶129-133) addresses this issue, it would not be appropriate for the current plan to pre-judge the content or format of any future plan update and no further changes are required for soundness or legal compliance.</p>
<p>The proposed action for indicator MF26 should refer to the early release of safeguarded land.</p>	<ul style="list-style-type: none"> • PH Property Holdings (MOD163) 	<p>In line with the NPPF (¶143d) and LPS Policy PG 4 (Criterion 4), safeguarded land should not come forward for development unless proposed and allocated through a future update of the plan. The proposed action for MF26 is to consider the issue as part of the five-year plan review. Following the review, a future plan update could propose to allocate safeguarded land for development if justified as a sound approach by the evidence at that time. It would not be appropriate for the monitoring framework to include a mechanism to bypass the requirements of the NPPF and LPS Policy PG 4 through the early release of safeguarded land outside of an update to the plan and no further changes are required for soundness or legal compliance.</p>
<p>The employment land target under MF19 should refer to a supply “of available employment land” and be monitored on a settlement by settlement basis, with a focus on principal towns and key service centres.</p>	<ul style="list-style-type: none"> • Tatton Group (MOD231) 	<p>As set out in the council’s homework item#8a [CEC/09], the plan includes no requirement that any individual settlement meets or exceed its ‘in the order of’ figure in LPS Policy PG 7. The overall amount of employment land is the total amount needed to facilitate the level of jobs growth over the plan period and includes generous allowances for losses of employment land to other uses and for flexibility. As employment land is developed and occupied, it is to be expected that the supply of available land will reduce as the plan period progresses. Whilst the overall supply should be</p>

		monitored to make sure there remains a continuous supply to support growth of the local economy, there is no need to monitor this at an individual settlement level. No further changes are required for legal compliance or soundness.
The retail indicator target under MF20 should refer to “achieve the convenience retail floorspace requirement set out in Table 9.2” as well as the majority of completions being in town centres.	<ul style="list-style-type: none"> Tatton Group (MOD231) 	As set out in the council’s Matter 5 Hearing Statement [HPS/M5/02] (Q82, ¶¶36-48), a cautious approach should be taken towards planning for further retail development and there is no cumulative capacity requirement for additional convenience floorspace at a borough level once commitments have been accounted for. Table 9.2 highlights the convenience floorspace capacity at individual settlement level over the plan period, but there is no policy requirement to deliver convenience retail at the level of any individual settlement. No further changes are required for legal compliance or soundness.

PM01 (Village Infill Boundaries)

Summary of the main issues raised	Representor(s)	Council response
The scale and resolution of the plan makes it impossible to read the extent of the proposed Winterley village infill boundary and a GIS base map should be published along with a list of the committed development that has been taken into account when amending the Winterley boundary.	<ul style="list-style-type: none"> Seddon Homes Ltd (MOD115) 	As set out in the Inspector’s Post Hearing Comments [INS/34], the only proposed amendment to the Winterley village infill boundary is to include the extant permission 19/3889N allowed at appeal. The map published is sufficient to see this proposed change to the boundary and no further changes are required for soundness or legal compliance.
The Winterley village infill boundary does not account for potential future growth. The NPPF requires plans to be sufficiently flexible to adapt to rapid change and the plan does not provide this flexibility by limiting housing numbers within infill settlements. The boundary should be revised to	<ul style="list-style-type: none"> Seddon Homes Ltd (MOD115) 	This issue does not relate to a proposed Main Modification and the council’s response is set out in its Matter 2 Hearing Statement [HPS/M2/09] (Q35 & 37, ¶¶117-120 & 125-128). The proposed village infill boundaries define the existing built-up extent of the settlement and Policy PG 10 allows

allow for additional deliverable sites, including the Seddon Homes site at Crewe Road.		for limited infilling within the boundaries (defined as “the development of a relatively small gap between existing buildings”). It would not be effective or justified to include undeveloped land beyond the existing settlement and no further changes are required for soundness or legal compliance.
The Winterley village infill boundary should include the curtilages of all properties on the edge of Winterley.	<ul style="list-style-type: none"> • Seddon Homes Ltd (MOD115) 	This issue does not relate to a proposed Main Modification. The boundary has been drawn in accordance with the methodology set out in the Settlement and Infill Boundaries Review [ED 06] and no further changes are required for soundness or legal compliance.

PM03 (Airport Public Safety Zones)

Summary of the main issues raised	Representor(s)	Council response
The public safety zones consist of an outer Public Safety Controlled Zone and an inner Public Safety Restricted Zone, therefore the top layer of the legend should be amended to “Airport public safety controlled zone”.	<ul style="list-style-type: none"> • Manchester Airports Group (MO264) 	The GIS data for the airport public safety zones is supplied by Manchester Airport. The data supplied (and reproduced on the map for PM03) shows the inner airport safety restricted zone and also the wider airport safety zone including the inner restricted zone and the outer controlled zone. Therefore, the outer zone shown on the map includes both the controlled and restricted zones, so it is correct to refer to it as “Airport public safety zone”. No further change is required for soundness or legal compliance.

PM05 (Local Landscape Designation Areas)

Summary of the main issues raised	Representor(s)	Council response
No main issues raised.		

PM11 (Protected Open Space)

Summary of the main issues raised	Representor(s)	Council response
Land to the rear of 43 London Road North, Poynton should remain as Protected Open Space and not be the subject of a modification.	<ul style="list-style-type: none"> Poynton Town Council (MOD28) 	The council has proposed this modification in response to the Inspector's Post Hearing Comments [INS/34] which states that "the designation of this site for open space is not justified by the evidence and, for soundness, should be deleted from the Policies Map".
The Brook Street Triangle (Knutsford) Open Space should remain as Protected Open Space and not be the subject of a modification. It is not a garden; it does not require public access; it has high visual and environmental value; its long history of openness gives it heritage significance; it is consistent with the OSA typology and NPPF requirements. Its designation as open space has been upheld by inspectors within the past two years.	<ul style="list-style-type: none"> Knutsford Town Council (MOD166) South Knutsford Residents Group (MOD257) 	The council has proposed this modification in response to the Inspector's Post Hearing Comments [INS/34], which states that "the designation of this site as open space is not justified by the evidence and would not be consistent with the NPPF. The Policies Map will need to be amended accordingly."

Responses regarding other matters or general issues

Summary of the main issues raised	Representor(s)	Council response
All marine plan objectives and policies should be taken into consideration when plan-making.	<ul style="list-style-type: none"> Marine Management Organisation (MOD2) 	This issue does not relate to a proposed Main Modification and no change is required for soundness or legal compliance.
Sentences have been removed that previously explained or clarified reasoning.	<ul style="list-style-type: none"> Alsager Town Council (MOD4) 	This issue does not relate to any specific Main Modification and no further changes are required for soundness or legal compliance.
Some safeguarded land sites may have adverse impacts on matters such as landscape and highway safety, which	<ul style="list-style-type: none"> Prestbury Parish Council (MOD6) 	This issue does not relate to a proposed Main Modification. In line with the NPPF (¶143d) and LPS

<p>must be taken into account in any decision to release these sites.</p>		<p>Policy PG 4 (Criterion 4), safeguarded land should not come forward for development unless proposed and allocated through a future update of the plan. No changes are necessary for soundness or legal compliance.</p>
<p>The Ryleys Farm site should be allocated to meet the need for market and affordable homes. The boundaries of safeguarded land ALD 3 should be amended, to provide a more permanent defensible boundary and accommodate the allocation of additional land for development at Ryleys Farm.</p>	<ul style="list-style-type: none"> • Story Homes (MOD32) 	<p>This issue does not relate to a proposed Main Modification. The council's Matter 2 Hearing Statement [HPS/M2/09] (Q11c, ¶¶10-14) explains why allocations at local service centres are not required and as set out in the Alderley Edge Settlement Report [ED 21] and discussed at the hearing session, the boundaries of safeguarded land ALD 3 are considered to be sound. No changes are necessary for soundness or legal compliance.</p>
<p>The housing requirement is based on the government's growth agenda and a local overly-optimistic claim for economic growth.</p>	<ul style="list-style-type: none"> • CPRE Cheshire (MOD94) 	<p>The housing requirement is set by LPS Policy PG 1 'Overall development strategy' and this issue does not relate to a proposed Main Modification. The SADPD is a non-strategic plan which does not amend the strategic policies of the LPS and no change is required for soundness or legal compliance.</p>
<p>The LPS commits the SADPD to allocating 3,335 dwellings; it did not consider smaller sites.</p>	<ul style="list-style-type: none"> • The Estate of Marques Kingsley Deceased (MOD169) 	<p>This issue does not relate to a proposed Main Modification and the council's position is set out in The Provision of Housing and Employment Land and the Approach to Spatial Distribution [ED 05]. No change is required for soundness or legal compliance.</p>
<p>The SADPD is reliant on windfall sites.</p>	<ul style="list-style-type: none"> • The Estate of Marques Kingsley Deceased (MOD169) 	<p>This issue does not relate to a proposed Main Modification and is addressed in the council's Matter 2 Hearing Statement [HPS/M2/09] (Q11c & Q12, ¶¶4-5, 10-14 & 15-21). No change is required for soundness or legal compliance.</p>
<p>Various LPS strategic sites have not delivered as expected.</p>	<ul style="list-style-type: none"> • The Estate of Marques Kingsley 	<p>This issue does not relate to a proposed Main Modification. The Provision of Housing and Employment Land and the Approach to Spatial Distribution [ED 05]</p>

	Deceased (MOD169)	demonstrates how the overall levels of development will be met. No change is required for soundness or legal compliance.
Sites PYT 1 and PYT 2 are unsound as they rely on development within the Green Belt for the relocated sports club and Green Belt land at Woodleigh, Poynton; Lostock Hall Farmyard, Poynton; and/or Lostock Hall Farm, Poynton should be allocated instead.	<ul style="list-style-type: none"> The Estate of Marques Kingsley Deceased (MOD169) 	This issue does not relate to a proposed Main Modification, is addressed in the council's Matter 2 Hearing Statement [HPS/M2/09] and was discussed at the hearing session. No change is required for soundness or legal compliance.
The availability of new information shows that sites PYT 1, PYT 2, EMP2.6, PRE 2 and ALD 3 include public sewers where modelling indicates a higher risk of sewer discharge and public sewer flooding which may limit the capacity of sites. There may be a need to apply the sequential approach subject to the detailed proposals being brought forward and liaison with United Utilities will be required. Development should not be located in an area at risk of sewer flooding and flood risk should not be increased elsewhere.	<ul style="list-style-type: none"> United Utilities Water Ltd (MOD243) 	This issue does not relate to a proposed Main Modification. Flooding issues for all of these sites have been considered through the application of the site selection methodology in the Employment Allocations Review [ED 12], Alderley Edge Settlement Report [ED 21], Poynton Settlement Report [ED 39] and Prestbury Settlement Report [ED 40]. Consideration of flooding issues in relation to site layout would be carried out at the planning application stage and no change is required for soundness or legal compliance.

Appendix 3: Copy of representations received

MM01 (Policy PG 9 'Settlement boundaries')

Representation reference:	MOD27
Representor ID:	1311465
Representor first name:	Kate
Representor surname:	McDowell
Representor organisation:	Poynton Town Council
Representation regarding:	MM01 (Policy PG 9 'Settlement boundaries')
Q2 Representation details:	<p>The approach to and definition of settlement and village infill boundaries</p> <p>The Town Council is satisfied that the settlement and village infill boundaries proposed are justified and positively prepared in enabling sustainable development. This is in line with the spatial strategy and policies in the Local Plan Strategy including the ongoing protection and character of the countryside in the north of the Borough.</p>
Representation reference:	MOD30
Representor ID:	800994
Representor first name:	Rosalind
Representor surname:	Middleweek
Representor organisation:	Brereton Parish Council
Representation regarding:	MM01 (Policy PG 9 'Settlement boundaries')
Q1(2) Sound?	No
Q2 Representation details:	<p>The policies map continues to show the settlement boundary of Holmes Chapel being extended into Brereton Parish. The recent Community Governance Review was fully approved on 27th April 2022 and the whole area of the proposed extension will continue to be in Brereton Parish. Brereton Parish Council (BPC) agrees with the inclusion in the Holmes Chapel Settlement Boundary of the land shown on the proposed policies map which is to the east of the A50, London Road. This will put the whole Recipharm manufacturing site and the employment site HCH 1 in one parish. However, the extension on the west of London Road would bring that residential area under PG 8 Development at Local Service Centres. BPC considers that illogical as most other residential areas of Brereton Parish, eg Brereton Heath, are under PG 6 Open Countryside. BPC is aware that Brereton Green is listed as an Infill Village in the Open countryside in PG 10. BPC is content with that designation which aligns closely with the Brereton Neighbourhood Plan and Brereton Green has more facilities than other parts of the parish. Why should one area of Brereton Parish be singled out to be under PG 8 when others are PG 6?</p>
Q3 Changes necessary:	<p>To modify the proposed extension of the Holmes Chapel Settlement Boundary to exclude the land west of the A50 London Road and south of the river Croco. This will make the planning designations of the residential areas of Brereton Parish coherent with Brereton Green being an Infill Village and the rest of the parish being Open Countryside. There are virtually none of the facilities expected in a Local Service Centre in Brereton Parish, with the exception of some very limited facilities in Brereton Green, so it is only logical that all of the area, except for Brereton Green, be treated consistently as Open Countryside with the planning rules being those of PG 6.</p>
Representation reference:	MOD95
Representor ID:	1227334
Representor first name:	Jackie
Representor surname:	Copley
Representor organisation:	CPRE Cheshire
Representation regarding:	MM01 (Policy PG 9 'Settlement boundaries')

Q2 Representation details:	7. The text revisions of MM01 are welcomed as CPRE is an advocate of Neighbourhood Planning.
Representation reference:	MOD128
Representor ID:	459608
Representor first name:	Philip
Representor surname:	Garner
Representor organisation:	Garner Town Planning
Representation regarding:	MM01 (Policy PG 9 'Settlement boundaries')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	The list utilised to define and annotate 'Infill Villages' is selective and omits numerous villages throughout Cheshire East. Examples of this include Chorley, Dean Row, Disley, Peckforton and Spurstow, with these being simple examples that immediately spring to mind. For the Council to seek to hand pick 35 villages and effectively name them as the only places where infill proposals will be acceptable is incorrect and unsound. The neighbourhood plan for Disley repeatedly describes the settlement as a 'village', and the other examples quoted all have local facilities such as village halls, shops, churches, pubs, etc, so must be considered as villages.
Q3 Changes necessary:	It is suggested that Policy PG10 is modified to remove an exact 'list' list of villages, and with the annotations on the proposals map omitted.
Representation reference:	MOD167
Representor ID:	586279
Representor first name:	Michael
Representor surname:	Kingsley
Representor organisation:	The Estate of Marques Kingsley Deceased
Agent ID:	806400
Agent first name:	Jonathan
Agent surname:	Vose
Agent organisation:	Walsingham Planning
Representation regarding:	MM01 (Policy PG 9 'Settlement boundaries')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	The proposed Modification is not legally compliant or sound, given that it does not result in a Policy that is appropriately advanced or positively prepared.
Q3 Changes necessary:	As a fundamental point of relevance, it should be noted that there is a commitment within the Cheshire East Local Plan Strategy (CELPS) to allocate land for 3,335 dwellings. Table 8.2 of the CELPS (page 55) states that the: "contribution to be made through the Site Allocations and Development Policies Document" is 3,335 dwellings. Paragraph E.6 of the CELPS (page 445) also explains that the SADPD "will allocate a further 3,335 [dwellings] over the plan period". In only allocating 665 dwellings, the SADPD is not consistent with the CELPS in this regard. The CELPS only considered the allocation of sites which were 5ha or 150 dwellings or more. Smaller sites were automatically discounted on the basis of their size as they did not meet the threshold (stage 3 of the site selection methodology). Smaller sites were to be assessed and allocated through the SADPD. Various parties at the Examination of the CELPS, my client included, identified that the application of the 150 dwelling / 5ha threshold meant that reasonable alternatives (i.e. smaller sites) were not considered. However, the Inspector examining the CELPS accepted the Council's approach on the basis that smaller sites would be considered through the SADPD. Paragraph 162 of the Inspector's Report states:

“Developers and landowners will have the opportunity to put forward smaller “non-strategic” sites when the SADPPD is prepared. Proposed site allocations account for over 50% of overall housing provision, but along with existing completions and commitments, the CELPS-PC provides for over 90% of the currently identified development requirements up to 2030. This leaves a balance of some 3,300 dw and 15ha of employment land to be identified in subsequent plans, including the SADPPD and Neighbourhood Plans, providing sufficient flexibility and choice”.

There was therefore a clear expectation from the Inspector that smaller sites amounting to at least 3,335 dwellings and 15ha of employment land would be considered and allocated through the SADPD, allowing them to be properly considered, and furthermore that the allocation of this quantum of smaller sites would provide flexibility and choice to the housing land supply. Had the Cheshire East Local Plan Inspector understood that the Council would actually allocate significantly less land for development than set out through the CELPS, he may have drawn very different conclusions on the issues of housing land supply and whether reasonable alternatives had been properly considered.

In allocating just 665 dwellings, the SADPD is clearly inconsistent with CELPS and on this basis alone should be considered unsound. The SADPD places a huge emphasis on windfall housing coming forward, this despite large areas of the Borough, particularly in its north, being heavily restricted by land use designations, most notably the Green Belt. In respect of Poynton, it is questionable whether there is any capacity within the town to provide the level of windfall to make up the shortfall, in the absence of further site allocations, since the windfall sites have largely been developed due to the absence of land release over the last thirty years. In addition, the Inspector specifically indicated that the provision of the further 200 houses required for Poynton should be allocated in addition and without regard to windfall or any housing contribution arising from Higher Poynton. The SADPD is the only medium through which to assess and direct where additional housing can and should be accommodated, but mistakenly, this opportunity is being missed.

The Site Allocations and Development Policies Document (SADPD) is correct to allocate additional homes in Poynton, since only 450 of the necessary 650 homes have in fact been allocated.

However, in light of the under delivery of existing commitments and allocations over the first 12 years of the plan period in the north of the Borough, proposed housing delivery continues to be predicated on a wholly inappropriate and unsustainable strategy and this renders the resultant SADPD wholly unfit for purpose.

Approaching five years since the adoption of the CELPS and with just eight years of its plan period remaining, not a single dwelling of the proposed 1,500 allocated at the North Cheshire Growth Village in Handforth (Site LPS 33) has been delivered, nor is the site even the subject of any implementable residential planning permissions.

The SAPD must reflect this position and further Main Modifications are required to Policy PG9 accordingly.

Further, in the case of Poynton, proposed allocations PYT 1 and PYT 2 cannot be considered sound and therefore a further 80 homes will be removed from the trajectory and need to be replaced within Poynton.

A lack of suitable sites within the settlement boundaries of Poynton and Handforth is a key constraint to meeting the need for growth identified by the Council.

As has been requested via previous representations made by my client, it is essential to acknowledge that land at Woodleigh (Poynton/Handforth Settlement Report Ref CFS 560), Lostock Hall Farmyard (CFS 563) and Lostock Hall Farm (CFS562) represent areas that would be able to better meet the housing needs of Poynton through targeted Green Belt release with limited impact on the wider functions or purpose of the Green Belt.

In terms of Handforth, Land at Clay Lane (CFS 566) offers the opportunity to provide for the Council’s identified shortfall of 65 homes as per the LPS requirement and to reflect some of the inevitable plan period under-delivery that has arisen and will continue at the North Cheshire Growth Village.

Policy PG9 therefore is required to be fundamentally revisited. The proposed Main Modifications do not do this, so the Policy cannot be considered to be sound or legally compliant.

Link to supporting information (attachments):	568279 The Estate of Marques Kinglsey Deceased Follow-up email and letters.pdf
Representation reference:	MOD176
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM01 (Policy PG 9 'Settlement boundaries')
Q2 Representation details:	<p>Support</p> <p>We support the inclusion of the additional text at Policy PG9 criteria 1 and 2 and particularly the reference that for infill villages, that the starting point for determining the settlement boundary in a neighbourhood plan will be the infill boundary identified on the SADPD proposals map. That said the direct reference to the SADPD proposals Map at this point might be helpful and we have suggested this as another Additional Amendment to the plan. Whilst not specific, the inclusion of this text recognises that local communities have the ability through Neighbourhood Plans to allow for community development orders or support policies for growth where this will add benefit to the local village and therefore we deem the Council's proposed modifications to be necessary to make the policy sound. We have no comments on the footnote to Criterion 2.</p>
Q3 Changes necessary:	<p>2. Settlement boundaries for settlements in the other settlements and rural areas may be defined in neighbourhood plans, where this is justified as appropriate³. Where the settlement is defined as an infill village in Policy PG 10 'Infill villages', the village infill boundary <u>identified on the SADPD Proposals Map</u> should be the starting point for determining a settlement boundary in a neighbourhood plan.</p>
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf
Representation reference:	MOD233
Representor ID:	1310526
Representor first name:	Robert
Representor surname:	Wilding
Representor organisation:	Gladman Developments Ltd
Representation regarding:	MM01 (Policy PG 9 'Settlement boundaries')
Q2 Representation details:	<p>This submission is provided by Gladman Developments Ltd (hereafter referred to as Gladman) to the Proposed Main Modifications to the Cheshire East Local Plan Site Allocations and Development Policies Document (SADPD). This submission is made following all previous representations and Gladman's involvement in the SADPD Examination in Public. For brevity these arguments have not been repeated in full in response to the current consultation, however summaries of areas of support and also concerns have been provided. Gladman's previous representations should be read in conjunction with this current submission.</p> <p>Main Modification 01 – Policy PG 9 'Settlement boundaries'</p> <p>Gladman remain concerned with the justification for the proposed policy as it unnecessarily limits the amount of growth which a settlement could accommodate to a narrow set of circumstances (i.e. replacement dwellings, infill development etc). This does not accord with the positive approach required by the National Planning Policy Framework (NPPF) and the presumption in favour of sustainable development (paragraph 11(d)).</p>

The SADPD is heavily reliant on existing housing commitments and does little to provide additional allocations to enable the flexibility for the SADPD to respond to changing circumstances. Gladman recommended within their Matter 2 Hearing Statement that a criteria-based approach would ensure flexibility and an opportunity for sites not identified by the SADPD to come forward in situations where there is an identified shortfall in housing land supply for example.

The settlement boundaries, as defined on the policies maps, will likely act to prevent further windfall sites from coming forward outside these boundaries to meet the remaining unallocated element of the indicative housing requirement.

MM02 (Policy GEN 1 ‘Design principles’)

Representation reference:	MOD7
Representor ID:	1311253
Representor first name:	Valerie
Representor surname:	Herbert
Representor organisation:	Prestbury Parish Council
Representation regarding:	MM02 (Policy GEN 1 ‘Design principles’)
Q2 Representation details:	<p>DESIGN PRINCIPLES</p> <p>Policy GEN1, which deals with Design Principles, in terms of its revised wording relies heavily on the Cheshire East Borough Design Guide, which was adopted in May 2017.</p> <p>The guide itself acknowledges that its focus is larger scale housing proposals, rather than the very small scale proposals which come forward in Prestbury and other LSCs. In doing so it makes specific reference – in Volume 1, under ii 40 – to the “document should be read in conjunction with any relevant existing Conservation Area Appraisals, Neighbourhood Plans or Village Design Statements”.</p> <p>The importance for “Design policies to be developed with local communities, so that they reflect local aspirations and are grounded in an understanding evaluation of each area’s defining characteristics” is reinforced in paragraph 127 of the NPPF (2021).</p>
Q3 Changes necessary:	<p>The CEB Design Guide is now five years old and needs to be updated to reflect the latest national planning guidance, in particular the emphasis on the importance of the local area and community as reflected in existing SPDs, which may benefit from reviews.</p> <p>It should also be noted that no ‘local design review panel’ was established following the publication of the 2017 Design Guide which committed to establishing one. (The Design Guide twice made commitments to the establishment of a design panel). This matter needs to be reviewed in the light of the latest national guidance.</p> <p>The Main Modification (MM02) has resulted in the omission in the first design principle, of specific requirements, including scale, height, density, layout, grouping, urban form, siting, good architecture, massing and materials. These are important matters, which should be included in Policy GEN1.</p> <p>In addition, there is a lack of reference to low carbon technology, despite the fact that the Government has introduced a requirement for new buildings to be designed in such a way that they emit at least 30% less CO2. The new Building Regulations come into force on June 15th 2022.</p>
Representation reference:	MOD33
Representor ID:	1255389
Representor first name:	John
Representor surname:	Winstanley
Representor organisation:	Story Homes
Agent ID:	1311680
Agent first name:	Rebecca
Agent surname:	Caines
Agent organisation:	Lichfields
Representation regarding:	MM02 (Policy GEN 1 ‘Design principles’)
Q2 Representation details:	<p>1.9 Story seek to ensure that their developments are to a high quality design standard and recognise the importance of such design policies in policy documents. Whilst Story support the principle of the changes to the structure of this policy, to follow the approach of Policy LPS SE1 ‘Design’ and to be consistent with national policy, there is a need to ensure that the wording still does not just repeat national planning policy or in other adopted documents.</p>

	<p>Story build high quality homes and have a key focus on design considerations. The reference to 'standard house types' has negative connotations which should not be the starting point. There is also a need to ensure that the policy is not overly prescriptive which can lead to delays in the determination of applications. The additional reference to 'standard house types' should therefore be removed.</p> <p>Story recognise the need for the design of new developments to take account of climate change, however the specific insertion to 'passive considerations' (Para. 3.7) needs to ensure that such requirements do not compete with future guidance, Building regs etc. We therefore do not consider this additional wording necessary.</p>
Representation reference:	MOD82
Representor ID:	687198
Representor first name:	Andrew
Representor surname:	Taylor
Representor organisation:	David Wilson Homes North West
Agent ID:	1255717
Agent first name:	Paul
Agent surname:	Forshaw
Agent organisation:	Turley
Representation regarding:	MM02 (Policy GEN 1 'Design principles')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	<p>Main Modification MM02 proposes to replace the entirety of the text of Policy GEN 1 with the view of making the policy more consistent with national policy and to aid clarity and effectiveness.</p> <p>DWH is in general support of the proposed changes to the policy where they ensure greater consistency with design policy in the National Planning Policy Framework (NPPF), the National Design Guide, and the National Model Design Code; however, DWH objects to the proposed modification of Part 1 of Policy GEN 1 that would appear to restrict the use of standard house types.</p> <p>There is nothing in national policy that restricts the use of standard house types in new development. The proposed Main Modification to Policy GEN 1 in this respect would therefore make the policy more restrictive than, and therefore not consistent with, national policy and unsound as a result.</p> <p>The National Design Guide, at paragraphs 51 and 67, encourages the creation of coherent forms of development, and paragraph 56 acknowledges that the use of typical building forms, features, materials and details can contribute to local distinctiveness and create well-designed places. It therefore acknowledges that uniformity in housing design can assist the delivery of well-designed places and does not limit or discourage the use of standard house types.</p> <p>Standard house types can play a positive role in creating well-designed places. The identity of a development is created by a diverse range of factors, not just the design or visual appearance of its buildings. Factors such subtle changes in height and massing, the creation of views and vistas, the scale and proportion of streets and spaces, and hard and soft landscaping all go towards defining an identity of a place. The use of standard house types would not therefore prevent the creation of places with their own identity.</p> <p>Furthermore, one of the National Design Guide's "ten characteristics" of a well designed place is the use of efficient and resilient resources. Paragraph 135 of the National Design Code explains that well-designed places and buildings conserve resources and materials. The use of standard house types allows house builders to better understand the quantities of materials needed in developments, avoiding overordering and thereby minimising waste.</p>

Additionally, the use of standard house types increases the speed of housing delivery, as construction workers and contractors are familiar with the design and specifications of builds. Given the current housing crisis, it is important that delivery of housing is expedited and one of the significant benefits of the use of standard house types is that it allows for speedy delivery.

DWH therefore considers that there are significant benefits to the use of standard house types in that they allow for accelerated housing delivery and resource efficient developments, whilst still being able to deliver developments that have a unique identity and are well-designed. It is therefore considered unnecessary for Policy GEN 1 to be more restrictive than national policy and guidance by seeking to restrict the use of standard house types. On this basis, the proposed Main Modification to Part 1 of the policy should be deleted.

Conclusion

These representations to the Schedule of Proposed Main Modifications to the Cheshire East SADPD are submitted on behalf of David Wilson Homes North West (DWH).

DWH objects to proposed Main Modification MM02 to Policy GEN 1 (Design Principles) which would restrict the use of standard house types in new development. The proposed Main Modification would be contrary to national policy, which does not restrict the use of standard house types, and is not justified.

DWH acknowledges the importance of creating places with their own identity but considers that this is still achievable through the use of standard house types, as the identity of a development is not solely reliant of the design of buildings. The proposed Main Modification would also result in the benefits of the use of standard house types (including better resource efficiency and less waste, and faster delivery rates) not being realised. The proposed Main Modification to Part of Policy GEN 1 (MM02) should therefore be deleted.

Representation reference:	MOD96
Representor ID:	1227334
Representor first name:	Jackie
Representor surname:	Copley
Representor organisation:	CPRE Cheshire
Representation regarding:	MM02 (Policy GEN 1 'Design principles')
Q2 Representation details:	<p>CPRE's primary concern in respect of this policy is the proposal to drop from criteria 1 the requirement that development contributes positively to local character "in terms of scale, height, density, layout, grouping, urban form, siting, good architecture, massing and materials". These are very important requirements and they do not appear anywhere else. CPRE recommends that they be re-instated.</p> <p>In addition, this policy places much emphasis on the 2017 Cheshire East Borough Design Guide. However, it needs to be recognised that this guide is directed towards larger scale housing proposals which are not necessarily the type of developments that occur in Local Service Centres. This being the case, the guide itself says it should be read in conjunction with relevant conservation area appraisals, neighbourhood plans and village design statements (Vol. 1, ii40). Except that Cheshire East Council has chosen not to carry forward any supplementary planning documents, which applied to previous plans, thereby creating a void. Instead of agreeing that the extant SPDs could be updated and re-adopted until they could be fully reviewed, Cheshire East have chosen to start from a blank sheet of paper and is saying that new suites of SPDs must be prepared once the Local Plan has been signed off.</p> <p>Another misleading aspect to the Cheshire East Design Guide is that it committed to establishing a Local Design Panel of leading design experts (on pages 7 and 73). This never happened.</p> <p>Missing from the policy is any reference to the need for all new homes and buildings to be designed in such a way that they produce 30% less carbon emissions than current standards. The new standard was introduced by the Department for Levelling Up, Housing and Communities in December 2021 as part of its moves towards</p>

	<p>achieving net zero carbon emissions and will come into effect in June this year. All new building will have to be fitted with low carbon technology such as solar panels and heat pumps and they are required to use materials in a more energy efficient manner (https://www.gov.uk/government/news/new-homes-to-produce-nearly-a-third-less-carbon).</p> <p>12. Consequently, CPRE cannot support the proposed modifications to this policy.</p>
Representation reference:	MOD146
Representor ID:	641527
Representor organisation:	Barratt & David Wilson Homes
Agent ID:	1272265
Agent first name:	Jon
Agent surname:	Suckley
Agent organisation:	Asteer Planning
Representation regarding:	MM02 (Policy GEN 1 'Design principles')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>The full policy wording to Policy GEN1 has been revised with the reasoning "For Clarity, effectiveness and consistency with national policy".</p> <p>Whilst overall BDW support the general aims and design principles of the policy, they object to the term "standard house types" as this is not defined, it lacks clarity, and it is not consistent with the LPS or national policy and design guidance, which makes no reference to "standardised design" and "standard house types".</p> <p>BDW suggest deleting this wording from Policy GEN 1. This would leave the policy to promote high quality, beautiful and sustainable buildings and places with a strong sense of place, without the ambiguity of determining what a standard house type would be.</p>
Q3 Changes necessary:	<p>1. create high quality, beautiful and sustainable buildings and places, avoiding the imposition of standardised and/or generic design solutions (for example standard house types) where they do not establish and/or maintain a strong sense of quality and place;</p>
Representation reference:	MOD154
Representor ID:	1187009
Representor organisation:	PH Property Holdings Ltd
Agent ID:	1272265
Agent first name:	Jon
Agent surname:	Suckley
Agent organisation:	Asteer Planning
Representation regarding:	MM02 (Policy GEN 1 'Design principles')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>The full policy wording to Policy GEN1 has been revised with the reasoning "For Clarity, effectiveness and consistency with national policy".</p> <p>Whilst overall PH support the general aims and design principles of the policy, they object to the term "standard house types" as this is not defined, it lacks clarity, and it is not consistent with the LPS or national policy and design guidance, which makes no reference to "standardised design" and "standard house types".</p> <p>PH suggest deleting this wording from Policy GEN 1. This would leave the policy to promote high quality, beautiful and sustainable buildings and places with a strong</p>

	sense of place, without the ambiguity of determining what a standard house type would be.
Q3 Changes necessary:	1. create high quality, beautiful and sustainable buildings and places, avoiding the imposition of standardised and/or generic design solutions (for example standard house types) where they do not establish and/or maintain a strong sense of quality and place;
Representation reference:	MOD171
Representor ID:	1254720
Representor first name:	Brian
Representor surname:	Chaplin
Representor organisation:	South Knutsford Residents Group
Representation regarding:	MM02 (Policy GEN 1 'Design principles')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	SKRG strongly supports MM02 in providing greater clarity to the design components in new developments, in-fill proposals and for extensions and alterations. The correlation between national design guides and codes and those of the LPA and Neighbourhood Plans is particularly welcome.
Q3 Changes necessary:	To make sound, opportunity should be given to allow Neighbourhood Plans to be brought in line with national policies and any revisions to the Borough Design Guide without the need for the full-blown process of formal review but subject to the approval of the Authority's relevant specialist officers.
Representation reference:	MOD177
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM02 (Policy GEN 1 'Design principles')
Q2 Representation details:	<p>Support deletion</p> <p>We generally support these changes which reduce duplication with the policies in the adopted development plan and provide an order and structure that allow the policy to be addressed in a more rational and logical way in planning statements and other reports supporting planning applications. The new structure makes the policy more effective.</p> <p>Object to Criteria 1 and suggestion in relation to Criterion 10 supporting text.</p> <p>We generally support these changes, which reduce duplication with the policies in the adopted development plan and provide an order and structure that allow the policy to be addressed in a more rational and logical way in planning statements and other reports supporting planning applications. The new structure makes the policy more effective.</p> <p>However, with regard to criterion 1, we object to the reference '(for example standard house types)'. There is no justification for this or definition or scope for the Council to determine what may or may not be a 'standard house type'. Moreover, the Council are imposing certain generic standards elsewhere within other policies such as the use of Minimum Space Standards and Housing Mix requirements, which will inevitably mean certain standards and design solutions need to be applied to many residential schemes. The focus should be on creating high quality, beautiful places and a strong sense of quality and place.</p>

	<p>With regard to Criterion 10, the matter of electronic charging points is also addressed under MM60 and Policy INF3. However, given the issue of electronic charging points is now proposed to be deleted from Policy INF3, the proposed supporting paragraph at 10.5a which references the relevant building regulations relevant to this issue would be better placed in the supporting text to Policy GEN 1.</p> <p>Delete paragraph 3.2: Support Duplication</p> <p>Amend paragraph 3.4: Support Clarity and effectiveness</p> <p>Amend paragraph 3.5: Support Clarity and effectiveness</p> <p>Amend paragraph 3.6: Support Clarity and effectiveness</p> <p>Amend paragraphs 3.7 & 3.8: Comment</p> <p>Provides useful advice to improve the sustainability of residential scheme. However, in practice, we have noticed that there is a conflict with the Council SPD on car parking and the provision of electric charging points and the Council's desire to limit the impact of parking on streets and spaces. The SPD applies a preference to see a range of car parking options but not all of these solutions (such as parking courts or set back on street parking) are suitable for delivering electric charging points. We would respectfully request that the Council seeks to update the SPD to fully account for this.</p> <p>Amend 'Related documents': Support</p>
<p>Q3 Changes necessary:</p>	<p>1. create high quality, beautiful and sustainable buildings and places, avoiding the imposition of standardised and/or generic design solutions (for example standard house types) where they do not establish and/or to maintain a strong sense of quality and place;</p> <p>Add in new paragraph</p> <p><u>"Planning applicants should be aware that Part S in Schedule 1 to the Building Regulations sets out requirements for electric vehicle charging points within new residential and non-residential development schemes. These requirements should be considered early in the design process."</u></p>
<p>Link to supporting information (attachments):</p>	<p>1187474 Tatton Estate Repls.pdf</p>

MM03 (Policy GEN 4 ‘Recovery of forward funded infrastructure’)

Representation reference:	MOD8
Representor ID:	1311253
Representor first name:	Valerie
Representor surname:	Herbert
Representor organisation:	Prestbury Parish Council
Representation regarding:	MM03 (Policy GEN 4 ‘Recovery of forward funded infrastructure’)
Q2 Representation details:	<p>This policy is concerned with Cheshire East Council recovering the costs from applicants for forward funded infrastructure schemes, which make development acceptable in planning terms. Tables 3.1 and 3.2 list these schemes, and a breakdown of costs. The Poynton Relief Road is included in the lists, and this extends to the Adlington/Prestbury boundary.</p> <p>Within Prestbury parish is the recently completed improvement to the Bonis Hall Lane junction with the A523.</p> <p>The Prestbury Lane Safeguarded Land site may come forward for housing development post 2030, subject to a review of the Local Plan and consideration of the significant highway safety and other constraints affecting the site. It is considered that any infrastructure works, which will be required, would fall into the category of forward funded infrastructure.</p>
Representation reference:	MOD34
Representor ID:	1255389
Representor first name:	John
Representor surname:	Winstanley
Representor organisation:	Story Homes
Agent ID:	1311680
Agent first name:	Rebecca
Agent surname:	Caines
Agent organisation:	Lichfields
Representation regarding:	MM03 (Policy GEN 4 ‘Recovery of forward funded infrastructure’)
Q2 Representation details:	<p>Story consider that the amends to the policy have provided some further clarity around viability.</p> <p>Part d of the Policy refers to the need for a viability assessment to be submitted. However, there is ambiguity in terms of when this document would be required to be submitted. The main Mods suggest that many documents/assessments will be front-loaded. The introduction to Part D suggests with the planning application, which is supported. Therefore, for clarity it is requested for the sentence to be amended to state: ‘The applicant will be required to submit a viability assessment with the planning application prepared in accordance with’</p> <p>Story do not support the ability for the Council to revisit viability assessments and for them to be reviewed again. The review of Viability Assessments are a protracted exercise and development should not be delayed further due to additional reviews. There is a need to ensure that any viability review is undertake during the statutory determination period to ensure it does not delay much needed housing delivery.</p> <p>Story support the detail provided in Table 3.1 which identifies the schemes expected to contribute to the recovery of forward funded infrastructure schemes. Additional wording has also been included which seems to cover all other sites, not specifically identified LPS sites which states ‘other sites where transport assessments or modelling show a significant distribution of traffic to this infrastructure scheme’. For clarity and soundness, the wording should reflect the Part 1 of Policy GEN4 and be</p>

	<p>amended to state 'other sites where such development relies on the infrastructure to mitigate the effects of their development'</p> <p>1.16 The new footnote 1 to Table 3.2 refers to latest scheme costs being published in the council's Medium Term Financial Strategy. It is understood such document is prepared each year looking ahead for the next 4 years. It is unclear how such update will specifically feed into the SADPD once adopted. Further clarity is required.</p>
Representation reference:	MOD97
Representor ID:	1227334
Representor first name:	Jackie
Representor surname:	Copley
Representor organisation:	CPRE Cheshire
Representation regarding:	MM03 (Policy GEN 4 'Recovery of forward funded infrastructure')
Q2 Representation details:	<p>13. CPRE considers that the policy must be clear and effective at ensuring all community and green infrastructure required to support development is agreed at the outset of permission being granted, and to ensure that developers cannot renege on their contributions at a later time. The NPPF has regrettably allowed too many cases where developers have reneged on affordable housing and other important components of development leading to unsustainable developments. This is because of the developer viability focus of national planning policy being attributed more weight than the needs of poorer households and the environment, leading to shortages of 'genuinely' affordable housing and leading to widespread degradation of natural capital, including biodiversity decline.</p>
Representation reference:	MOD117
Representor ID:	1140423
Representor first name:	Joanne
Representor surname:	Harding
Representor organisation:	Home Builders Federation
Representation regarding:	MM03 (Policy GEN 4 'Recovery of forward funded infrastructure')
Q2 Representation details:	<p>3. The HBF considers that the modifications to this policy have improved the clarity to a degree, with references to viability included and reference made to the cessation of the contribution once the forward funding element has been recovered.</p>
Representation reference:	MOD178
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM03 (Policy GEN 4 'Recovery of forward funded infrastructure')
Q2 Representation details:	<p>Support</p> <p>These changes are deemed necessary to provide clarity to applicants, landowners and decision makers as to which development site allocations in the adopted plan will be expected to contribute to the listed schemes. In particular the insertion of Tables 3.1 and 3.2 and reference to these within the Policy are particularly helpful and justified to make the policy sound.</p>
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf

MM04 (Policy GEN 5 ‘Aerodrome safeguarding’)

Representation reference:	MOD173
Representor ID:	1274524
Representor first name:	Christopher
Representor surname:	Waldron
Representor organisation:	Defence Infrastructure Organisation
Representation regarding:	MM04 (Policy GEN 5 ‘Aerodrome safeguarding’)
Q2 Representation details:	<p>The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the MOD as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System. Provisions made in paragraph 97 of the National Planning Policy Framework 2021 require that planning policies and decisions should take into account defence requirements by ‘ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.’ To this end MOD may be involved in the planning system both as a statutory and non-statutory consultee with statutory involvement stemming from consultation occurring as a result of the provisions of the Town and Country Planning (Safeguarded aerodromes, technical sites and military explosives storage areas) Direction 2002 (DfT/ODPM Circular 01/2003) and the location data and criteria set out on safeguarding maps issued by Department for Levelling Up Housing and Communities (DLUHC) in accordance with the provisions of that Direction.</p> <p>It is understood that Cheshire East Council is undertaking consultation which will inform the implementation of policies within the Cheshire East Council Local Plan. The consultation relates to the Local Plan Strategy by providing additional site allocations and policy detail.</p> <p>The MOD has an area of interest within Cheshire East denoted by a Safeguarding zone which exists to protect the operation and capability of airfields and/or technical assets which may be located inside or outside the Council’s boundary. RAF Tern Hill is located approximately 8.4KM to the south of Cheshire East’s local authority area. And benefits from safeguarding zones drawn that seek to minimise the potential for birdstrike risks being introduced.</p> <p>Within the statutory consultation areas associated with aerodromes are zones that are designed to remove or mitigate birdstrike risk. The creation of environments attractive to those large and flocking bird species that pose a hazard to aviation safety can have a significant effect, this can include landscaping schemes associated with large developments as well as the creation of new waterbodies and drainage systems.</p> <p>In addition, and where development falls outside designated safeguarding zones, the MOD may also have an interest, particularly where the development is of a type likely to have an impact on operational capability by virtue of scale, height, or physical properties. Examples of these types of development include renewable energy development such as the installation of wind turbine generators or solar photo voltaic panels, or any development that would exceed a height of 50m above ground level. Both tall (of or exceeding a height of 50m above ground level) structures and wind turbine development introduce physical obstacles to low flying aircraft. Solar PV development can compromise the operation of communications and other technical assets by introducing substantial areas of metal that degrade signals and, depending on the location of development, may produce glint and glare to the detriment of aviation safety. Wind turbines may impact on the operation of surveillance systems such as radar where the rotating motion of their blades can degrade and cause interference to the effective operation of these types of installations potentially resulting in detriment to aviation safety and operational capability. This potential is recognised in the Government’s online Planning Practice Guidance which contains, within the Renewable and Low Carbon Energy section, specific guidance that both developers and Local Planning Authorities should consult the MOD where a proposed turbine has a tip height of, or exceeding 11m, and/or has a rotor diameter of 2m or more.</p>

	<p>In summary, the MOD would wish to be consulted within the Cheshire East Council - Site Allocations and Development Policies Main Modifications Document of any potential development which includes schemes that might result in the creation of attractant environments for large and flocking bird species hazardous to aviation.</p> <p>I trust this clearly explains our position on this update. Please do not hesitate to contact me should you wish to consider these points further.</p>
Representation reference:	MOD179
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM04 (Policy GEN 5 'Aerodrome safeguarding')
Q2 Representation details:	Support Clarity and effectiveness
Link to supporting information (attachments):	1187474 Tatton Estate Reprs.pdf
Representation reference:	MOD263
Representor ID:	763340
Representor first name:	Natalie
Representor surname:	Belford
Representor organisation:	Manchester Airports Group
Representation regarding:	MM04 (Policy GEN 5 'Aerodrome safeguarding')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	Yes
Q2 Representation details:	<p>The alterations that have been made to the wording of policy GEN 5 are acceptable. The policy is sound and legally compliant.</p> <p>Some of the changes that have been made to the supporting information require further updating to reflect current procedures. We therefore recommend the following revised wording for paragraphs 3.26 and 3.28b:</p>
Q3 Changes necessary:	<p>Paragraph 3.26 – The text requires updating to reflect current procedures and should be amended to:</p> <p><u>“3.26 The aerodrome safeguarding zones for Manchester Airport are defined on a safeguarding maps issued authorised by the Civil Aviation Authority and issued by the Safeguarding Authority / Airport Licence Holder. Their purpose is to define certain types of development that, by reason of their height, attraction to birds, inclusion of or effect upon aviation activity, or type of development (such as wind turbine development) require prior consultation with the Safeguarding Authority Airport Operator or National Air Traffic Services Ltd in order for them to assess the implications of these developments for the safe operation of aircraft using the airport and its airspace. Government advice in ODPM Circular 1/2003 ‘Advice to Local Planning Authorities on Safeguarding Aerodromes and Military Explosives Storage Areas’ sets out the detailed guidance on how safe and efficient operations can be secured.”</u></p> <p>Paragraph 3.28b – Insert additional text to advise that the boundary of the safeguarding zones may be subject to future review and amendment, as follows:</p> <p><u>“3.28b As required by Circular 1/2003, the current outer boundary of the safeguarding zones is shown on the adopted policies map. This boundary may be subject to future review and amendment, and the latest versions will be used.</u></p>

MM05 (Policy GEN 6 'Airport public safety zone')

Representation reference:	MOD180
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM05 (Policy GEN 6 'Airport public safety zone')
Q2 Representation details:	Support Whilst these zones do not impact on parts of Tatton Estate, the additions to the Policies map and changes to the policy are supported to provide additional clarity and effectiveness
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf

MM06 (Policy ENV 1 'Ecological network')

Representation reference:	MOD9
Representor ID:	1311253
Representor first name:	Valerie
Representor surname:	Herbert
Representor organisation:	Prestbury Parish Council
Representation regarding:	MM06 (Policy ENV 1 'Ecological network')
Q2 Representation details:	<p>The proposed new wording of this policy only protects areas of ecological value which are highlighted on the Policies Map. This means that there appears to be limited scope to identify or protect small areas of ecological value. However, Policy ENV2 allows for new biodiversity net gain conditions to be attached to planning permissions.</p> <p>The importance of small areas of ecological value is of relevance to both the Safeguarded Land sites in Prestbury.</p> <p>The proposed modification to Policy ENV1, includes a criterion 5, which does provide a facility for small areas of ecological value to be brought forward – but only in Neighbourhood Plans</p>
Q3 Changes necessary:	<p>The importance of small areas of ecological value is of particular relevance to Prestbury Parish Council, but the policy wording does not make any provision for the recognition and protection of such ecological areas outwith Neighbourhood Plans. It is recommended that additional wording is provided in Policy ENV1 for these ecological areas to be brought forward and protected following an ecological assessment and report of their value.</p>
Representation reference:	MOD35
Representor ID:	1255389
Representor first name:	John
Representor surname:	Winstanley
Representor organisation:	Story Homes
Agent ID:	1311680
Agent first name:	Rebecca
Agent surname:	Caines
Agent organisation:	Lichfields
Representation regarding:	MM06 (Policy ENV 1 'Ecological network')
Q2 Representation details:	<p>Story acknowledge the importance of ecological networks and need for new development in Cheshire East to preserve them and supports the changes made to the policy to follow the wording of Policy DM44 of the CW&C Local Plan (Part 2). However, the explanatory text does not provide any further clarity to this policy. It is still therefore not possible to establish how the sites that fall within such ecological network space will be affected. Further clarity is still requested in order to assess the cost that will be incurred to the developers.</p> <p>It is also requested that clarity is provided in the explanatory text to the policy as to where the 250m from core areas (restoration areas) has come from as set out in the Inspector's Post Hearing Comments 'the 250m buffer used to define the restoration areas relates to the typical dispersal distance of characteristic protected species, and that the Local Nature Partnership was consulted on the development of the network.'</p>
Representation reference:	MOD41
Representor ID:	1076042
Representor organisation:	Bloor Homes (NW) Ltd
Agent ID:	891970

Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM06 (Policy ENV 1 'Ecological network')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	<p>The Inspector found that the extent of the ecological designations are justified. However, he found that the wording for part 4 of Policy ENV1 was not justified. He advised that it should be modified to follow the wording of Policy DM44 of the Cheshire West and Chester Local Plan Part 2).</p> <p>This amendment made by MM06 is consistent with the Inspector's comments. However the following matters remain unresolved:</p> <p>The boundaries of the respective designations must be clearly defined on the proposals map to ensure they can be readily understood. There is no proposed modification in respect of the draft proposals map.</p> <p>The Post Hearing comments note that the wording for part 4 of the policy is not justified particular in respect of its expectations for development within the core areas and restoration areas to increase the size of core areas. Part 4. i. as amended continues to require development proposals to increase the size of core areas.</p> <p>It remains unclear how the policy will be applied in respect of proposals within the urban area that also fall within one of the designations.</p>
Representation reference:	MOD54
Representor ID:	989662
Representor organisation:	Emery Planning
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM06 (Policy ENV 1 'Ecological network')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	<p>The Inspector found that the extent of the ecological designations are justified. However, he found that the wording for part 4 of Policy ENV1 was not justified. He advised that it should be modified to follow the wording of Policy DM44 of the Cheshire West and Chester Local Plan (Part 2).</p> <p>This amendment made by MM06 is consistent with the Inspector's comments. However, the following matters remain unresolved:</p> <p>The boundaries of the respective designations must be clearly defined on the proposals map to ensure they can be readily understood. There is no proposed modification in respect of the draft proposals map.</p> <p>The Post Hearing comments note that the wording for part 4 of the policy is not justified particular in respect of its expectations for development within the core areas and restoration areas to increase the size of core areas. Part 4. i. as amended continues to require development proposals to increase the size of core areas.</p> <p>It remains unclear how the policy will be applied in respect of proposals within the urban area that also fall within one of the designations.</p>
Representation reference:	MOD98
Representor ID:	1227334
Representor first name:	Jackie

Representor surname:	Copley
Representor organisation:	CPRE Cheshire
Representation regarding:	MM06 (Policy ENV 1 'Ecological network')
Q2 Representation details:	<p>The modified wording is much more restrictive in what it seeks to protect. It proposes to begin the policy with the words: "Within the components of the ecological network, as identified on the Policies Map, development proposals should"</p> <p>In other words, if areas are not large enough to be illustrated on the Policies Map, and if they are not featured in Neighbourhood Plans (specifically mentioned in criteria no. 5), they have no protection. This cannot be right or acceptable; therefore, CPRE cannot support the new wording here. This wording clearly needs to be revisited.</p>
Representation reference:	MOD136
Representor ID:	560026
Representor organisation:	Bourne Leisure Ltd
Agent ID:	1311923
Agent first name:	Helen
Agent surname:	Ashby-Ridgway
Agent organisation:	Lichfields
Representation regarding:	MM06 (Policy ENV 1 'Ecological network')
Q2 Representation details:	<p>Based on Cheshire East Council's ecological network map, Alvaston Hall is located in a Restoration Area. These areas are designed to enhance connectivity, resilience and the functioning of the ecological network. The main modification has changed the draft policy submitted for Examination and Bourne Leisure endorses this change.</p> <p>Part 4(ii) of the draft policy is of relevance to Bourne Leisure. This emerging policy requires development in restoration areas, improve the structural connectivity, resilience and function of the network with the main modification requiring improvements to size, quality or quantity of priority habitat within core areas, corridors or stepping stones. Bourne Leisure would like to endorse the change to the restoration aspect and that it is considered the policy as now worded provides flexibility for applicants to review the baseline for individual parcels within the area and to establish an appropriate response based upon the nature of the proposed development.</p> <p>Bourne Leisure has extensive experience of enhancing its sites through biodiversity mitigation and enhancement. The Company recognises the importance of doing so. Measures need to be proportionate to the development proposed and the context of the site.</p> <p>The emerging policy as modified is consistent with national policy and is considered justified.</p>
Representation reference:	MOD142
Representor ID:	1300389
Representor first name:	Ross
Representor surname:	Harding
Representor organisation:	Cheshire Wildlife Trust
Representation regarding:	MM06 (Policy ENV 1 'Ecological network')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	<p>The wording of Policy ENV 1 has been altered in such a way that the effectiveness of the policy to deliver robust results over the plan period has been reduced significantly. We believe the policy wording has been watered down through the use of the word 'or' in Clause 4i. The size, quality and (not or) quantity of priority habitat across the network will need to be increased to create a coherent ecological network (in line with NPPF Para 174d). This wording change may also call into question whether</p>

	the policy will result in the area's objectively assessed needs being met when they are set out in the forthcoming Local Nature Recovery Strategy later this year (as mandated in the Environment Act). Policy ENV 1 is therefore now deemed to be unsound as it is not positively prepared, consistent with national policy or effective.
Q3 Changes necessary:	To ensure the policy delivers robust results over the plan period and is consistent with national policy, we recommend the following change: Within the components of the ecological network, as identified on the policies map, development proposals should: increase the size, quality and quantity of priority habitat within core areas, corridors or stepping stones;
Representation reference:	MOD143
Representor ID:	1300389
Representor first name:	Ross
Representor surname:	Harding
Representor organisation:	Cheshire Wildlife Trust
Representation regarding:	MM06 (Policy ENV 1 'Ecological network')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	The wording of Policy ENV 1 has been altered in such a way that may cause confusion and result in the effectiveness of the policy to deliver robust results over the plan period being reduced. We believe the policy wording is incorrect in Clause 4 (iv) as buffer zones (as defined by the ecological network) are not within core areas. Buffer zones surround a number of distinct elements that form the ecological network, including (but not limited) to core areas (i.e. buffer zones also surround corridors and stepping stones etc.). We advise a simple change to the policy wording will increase the clarity, effectiveness and consistency of this policy with national policy.
Q3 Changes necessary:	To increase the clarity, effectiveness and consistency of this policy with national policy, we recommend the following change: 4. Within the components of the ecological network, as identified on the policies map, development proposals should: iv. in buffer zones and around protected meres and mosses, minimise adverse impacts from pollution or disturbance.
Representation reference:	MOD144
Representor ID:	1300389
Representor first name:	Ross
Representor surname:	Harding
Representor organisation:	Cheshire Wildlife Trust
Representation regarding:	MM06 (Policy ENV 1 'Ecological network')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	The wording of Policy ENV 1 should also contain text to reference the forthcoming Local Nature Recovery Strategy (LNRS) for Cheshire, the production of which is a legal requirement as per the Environment Act 2021. Reference to the LNRS will avoid the potential for local policy overriding or undermining the ecological network and opportunity map (Local Nature Recovery Network) produced during the LNRS process. Without a reference to the forthcoming LNRS, there could be confusion that results in a reduction in the effectiveness of the policy to deliver robust results over the plan period. Without a clear reference to the LNRS it is unlikely the policy will result in the area's objectively assessed needs being met when they are set out in the forthcoming LNRS later this year. We advise an addition to the policy wording will increase the

	clarity, effectiveness and consistency of this policy with national legislation and ensure it is positively prepared.
Q3 Changes necessary:	To increase the clarity, effectiveness and consistency of this policy with national legislation, and to ensure it is positively prepared we recommend the following change: 4. Within the components of the Cheshire East Ecological Network (as identified on the policies map) and the forthcoming Ecological Network and Opportunities Map (as identified in the Cheshire Local Nature Recovery Strategy) development proposals should:
Representation reference:	MOD172
Representor ID:	1254720
Representor first name:	Brian
Representor surname:	Chaplin
Representor organisation:	South Knutsford Residents Group
Representation regarding:	MM06 (Policy ENV 1 'Ecological network')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	SKRG support the intentions of this policy and MMO6. It is however noted that section 4.ii sets out to improve connectivity within green corridors yet PM11 proposes to remove protection of an open space of ecological value from just such a stepping-stone in a designated Neighbourhood Plan corridor. Far from enhancing the corridor, SKRG contend that PM11 is contradictory and ecologically counter-productive.
Q3 Changes necessary:	To make sound, opportunity should be given to Neighbourhood Plans to be brought to update Plans in line with para 5 of MM06 without full Review but subject to the approval of the Authority's relevant specialist officers
Representation reference:	MOD181
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM06 (Policy ENV 1 'Ecological network')
Q2 Representation details:	Object We consider that it is important the any ecological benefits achieved by development proposals through the implementation of this policy can also be used to satisfy components of Policy ENV2 and in particular bio-diversity net gain calculations. The identification of local ecological areas and wildlife corridors is deemed appropriate for Neighbourhood plans but we consider the policy should make it clear that this will only apply to local designations and not designations of national or international importance. It is also important that local designations are only identified if appropriate evidence has been gathered by professional and qualified ecologists in order for this policy to be justified and found sound.
Q3 Changes necessary:	Within the components of the ecological network, as identified on the Policies Map, development proposals should: increase the size, quality or quantity of priority habitat within core areas, corridors or stepping stones; within corridors and stepping stones, improve the connectivity of habitats for the movement of mobile species;

	<p>in restoration areas, improve the structural connectivity, resilience and function of the network;</p> <p>in buffer zones within core areas and around protected meres and mosses, minimise adverse impacts from pollution or disturbance.”</p> <p><u>Such measures can contribute to a proposals Biodiversity Net Gain requirement under Policy ENV2..</u></p> <p>“5. Areas of <u>local</u> ecological value may be designated within neighbourhood plans <u>if supported by appropriate evidence</u> and where relevant, policies for them within neighbourhood plans will also be applied when considering planning applications that might affect them.”</p> <p>Paragraph 4.8a: “4.8a Neighbourhood Plans may also include policies to protect and enhance biodiversity, including through the designation of <u>local</u> wildlife corridors <u>if supported by appropriate evidence by professional and qualified ecologists</u>. These policies, where relevant, will need to be applied to development schemes alongside the policies in the Local Plan. Local wildlife corridors refine and compliment the wider ecological network.”</p>
Link to supporting information (attachments):	1187474 Tatton Estate Repls.pdf
Representation reference:	MOD259
Representor ID:	762464
Representor first name:	Dawn
Representor surname:	Hewitt
Representor organisation:	Environment Agency
Representation regarding:	MM06 (Policy ENV 1 ‘Ecological network’)
Q2 Representation details:	<p>We are satisfied this Main Modifications of the SADPD includes an effective list of policies and considered site allocations and correctly identifies environmental issues and parameters for consideration/investigation. We are also pleased to see several of our previous recommendations for improvement as outlined in our letter ref: SO/2009/105288/SL-04/SB3-L01, dated 05 January 2021, have been included as part of this revision.</p> <p>However, we note several of our previous recommendations have not been included. Therefore, we request the following modifications and additional changes outlined below are made. These recommendations will strengthen the SADPD providing greater clarity whilst also improving the standard of development and its interactions with the natural environment. Further to this consultation response, we welcome any discussion on the matters raised within this letter should further guidance be needed.</p> <p>MM06 Policy ENV 1 ‘Ecological network’</p> <p>As noted in our previous response, we feel it would give greater clarity and effectiveness if all meres and mosses were included within the ecological network plan. This would also be beneficial to identify areas to implement the issue of nutrient neutrality following the March 2022, Ministerial Statement on ‘Delivering the Environment Act: taking action to protect and restore nature’.</p>

MM07 (Policy ENV 2 ‘Ecological implementation’)

Representation reference:	MOD36
Representor ID:	1255389
Representor first name:	John
Representor surname:	Winstanley
Representor organisation:	Story Homes
Agent ID:	1311680
Agent first name:	Rebecca
Agent surname:	Caines
Agent organisation:	Lichfields
Representation regarding:	MM07 (Policy ENV 2 ‘Ecological implementation’)
Q2 Representation details:	1.19 Whilst reference has been made to Nutrient Neutrality, the paragraph included at para 13.b is a statement of fact. The updated HRA should be referred to as it is not sufficient for the LPA to discharge their HRA duty in a Local Plan with just a statement of fact as set out in para 13.b. Story Homes recognise that Nutrient Neutrality is a complex issue which requires careful consideration but should not automatically lead to the delay in delivery of housing.
Representation reference:	MOD42
Representor ID:	1076042
Representor organisation:	Bloor Homes (NW) Ltd
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM07 (Policy ENV 2 ‘Ecological implementation’)
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>The Inspector did not comment on Policy ENV2 in his Post Hearing comments. At the examination, the Inspector questioned whether the requirement to deliver an overall net gain for biodiversity and for applications to be supported by a biodiversity metric calculator was consistent with national policy.</p> <p>The Framework states at paragraph 179 that plans should:</p> <p>“promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”.</p> <p>The emphasis of national policy is to protect and enhance biodiversity but it does not require all development to deliver an overall net gain for biodiversity or be accompanied by a biodiversity metric calculation, this is not a mandatory requirement at present.</p> <p>We do not consider the amendments to the policy to be sound or legally compliant for the reasons set out above and suggest alternative wording for part 1 of Policy ENV2 below:</p>
Q3 Changes necessary:	1. Net gain: development proposals must deliver an overall net gain for biodiversity. Major developments and developments affecting semi-natural habitats must be supported by a biodiversity metric calculation to ensure the delivery of a biodiversity measurable net gain should provide for a net gain in biodiversity in line with the expectations of national policy and be supported by a biodiversity metric calculation.
Representation reference:	MOD55

Representor ID:	989662
Representor organisation:	Emery Planning
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM07 (Policy ENV 2 'Ecological implementation')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>The Inspector did not comment on Policy ENV2 in his Post Hearing comments. At the examination, the Inspector questioned whether the requirement to deliver an overall net gain for biodiversity and for applications to be supported by a biodiversity metric calculator was consistent with national policy.</p> <p>The Framework states at paragraph 179 that plans should:</p> <p>“promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity”.</p> <p>The emphasis of national policy is to protect and enhance biodiversity but it does not require all development to deliver an overall net gain for biodiversity or be accompanied by a biodiversity metric calculation, this is not a mandatory requirement at present.</p> <p>We do not consider the amendments to the policy to be sound or legally compliant for the reasons set out above and suggest alternative wording for part 1 of Policy ENV2 below:</p>
Q3 Changes necessary:	<p>1. Net gain: development proposals must deliver an overall net gain for biodiversity. Major developments and developments affecting semi-natural habitats must be supported by a biodiversity metric calculation to ensure the delivery of a biodiversity measurable net gain should provide for a net gain in biodiversity in line with the expectations of national policy and be supported by a biodiversity metric calculation.</p>
Representation reference:	MOD99
Representor ID:	1227334
Representor first name:	Jackie
Representor surname:	Copley
Representor organisation:	CPRE Cheshire
Representation regarding:	MM07 (Policy ENV 2 'Ecological implementation')
Q2 Representation details:	16. CPRE Cheshire welcomes the change to the Policy ENV 2 and map to show the geography of the Meres and Mosses of the Marches Nature Improvement Area.
Representation reference:	MOD137
Representor ID:	560026
Representor organisation:	Bourne Leisure Ltd
Agent ID:	1311923
Agent first name:	Helen
Agent surname:	Ashby-Ridgway
Agent organisation:	Lichfields
Representation regarding:	MM07 (Policy ENV 2 'Ecological implementation')
Q2 Representation details:	The main modification to this draft policy is considered to be too onerous.

	<p>The aspiration for development proposals to contribute to the conservation of biodiversity and geodiversity is acknowledged and its importance is recognised. However, the proposed modified policy is onerous. This emerging policy should reflect the potential difficulties in meeting the requirements and should have regard to the context of the site, the project feasibility, and its viability. This is particularly important in instances where the development proposals relate to listed buildings such as Alvaston Hall, where heritage aspects and considerations may need to inform or influence biodiversity proposals.</p> <p>The Planning Practice Guidance explains that local plans should take a 'suitable approach' to achieving biodiversity and wider net gain. The guidance also confirms that biodiversity net gain can be achieved "on-site, off-site or through a combination of on-site and off-site measures". The emerging policy is inconsistent with the strategic approach taken in Policy SE3 (Biodiversity and Geodiversity). This policy looks for development to "aim to positively contribute to the conservation and enhancements of biodiversity". These policies and guidance therefore take a more nuanced approach to biodiversity net gains than the proposed modified Policy ENV2. The mandatory approach taken in the SADPD is therefore inconsistent with national policy, guidance and existing local strategic policy.</p> <p>It is also important for the information required to be submitted with a planning application to be proportionate to the development proposed, in the context of that application and the site. A blanket requirement for a biodiversity matrix for all developments is onerous. The threshold of all development proposals required to submit a biodiversity matrix will result in excessive requirements for certain planning applications. Whilst a biodiversity matrix may be required to assess larger proposals on greenfield sites, a full biodiversity matrix would be disproportionate for small and modest development proposals on sites, particularly in advance of national requirements through regulation where a consultation on the principles of the approach has only recently ended.</p>
Q3 Changes necessary:	<p>To be made sound the emerging policy should reflect the need for flexibility by incorporating the additional text in bold below: <i>"Net gain: Where possible, development proposals should provide for a net gain in biodiversity in line with the expectations of national policy and may need to be supported by a biodiversity metric calculation."</i></p> <p>It is considered that the draft policy is unsound as drafted as it fails to meet the test requiring the plan to be justified and effective.</p>
Representation reference:	MOD182
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM07 (Policy ENV 2 'Ecological implementation')
Q2 Representation details:	<p>Object</p> <p>We would recommend that the flow diagram at Annex D of the Letter from Natural England dated 16th March 2022 (See Appendix 1) is referenced within the supporting text of this policy at the end of new paragraph 14.4b.</p> <p>It provides a very clear, step by step approach to the Nutrient Assessment Methodology which is helpful for the public, applicants and the Council in forming decisions on relevant planning applications.</p> <p>The questions asked within the flow chart are critical in determining if an application will need to mitigate additional nutrients or not and much of this will depend on the drainage strategy for a site and provide helpful advice in what is a new planning policy consideration and will help to speed up the determination process on many applications.</p>

	<p>Indeed, even if a development proposal is within a catchment area, if it is on the edge of a catchment area and discharges waste water in the other direction and outside of the catchment area, then there is no need to address nutrient neutrality mitigation based on Natural England's advice.</p> <p>We consider this alteration would make the policy far more effective.</p>
Q3 Changes necessary:	<p>4.13b The Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species (amendment) (EU Exit) Regulations 2019), also known as the 'Habitats Regulations', provide legal protection to habitats and species of national importance. A Habitats Regulations Assessment (HRA) is needed for plans and projects that are likely to have a significant effect on European sites. As a competent authority under the Habitats Regulations, the council will carefully consider the nutrient impacts of any new plans and projects (including new development proposals) on European sites and whether those impacts may have an adverse effect on the integrity of a European site that requires mitigation, including through nutrient neutrality. Following the 16 March 2022, Ministerial Statement Delivering the Environment Act: taking action to protect and restore nature (statement UIN HCWS688) reference is made to Rostherne Mere Ramsar (nitrogen and phosphorus impacts), Oak Mere SAC (phosphorus impacts) and the catchments of Abbotts Moss SSSI and Wybunbury Mosses SSSI, part of the West Midlands Mosses SAC (nitrogen and phosphorus impacts).” <u>When determining planning applications within these areas, applicants and the Council will need to have regard to the questions raised in Annex D of the Natural England Letter dated 16th March 2022 to determine if nutrient mitigation is required or not.</u></p>
Link to supporting information (attachments):	<p>1187474 Tatton Estate Repls.pdf 1187474 Tatton Estate Appendix 1.pdf</p>
Representation reference:	MOD240
Representor ID:	1187414
Representor first name:	Andrew
Representor surname:	Leysens
Representor organisation:	United Utilities Water Ltd
Representation regarding:	MM07 (Policy ENV 2 'Ecological implementation')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>Ref MM07 Policy ENV 2 'Ecological implementation', Criterion 2 (iii) (Page 33 of Cheshire East Local Plan Draft SADPD (Main Modifications Version 2022))</p> <p>We note the proposed change to Criterion 2 (iii) of Policy ENV 2. In accordance with the provisions of the Environment Act 2021, which places an obligation on Local Authorities to produce a Local Nature Recovery Strategy, we recommend that this is amended to include the following additional text.</p>
Q3 Changes necessary:	<p>'iii. finally, and as a last resort, if impacts are unavoidable and cannot be acceptably mitigated, compensation measures should be provided. This may include off-site provision where adequate on-site provision cannot be made. To maximise its benefits, off-site habitat provision should be prioritised firstly towards those areas identified on the adopted policies map as nature improvement areas and those areas identified by the ecological network map <u>and / or a local nature recovery strategy</u> as delivering the most benefit for biodiversity (see Policy ENV 1 'Ecological network').</p>

MM08 (Policy ENV 3 'Landscape character')

Representation reference:	MOD10
Representor ID:	1311253
Representor first name:	Valerie
Representor surname:	Herbert
Representor organisation:	Prestbury Parish Council
Representation regarding:	MM08 (Policy ENV 3 'Landscape character')
Q2 Representation details:	<p>This modification incorporates a list of the Local Landscape Designation Areas within Cheshire East. In terms of Prestbury, this is important as it includes the Bollin Valley. Such areas represent the highest quality and most valued landscape in the borough. In line with Policy SE4 of the Local Plan Strategy, development that is likely to have an adverse effect on the special qualities of the landscape should be avoided.</p> <p>Of relevance to Prestbury is the fact that the Heybridge Lane Safeguarded Land site lies within the Bollin Valley LLDA. This will have to be considered if, following a review of the Local Plan, further housing land is required in Prestbury.</p>
Representation reference:	MOD43
Representor ID:	1076042
Representor organisation:	Bloor Homes (NW) Ltd
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM08 (Policy ENV 3 'Landscape character')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>The policy has been amended to include a list of the landscape designations and states that these will be defined on the adopted proposals map.</p> <p>We support the inclusion of the list of Local Landscape Designations within the policy and the clear identification of the areas on the policies map. We have concerns with the later part of point 2 as there is unnecessary duplication with point 3 of Policy SE4 of the LPS contrary to Policy 16f) of the Framework. Furthermore, we would suggest the words 'and most valued' are deleted from the second sentence of point 2 to avoid confusion with the meaning of 'valued' in paragraph 174 of the Framework.</p>
Representation reference:	MOD56
Representor ID:	989662
Representor organisation:	Emery Planning
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM08 (Policy ENV 3 'Landscape character')
Q2 Representation details:	<p>The policy has been amended to include a list of the landscape designations and states that these will be defined on the adopted proposals map.</p> <p>We support the inclusion of the list of Local Landscape Designations within the policy and the clear identification of the areas on the policies map. We have concerns with the later part of point 2 as there is unnecessary duplication with point 3 of Policy</p>

	SE4 of the LPS contrary to Policy 16f) of the Framework. Furthermore, we would suggest the words 'and most valued' are deleted from the second sentence of point 2 to avoid any confusion with the meaning of 'valued' in paragraph 174 of the Framework.
Representation reference:	MOD100
Representor ID:	1227334
Representor first name:	Jackie
Representor surname:	Copley
Representor organisation:	CPRE Cheshire
Representation regarding:	MM08 (Policy ENV 3 'Landscape character')
Q2 Representation details:	17. CPRE is content with this main modification as it wishes to see development proposals respect the qualities, features and characteristics that contribute to the distinctiveness of Cheshire East's local areas.
Representation reference:	MOD183
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM08 (Policy ENV 3 'Landscape character')
Q2 Representation details:	<p>Object</p> <p>We object to the inclusion of the second sentence under point 2. The LLD cannot be regarded as the most valued landscapes in the Borough because the borough includes part of the Peak District National Park. This sentence/statement is therefore false and not justified or in accordance with national policy and should therefore be deleted. We support the reference to 'special qualities' in Criterion 2 and the additional supporting text at paragraph 4.19 as this makes it clear that any proposal should consider the Statement of Significance for each LLD area, which describe the unique special qualities of each area. This reference is important to make the policy relevant in the same manner in which the Peak Fringe Policy in the LDS is worded. With the above in mind, however, we also maintain our position that land at the Cheshire Gateway site located within the A556/M56 slip roads should not be included within the Bollin Valley LLD because its inclusion is not in line with these special qualities. It is not visible from the river or its associated flood plain. The Council's evidence confirms that it is the narrow, intimate, and closed nature of the tranquil valley associated with the river which defines the special landscape character of this area. Nevertheless, we note the Inspector's conclusions on this site, and notwithstanding the lack of intervisibility, we do recognise that the site is still in close proximity to the river and it is within this context that the Inspector felt the retention of this island of land within the designation was justified so development proposals on the site can be considered in light of its impacts on these key attributes (rather than prevent development on the Cheshire Gateway site outright). In addition, we do not consider the addition of land located to the east of Ashley Hall, south of Ashley Road and located either side of the railway line between Ashley and Hale is sufficiently justified. Unlike the Cheshire Gateway site and the M56/A556 junction, which has historically formed part of the Area of Special County Value (but has undergone recent physical change), the land to the east of Ashley Hall is not currently included in the Area of Special County Value in the adopted Local Plan, never has been and has not undergone any recent change in physical form. As such, the evidence to include this additional land within the LDD should be very robust given it adds an additional constraint to the land that has not previously been recognised to have a landscape value of Boroughwide importance. The only justification put forward by LUC and the Council is contained within ED11 in Table 3.1 (page 13 - 3rd bullet point) which refers to the LDD boundary being drawn</p>

	<p>to align with the wider Character Area.. However, this area of land is some distance from the River Bollin itself, very close to the M56 and is separated from the River by Ashley Road. It certainly does not form part of the steep river valley and is not visible from the River. Instead, it has the appearance of flat Cheshire Plain. LUC also confirm that this land is located within a National Landscape Character Area associated with Greater Manchester Conurbation (See Figure A.2.2 in ED10) indicating this area has various landscape characteristics.</p>
Q3 Changes necessary:	<p>2. The areas listed below are designated as Local Landscape Designations and are defined on the adopted Policies Map. They represent the highest quality and most valued landscapes in the borough. In line with LPS Policy SE 4 'The landscape', development that is likely to have an adverse effect on their special qualities, as described in the Cheshire East Local Landscape Designation Review (2018), should be avoided.</p> <p>Land in Red [see attachment] located to the east of Ashley Hall to be omitted from Bollin Valley LLD (land is not currently designated as Area of Special County Value and there is insufficient evidence submitted as part of the Site Allocations DPD to include it as an LDD now).</p>
Link to supporting information (attachments):	<p>1187474 Tatton Estate Repls.pdf</p>

MM09 (Policy ENV 4 'River corridors')

Representation reference:	MOD11
Representor ID:	1311253
Representor first name:	Valerie
Representor surname:	Herbert
Representor organisation:	Prestbury Parish Council
Representation regarding:	MM09 (Policy ENV 4 'River corridors')
Q2 Representation details:	Additional wording after paragraph 4.27 incorporates a list of a variety of ways that development schemes can protect and enhance river corridors. In Prestbury parish, this will apply to the Bollin Valley, and any consideration of the development of the Heybridge Lane Safeguarded Site. In addition, this policy will also apply to the Dean Valley, but on account of its rural and Green Belt location it is unlikely to be affected by development proposals.
Q3 Changes necessary:	Missing from the ways which can protect and enhance river corridors, is the need to control unregulated discharges, which can have a serious impact on biodiversity, and the recreational use of the river valleys.
Representation reference:	MOD101
Representor ID:	1227334
Representor first name:	Jackie
Representor surname:	Copley
Representor organisation:	CPRE Cheshire
Representation regarding:	MM09 (Policy ENV 4 'River corridors')
Q2 Representation details:	18. Should there not be a reference in the policy or in the supporting text to run-offs from agricultural land into rivers and to illegal discharges into them? Otherwise, CPRE agrees the text improves clarity and effectiveness of the policy.
Representation reference:	MOD184
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM09 (Policy ENV 4 'River corridors')
Q2 Representation details:	Support We support this policy as it highlights that positive measures can be taken through development proposals to enhance all river corridors. Tatton Estate are already working closely with Cheshire East Council and other partners to improve the setting of key watercourses through the area, including the Bollin Valley area.
Link to supporting information (attachments):	1187474 Tatton Estate Reprs.pdf
Representation reference:	MOD241
Representor ID:	1187414
Representor first name:	Andrew
Representor surname:	Leysens
Representor organisation:	United Utilities Water Ltd

Representation regarding:	MM09 (Policy ENV 4 'River corridors')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	Yes
Q2 Representation details:	<p>Ref MM09 Policy ENV 4 'River Corridors' Paragraph 4.27a (Page 37 of Cheshire East Local Plan Draft SADPD (Main Modifications Version 2022))</p> <p>With respect to the amendments to Paragraph 4.27a, we wish to request that the modification includes the following additional wording. We recommend this change because riverside corridors are often locations for our wastewater infrastructure including outfalls.</p>
Q3 Changes necessary:	<p>4.27a There are a variety of ways that development schemes can protect and enhance river corridors. These include:</p> <ul style="list-style-type: none"> Locating open space next to the river Designing front facing schemes that positively integrate with the river Providing for good daytime light provision along the river corridor through the location, scale and massing of buildings Integrating flood attenuation with landscape and biodiversity enhancements Using bio-engineering solutions rather than hard bankside engineering Restoring the natural course and corridor of a river where it has been heavily modified or channelled Incorporating features to support fish and other aquatic wildlife <p><u>In considering any enhancements to river corridors, access to utility services should be maintained.</u></p>
Representation reference:	MOD260
Representor ID:	762464
Representor first name:	Dawn
Representor surname:	Hewitt
Representor organisation:	Environment Agency
Representation regarding:	MM09 (Policy ENV 4 'River corridors')
Q2 Representation details:	<p>We are satisfied this Main Modifications of the SADPD includes an effective list of policies and considered site allocations and correctly identifies environmental issues and parameters for consideration/investigation. We are also pleased to see several of our previous recommendations for improvement as outlined in our letter ref: SO/2009/105288/SL-04/SB3-L01, dated 05 January 2021, have been included as part of this revision.</p> <p>However, we note several of our previous recommendations have not been included. Therefore, we request the following modifications and additional changes outlined below are made. These recommendations will strengthen the SADPD providing greater clarity whilst also improving the standard of development and its interactions with the natural environment. Further to this consultation response, we welcome any discussion on the matters raised within this letter should further guidance be needed.</p> <p>MM09 Policy ENV4 'River corridors'</p> <p>We welcome the inclusion of paragraph 4.27 following our recommendation. However, this should be recognised in the Related Documents section by including reference to the North West River Basin Management Plan (NWRBMP).</p> <p>We also advice as per our previous comments, that any public access which would impact upon the natural environment or result in increased flood risk within an 8 metre undeveloped buffer zone, measured from bank top of the watercourse, will not be supported.</p>

MM10 (Policy ENV 5 'Landscaping')

Representation reference:	MOD12
Representor ID:	1311253
Representor first name:	Valerie
Representor surname:	Herbert
Representor organisation:	Prestbury Parish Council
Representation regarding:	MM10 (Policy ENV 5 'Landscaping')
Q2 Representation details:	An additional criterion to the six in Policy ENV5 is proposed as a Main Modification. This introduces a need for the landscape scheme to be set in the wider context of an ecological assessment.
Q3 Changes necessary:	The new criterion 7 is fully supported by Prestbury Parish Council.
Representation reference:	MOD102
Representor ID:	1227334
Representor first name:	Jackie
Representor surname:	Copley
Representor organisation:	CPRE Cheshire
Representation regarding:	MM10 (Policy ENV 5 'Landscaping')
Q2 Representation details:	19. CPRE can support the new wording proposed here. Our ecology is a key feature of the landscape, particularly in rural places.
Representation reference:	MOD185
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM10 (Policy ENV 5 'Landscaping')
Q2 Representation details:	Support Tatton Estate support this change which ensures the landscaping proposals for any development reflect the recommendations of supporting ecological assessments and
Link to supporting information (attachments):	1187474 Tatton Estate Reprs.pdf

MM11 (Policy ENV 6 ‘Trees, hedgerows and woodland implementation’)

Representation reference:	MOD13
Representor ID:	1311253
Representor first name:	Valerie
Representor surname:	Herbert
Representor organisation:	Prestbury Parish Council
Representation regarding:	MM11 (Policy ENV 6 ‘Trees, hedgerows and woodland implementation’)
Q2 Representation details:	<p>Trees make an important contribution to the character and quality of the urban environment. The statement in para 131 of the NPPF is fully accepted by Prestbury Parish Council in its desire to maintain and enhance the character and appearance of the village and its setting.</p> <p>The wording in the latest edition of the NPPF (2021) has led to the introduction of two additional criterion in Policy ENV6.</p> <p>Criterion 5 requires new streets to be tree lined unless there are clear, justified and compelling reasons why this would be inappropriate.</p> <p>Criterion 6 states that development proposals should put in place appropriate measures to secure the long-term maintenance of newly planted trees.</p>
Q3 Changes necessary:	Both these criterion are fully supported by the Parish Council.
Representation reference:	MOD37
Representor ID:	1255389
Representor first name:	John
Representor surname:	Winstanley
Representor organisation:	Story Homes
Agent ID:	1311680
Agent first name:	Rebecca
Agent surname:	Caines
Agent organisation:	Lichfields
Representation regarding:	MM11 (Policy ENV 6 ‘Trees, hedgerows and woodland implementation’)
Q2 Representation details:	<p>Story support the deletion of the reference to the three replacement trees for every tree removed.</p> <p>Story recognise the important contribution trees can make to the character and quality of urban environments and the recognition that the NPPF states that ‘new streets are tree lined unless, in specific cases there are clear, justifiable and compelling reasons why this would be inappropriate’. Whilst the wording of ENV6 part 5 acknowledges this, Story have experience where the introduction of street trees has resulted in the Highways authority refusing to adopt them where they are in the verge due to the impact of roots on the highways. This can have viability and management issues for the developer.</p>
Q3 Changes necessary:	We therefore request, that the Council consider a pragmatic approach to this policy and would suggest the wording is amended to state ‘New streets should be tree-lined unless there are clear, justified and compelling reasons why this would be inappropriate. <u>i.e highway adoption issues.</u> ’
Representation reference:	MOD44
Representor ID:	1076042
Representor organisation:	Bloor Homes (NW) Ltd
Agent ID:	891970
Agent first name:	Caroline

Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM11 (Policy ENV 6 'Trees, hedgerows and woodland implementation')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	Yes
Q2 Representation details:	The Inspector's Post Hearing Comments advised the council to modify Policy ENV 6 to remove the 3:1 tree replacement ratio. The amendments to the policy are supported and we conclude that the policy as revised is legally compliant and sound.
Representation reference:	MOD57
Representor ID:	989662
Representor organisation:	Emery Planning
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM11 (Policy ENV 6 'Trees, hedgerows and woodland implementation')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	Yes
Q2 Representation details:	The Inspector's Post Hearing comments advised the council to modify Policy ENV 6 to remove the 3:1 tree replacement ratio. The amendments to the policy are supported and we conclude that the policy as revised is legally compliant and sound.
Representation reference:	MOD83
Representor ID:	687198
Representor first name:	Andrew
Representor surname:	Taylor
Representor organisation:	David Wilson Homes North West
Agent ID:	1255717
Agent first name:	Paul
Agent surname:	Forshaw
Agent organisation:	Turley
Representation regarding:	MM11 (Policy ENV 6 'Trees, hedgerows and woodland implementation')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	Yes
Q2 Representation details:	Main Modification MM11 proposes to amend Part 3 of Policy ENV 6 to remove the requirement for any significant tree to be removed through development to be compensated for through the planting of 3 replacement trees. Instead, that requirement is to be replaced with a requirement for replacement tree planting to be provided at a commensurate amenity value to the trees that are lost and to secure an environment net gain. DWH supports the proposed Main Modification. This Main Modification reflects that not all trees that may be lost will have amenity value. Some may be poor quality specimens and their replacement by 3 new trees, as required by the drafting of Policy ENV 6 in the Publication Version SADPD, or indeed their replacement at all, may have limited to no amenity or ecological benefits and would therefore be unnecessary.

	<p>2.11 The proposed Main Modification requiring the replacement with trees of a commensurate amenity value is more flexible and is, therefore, supported.</p> <p>Conclusion</p> <p>These representations to the Schedule of Proposed Main Modifications to the Cheshire East SADPD are submitted on behalf of David Wilson Homes North West (DWH).</p> <p>DHW supports the following proposed Main Modifications which largely reflect DWH's previous representations on these policies:</p> <p>MM11 – Policy ENV 6: Trees, Hedgerows and Woodland Implementation; MM43 – Policy HOU 3: Self and Custom Build Housing; and MM52 – Policy HOU 12: Housing Density.</p>
Representation reference:	MOD103
Representor ID:	1227334
Representor first name:	Jackie
Representor surname:	Copley
Representor organisation:	CPRE Cheshire
Representation regarding:	MM11 (Policy ENV 6 'Trees, hedgerows and woodland implementation')
Q2 Representation details:	<p>CPRE cannot support the new wording proposed here. CPRE prefers to see reference to the Hedgerow Regulations 1997 due to the statutory protection implied. Many people, especially developers, are unaware of the existence of the regulation and legal requirements.</p> <p>CPRE is actively campaigning to ensure the Government does more to increase hedgerow coverage due to flood resilience, biodiversity and value for health and well-being.</p> <p>The wording 'commensurate amenity value' may lead to developers arguing to provide less trees than are needed, perhaps specific reference to the Council's arboriculturist (assuming there is one?) should be referenced as in need of consultation to identify the developer requirement specific to each case? Replacement at three to one lost, (as originally suggested) is too low given so many replacement trees planted do not survive to maturity and in any case take decades to recover the biodiversity loss.</p>
Representation reference:	MOD118
Representor ID:	1140423
Representor first name:	Joanne
Representor surname:	Harding
Representor organisation:	Home Builders Federation
Representation regarding:	MM11 (Policy ENV 6 'Trees, hedgerows and woodland implementation')
Q2 Representation details:	4. The HBF considers that the deletion of the reference to the three replacement trees for every tree removed is appropriate.
Representation reference:	MOD123
Representor ID:	1311716
Representor first name:	Charlotte
Representor surname:	Sythes
Representor organisation:	The Crown Estate
Agent ID:	1311715
Agent first name:	Stephenie
Agent surname:	Hawkins
Agent organisation:	Barton Willmore, now Stantec

Representation regarding:	MM11 (Policy ENV 6 'Trees, hedgerows and woodland implementation')
Q1(2) Sound?	No
Q2 Representation details:	<p>The Crown Estate is the freehold owner of land in Cheshire East including land in North West Knutsford allocated for residential and commercial development under Policy LPS 36 of Cheshire East's Local Plan Strategy adopted July 2017 ('the LPS') and land that has been safeguarded for potential longer-term development under Policies LPS 39 and LPS 40 of the LPS.</p> <p>On behalf of The Crown Estate, we have engaged throughout the Plan process making representations to the Publication Draft SADPD (2019) and Revised Publication Draft SADPD (2020) and participating in the Examination Hearing Sessions.</p> <p>Throughout our engagement in the Plan process, we have sought modifications to Policy ENV 6 to assist the delivery of development land and to make the policy effective, justified and consistent with national planning policy and, as such, sound. These submissions are not repeated here.</p> <p>MM11 is broadly consistent with the modifications that we sought. We particularly welcome the proposed modification to Criterion 3 which deletes the requirement for a 3:1 tree replacement ratio, in its place requiring "replacement tree planting ... of a commensurate amenity value to the trees that are lost and to secure environmental net gain". This modification replaces an unjustified requirement with a less onerous requirement that does not undermine the delivery of development and, as such, makes the policy effective.</p> <p>However, for consistency and avoidance of doubt, we respectfully request that the supporting text at paragraph 4.41 is accordingly updated.</p> <p>Overall, subject to the modification to the supporting text, The Crown Estate broadly supports MM11 and consider it makes Policy ENV 6 sound.</p>
Q3 Changes necessary:	MM11 deletes the requirement for a 3:1 tree replacement ratio, but this is still referred to within the supporting text at paragraph 4.41. For consistency and avoidance of doubt, we respectfully request that the supporting text at paragraph 4.41 is accordingly updated. Our suggestion is that paragraph 4.41 is deleted.
Representation reference:	MOD138
Representor ID:	560026
Representor organisation:	Bourne Leisure Ltd
Agent ID:	1311923
Agent first name:	Helen
Agent surname:	Ashby-Ridgway
Agent organisation:	Lichfields
Representation regarding:	MM11 (Policy ENV 6 'Trees, hedgerows and woodland implementation')
Q2 Representation details:	<p>Bourne Leisure endorses the change to this emerging policy as it acknowledges the position taken in our letter of representation.</p> <p>The draft policy, as it was proposed, failed to take into account the condition of any trees to be removed, or any site-specific characteristics and constraints whereby such a replacement ratio may be unsuitable or not feasible.</p> <p>Bourne Leisure endorses the main modification as it acknowledges the quality of the trees to be lost and wider site-specific characteristics. The draft policy as now written meets the tests of soundness.</p>
Representation reference:	MOD147
Representor ID:	641527
Representor organisation:	Barratt & David Wilson Homes
Agent ID:	1272265
Agent first name:	Jon

Agent surname:	Suckley
Agent organisation:	Asteer Planning
Representation regarding:	MM11 (Policy ENV 6 'Trees, hedgerows and woodland implementation')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>BDW support the deletion of 3:1 ratio replacement tree planting and the revised text requiring replacement planting of a commensurate amenity value and to secure net gain, with the option at Criterion 4 to contribute to off-site provision if on site replacement trees are not practicable.</p> <p>A new Criterion 5 introduces a requirement for tree lined streets unless there are clear, justified and compelling reasons why this would be inappropriate.</p> <p>This does not align with guidance in the National Design Guide and could be an unnecessary constraint to development. To align with national policy and guidelines, the wording should be amended to require tree lined streets where deemed appropriate and where it forms part of a cohesive design strategy.</p>
Q3 Changes necessary:	<p>5. New streets should be <u>Major proposals for residential development should include tree lined streets where deemed appropriate and where it forms part of a cohesive design strategy, unless there are clear, justified and compelling reasons why this would be inappropriate.</u></p>
Representation reference:	MOD155
Representor ID:	1187009
Representor organisation:	PH Property Holdings Ltd
Agent ID:	1272265
Agent first name:	Jon
Agent surname:	Suckley
Agent organisation:	Asteer Planning
Representation regarding:	MM11 (Policy ENV 6 'Trees, hedgerows and woodland implementation')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>PH support the deletion of 3:1 ratio replacement tree planting and the revised text requiring replacement planting of a commensurate amenity value and to secure net gain, with the option at Criterion 4 to contribute to off-site provision if on site replacement trees are not practicable.</p> <p>A new Criterion 5 introduces a requirement for tree lined streets unless there are clear, justified and compelling reasons why this would be inappropriate.</p> <p>This does not align with guidance in the National Design Guide and could be an unnecessary constraint to development. To align with national policy and guidelines, the wording should be amended to suggest new streets include trees, rather than specifically "tree-lined streets".</p>
Q3 Changes necessary:	<p>5. New streets should <u>include</u> be trees-lined unless there are clear, justified and compelling reasons why this would be inappropriate.</p>
Representation reference:	MOD186
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham

Agent organisation:	Pegasus Group
Representation regarding:	MM11 (Policy ENV 6 'Trees, hedgerows and woodland implementation')
Q2 Representation details:	<p>Comment</p> <p>We support the change to Criteria 3 and note that Criteria 5 and 6 are consistent with national planning policy. However, cross referencing to the Council's design guides could be helpful in defining what the Council deem to be a 'Street' in the overall hierarchy of roads to provide clarity on this point.</p> <p>Amend paragraph 4.32, 4.36, 4.40: Support Clarity and effectiveness</p>
Q3 Changes necessary:	5. New streets should be tree-lined unless there are clear, justified and compelling reasons why this would be inappropriate. <u>In considering the type of streets would be suitable the Council will have regard to the street hierarchy and guidance set out in the Residential Design Guide SPD.</u>
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf
Representation reference:	MOD234
Representor ID:	1310526
Representor first name:	Robert
Representor surname:	Wilding
Representor organisation:	Gladman Developments Ltd
Representation regarding:	MM11 (Policy ENV 6 'Trees, hedgerows and woodland implementation')
Q2 Representation details:	<p>This submission is provided by Gladman Developments Ltd (hereafter referred to as Gladman) to the Proposed Main Modifications to the Cheshire East Local Plan Site Allocations and Development Policies Document (SADPD). This submission is made following all previous representations and Gladman's involvement in the SADPD Examination in Public. For brevity these arguments have not been repeated in full in response to the current consultation, however summaries of areas of support and also concerns have been provided. Gladman's previous representations should be read in conjunction with this current submission.</p> <p>Main Modification 11 – Policy ENV 6 'Trees, hedgerows and woodland implementation'</p> <p>Gladman welcome the modification made to Criterion 3 of Policy ENV 6 which deletes the previous draft policy text to replace any loss of significant trees with the provision of at least three new trees. The insertion of the text 'replacement tree planting should be provided, of a commensurate amenity value to the trees that are lost and to secure environmental net gain' is less onerous and supported.</p>
Representation reference:	MOD245
Representor ID:	1254720
Representor first name:	Brian
Representor surname:	Chaplin
Representor organisation:	South Knutsford Residents Group
Representation regarding:	MM11 (Policy ENV 6 'Trees, hedgerows and woodland implementation')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	SKRG believes that, despite the importance accorded to these ecological features, the policy and MM06 remain weak and therefore unsound.
Q3 Changes necessary:	The presumption should be that these features are to be retained unless compelling reasons are proven to require their removal. Section 211 notices for felling should be accompanied by replacement requirement in reasonable locations so that the biodiversity is not lost.

MM12 (Policy ENV 7 'Climate change')

Representation reference:	MOD3
Representor ID:	1310682
Representor first name:	Thomas
Representor surname:	Eccles
Representation regarding:	MM12 (Policy ENV 7 'Climate change')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	<p>The SADPD does not prohibit the development of peatlands. This is in direct contravention of the report commissioned by Cheshire East Council in 2021 called 'Peatlands of Cheshire East: An Assessment of Greenhouse Gas Emissions and Biodiversity.' This report states (on page 35) that "To avoid potentially permanent emissions the extraction and development of peatlands should be stopped immediately across Cheshire East."</p> <p>Despite this, Cheshire East has not adopted this recommendation into formal policy and continues to promote and approve housing developments on peatland such as at Henbury and the South Macclesfield Development Area.</p> <p>The crucial important of peatlands as both carbon stores and carbon sinks is not effectively represented in the SADPD.</p>
Q3 Changes necessary:	There should be a policy that states that planning applications for developments on peatlands or land with significant peat deposits MUST be refused without exception.
Link to supporting information (attachments):	'Peatlands of Cheshire East: An Assessment of Greenhouse Gas Emissions and Biodiversity.'
Representation reference:	MOD14
Representor ID:	1311253
Representor first name:	Valerie
Representor surname:	Herbert
Representor organisation:	Prestbury Parish Council
Representation regarding:	MM12 (Policy ENV 7 'Climate change')
Q3 Changes necessary:	<p>The list of 'Related Documents' should include CEC's Carbon Neutral Action Plan published in 2020: https://moderngov.cheshireeast.gov.uk/ecminutes/documents/s76206/Carbon Neutral Action Plan - appendix.pdf.</p>
Representation reference:	MOD45
Representor ID:	1076042
Representor organisation:	Bloor Homes (NW) Ltd
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM12 (Policy ENV 7 'Climate change')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No

Q2 Representation details:	We note that the policy has been amended to avoid duplication with LPS Policy SE 8. This does not address our fundamental concerns with this policy set out in our Matter 8 Hearing Statement.
Representation reference:	MOD104
Representor ID:	1227334
Representor first name:	Jackie
Representor surname:	Copley
Representor organisation:	CPRE Cheshire
Representation regarding:	MM12 (Policy ENV 7 'Climate change')
Q2 Representation details:	23. CPRE notes that Cheshire East Council has its own 'Carbon Neutral Action Plan' which was published in 2020. Should this not be referenced as a 'Related Document'? CPRE is pleased to see reference to "Building for a Healthy Life (2021, Birkbeck & Kruczkowski with Jones, McGlynn & Singleton)".
Representation reference:	MOD139
Representor ID:	560026
Representor organisation:	Bourne Leisure Ltd
Agent ID:	1311923
Agent first name:	Helen
Agent surname:	Ashby-Ridgway
Agent organisation:	Lichfields
Representation regarding:	MM12 (Policy ENV 7 'Climate change')
Q2 Representation details:	Bourne Leisure endorses the change to this draft policy as it acknowledges the need for suitable flexibility. The draft policy as it was proposed was not considered to be based on sufficient proportionate evidence for it to be justified. The emerging policy is now considered to accord with national policy.
Representation reference:	MOD187
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM12 (Policy ENV 7 'Climate change')
Q2 Representation details:	Clarity and effectiveness.
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf

MM13 (Policy ENV 8 'District heating network priority areas')

Representation reference:	MOD188
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM13 (Policy ENV 8 'District heating network priority areas')
Q2 Representation details:	Support Clarity and effectiveness.
Link to supporting information (attachments):	1187474 Tatton Estate Reprs.pdf

MM14 (Policy ENV 9 'Wind energy')

Representation reference:	MOD189
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM14 (Policy ENV 9 'Wind energy')
Q2 Representation details:	Support Clarity and effectiveness.
Link to supporting information (attachments):	1187474 Tatton Estate Reprs.pdf

MM15 (Policy ENV 10 'Solar energy')

Representation reference:	MOD190
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM15 (Policy ENV 10 'Solar energy')
Q2 Representation details:	Support Clarity and effectiveness.
Link to supporting information (attachments):	1187474 Tatton Estate Reprs.pdf

MM16 (Policy ENV 11 'Proposals for battery energy storage systems')

Representation reference:	MOD191
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM16 (Policy ENV 11 'Proposals for battery energy storage systems')
Q2 Representation details:	Support
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf

MM17 (Policy ENV 12 'Air quality')

Representation reference:	MOD5
Representor ID:	1141586
Representor first name:	Nicola
Representor surname:	Clarke
Representor organisation:	Alsager Town Council
Representation regarding:	MM17 (Policy ENV 12 'Air quality')
Q2 Representation details:	Policy MM17, Policy ENV12 'Air Quality' section 4.71 should also include quarries and waste sites in the list of sites that air quality assessments are to be required.
Representation reference:	MOD106
Representor ID:	1227334
Representor first name:	Jackie
Representor surname:	Copley
Representor organisation:	CPRE Cheshire
Representation regarding:	MM17 (Policy ENV 12 'Air quality')
Q2 Representation details:	25. CPRE wishes to see air quality improve across Cheshire East in the future and for any exceedance to be prevented in the future with the application of this policy. Avoiding car dependency and remote rural development is key to this aim.
Representation reference:	MOD192
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM17 (Policy ENV 12 'Air quality')
Q2 Representation details:	<p>Comment</p> <p>We are unclear as to why these changes are being put forward. The Local Plan Inspector did not comment on the soundness of this policy within his interim comments. The text at paragraph 4.71 provides a long list of potential development types that would require an Air Quality Impact Assessment. It is unclear as to where this is derived from and what has influenced the various thresholds. Without this evidence, we consider the list should be deleted. When establishing the level of an Air Quality Impact Assessment, the 'allocated status of the site' should also be a consideration because the Local Plan process will have also considered the location and extent of development in the context of air quality issues (as per the NPPF and NPPG).</p>
Q3 Changes necessary:	<p>4.71 An air quality assessment will be required where proposals are of a large scale and/or likely to have a significant or cumulative impact upon local air quality, particularly where development is located in or within relative proximity to an AQMA. The level of assessment will depend on the nature, extent, <u>allocated status of the site</u>, and location of the development. Air quality assessments are likely to be required for the following development types:</p> <p>any development within 500m of an AQMA, particularly those introducing 'sensitive receptors' (such as housing, schools, care homes, hospitals);</p> <p>food retail development (greater than 0.2ha site size or 1000 sq.m gross floor space);</p> <p>office development (greater than 0.8ha site size or 2500 sq.m gross floor space);</p> <p>housing development (greater than 1.0ha site size or 80 units);</p>

	<p>development likely to lead to an increase of more than 60 vehicle movements per hour;</p> <p>development likely to result in increased traffic, congestion, or changes to vehicle speeds (such as new junctions, roundabouts etc);</p> <p>development likely to significantly change traffic composition;</p> <p>development significantly increasing car parking provision (more than 300 spaces);</p> <p>development in close proximity (within 100m) to busy roads or junctions;</p> <p>poultry establishments (more than 400,000 birds (mechanical ventilation) or 200,000 birds (natural ventilation), or more than 100,000 (turkeys) plus any development within 100m of existing units;</p> <p>Industrial installations; and</p> <p>Biomass and Combined Heat and Power plants.”</p> <p>“4.71a The above should not be considered an exhaustive list. For example, assessment may also be required to determine the cumulative impact upon air quality in the context of already planned/committed development. The level of assessment will depend on the nature, extent and location of the development.</p>
<p>Link to supporting information (attachments):</p>	<p>1187474 Tatton Estate Reps.pdf</p>

MM18 (Policy ENV 13 'Aircraft noise')

Representation reference:	MOD15
Representor ID:	1311253
Representor first name:	Valerie
Representor surname:	Herbert
Representor organisation:	Prestbury Parish Council
Representation regarding:	MM18 (Policy ENV 13 'Aircraft noise')
Q3 Changes necessary:	There should be wording in the supporting text to acknowledge the fact that Manchester Airport is working its way through the CAP 1616 Airspace Change proposal, which is likely to result in new flight paths and altered noise impacts within the borough. There should be reference to the relevant documents under 'Related Documents' in this policy.
Representation reference:	MOD124
Representor ID:	1311716
Representor first name:	Charlotte
Representor surname:	Sythes
Representor organisation:	The Crown Estate
Agent ID:	1311715
Agent first name:	Stephenie
Agent surname:	Hawkins
Agent organisation:	Barton Willmore, now Stantec
Representation regarding:	MM18 (Policy ENV 13 'Aircraft noise')
Q1(2) Sound?	Yes
Q2 Representation details:	<p>The Crown Estate is the freehold owner of land in Cheshire East including land in North West Knutsford allocated for residential and commercial development under Policy LPS 36 of Cheshire East's Local Plan Strategy adopted July 2017 ('the LPS') and land that has been safeguarded for potential longer-term development under Policies LPS 39 and LPS 40 of the LPS.</p> <p>On behalf of The Crown Estate, we have engaged throughout the Plan process making representations to the Publication Draft SADPD (2019) and Revised Publication Draft SADPD (2020) and participating in the Examination Hearing Sessions.</p> <p>Throughout our engagement in the Plan process, we have sought modifications to Policy ENV 13 to make the policy effective, justified and consistent with national planning policy and, as such, sound. These submissions are not repeated here.</p> <p>MM18 is broadly consistent with the modifications that we sought. We particularly welcome the proposed modification to Criterion 1 (ii)(b) which allows for greater flexibility in the application of noise guidelines in outdoor amenity spaces. This reflects national planning policy, and will assist in the delivery of housing and, as such, makes the policy effective.</p> <p>Overall, The Crown Estate broadly supports MM18 and consider it makes Policy ENV 13 sound.</p>
Representation reference:	MOD131
Representor ID:	719710
Representor organisation:	Peel Land and Property Ltd
Agent ID:	1311898
Agent first name:	Gary
Agent surname:	Halman

Agent organisation:	Gary Halman Land and Property Ltd
Representation regarding:	MM18 (Policy ENV 13 'Aircraft noise')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	Yes
Q2 Representation details:	The MM to policy ENV13 follow debate at the Examination and are consistent with the Inspector's recommendations to the Council, and respond to the Objector's representations adequately, and hence are supported.
Representation reference:	MOD193
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM18 (Policy ENV 13 'Aircraft noise')
Q2 Representation details:	Support We support the changes to this policy which ensure it is now more aligned with national policy
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf
Representation reference:	MOD246
Representor ID:	1254720
Representor first name:	Brian
Representor surname:	Chaplin
Representor organisation:	South Knutsford Residents Group
Representation regarding:	MM18 (Policy ENV 13 'Aircraft noise')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	SKRG notes the technical amendments but is surprised that no mention is made of night flights from Manchester Airport. Other airports in the MAG Group, like Stansted, and others like Gatwick and London Heathrow have night flying restrictions to protect the health and working efficiency of their residents. Although not strictly a planning matter, it is of surprise that this is not a strategic commitment of CEC to work to achieve a better quality of life for residents.

MM20 (Policy ENV 17 'Protecting water resources')

Representation reference:	MOD194
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM20 (Policy ENV 17 'Protecting water resources')
Q2 Representation details:	Support To comply with national policy and legislation
Link to supporting information (attachments):	1187474 Tatton Estate Reqs.pdf
Representation reference:	MOD242
Representor ID:	1187414
Representor first name:	Andrew
Representor surname:	Leysens
Representor organisation:	United Utilities Water Ltd
Representation regarding:	MM20 (Policy ENV 17 'Protecting water resources')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	Yes
Q2 Representation details:	Ref MM20 Policy ENV 17 'Protecting Water Resources', Paragraph 4.103 (Page 57 of Cheshire East Local Plan Draft SADPD (Main Modifications Version 2022)) With respect to the proposed main modification to Paragraph 4.103, we suggest that in addition to the proposals map, applicants should be advised to refer to the latest available information on the designation of groundwater source protection zones on gov.uk. We therefore suggest the following amendment.
Q3 Changes necessary:	4.103 The Environment Agency's Groundwater Source Protection Zones 2019 are shown on the adopted policies map. <u>Applicants should also check gov.uk for any relevant updates to groundwater source protection zones.</u>
Representation reference:	MOD261
Representor ID:	762464
Representor first name:	Dawn
Representor surname:	Hewitt
Representor organisation:	Environment Agency
Representation regarding:	MM20 (Policy ENV 17 'Protecting water resources')
Q2 Representation details:	We are satisfied this Main Modifications of the SADPD includes an effective list of policies and considered site allocations and correctly identifies environmental issues and parameters for consideration/investigation. We are also pleased to see several of our previous recommendations for improvement as outlined in our letter ref: SO/2009/105288/SL-04/SB3-L01, dated 05 January 2021, have been included as part of this revision. However, we note several of our previous recommendations have not been included. Therefore, we request the following modifications and additional changes outlined below are made. These recommendations will strengthen the SADPD providing greater clarity whilst also improving the standard of development and its interactions with the

natural environment. Further to this consultation response, we welcome any discussion on the matters raised within this letter should further guidance be needed.

MM20 Policy ENV17 'Protecting water resources'

We support the inclusion of the Environment Agency's Groundwater Source Protection Zones 2019 within the adopted Policies Map.

MM21 (Policy HER 2 'Heritage at risk')

Representation reference:	MOD16
Representor ID:	1311253
Representor first name:	Valerie
Representor surname:	Herbert
Representor organisation:	Prestbury Parish Council
Representation regarding:	MM21 (Policy HER 2 'Heritage at risk')
Q2 Representation details:	<p>There are 2,637 Listed Buildings in Cheshire East, but only 20 which are considered to be at risk. Historic England produces a Heritage at Risk Register which includes a Scheduled Monument in Prestbury. This is Foxtwist, which is a moated site, with two fishponds and connecting channels.</p> <p>In terms of buildings, an additional paragraph (5.7a) has been added under Policy HER2 which includes reference to a legally binding mechanism being put in place in all cases to secure repairs to listed buildings.</p> <p>A further paragraph (5.9) states that Cheshire East Council is currently undertaking a review of listed buildings, which will form the evidence base for the Cheshire East Buildings at Risk Register.</p>
Q3 Changes necessary:	<p>However, there are no 'Related Documents' listed under this policy, which would appear to be an omission. The 2021 edition of the North West Register should be referenced here: https://historicengland.org.uk/images-books/publications/har-2021-registers/nw-har-register2021/. It is recommended that this omission is corrected.</p>
Representation reference:	MOD107
Representor ID:	1227334
Representor first name:	Jackie
Representor surname:	Copley
Representor organisation:	CPRE Cheshire
Representation regarding:	MM21 (Policy HER 2 'Heritage at risk')
Q2 Representation details:	26. CPRE is aware that Historic England has a North West register of buildings at risk. Should this not be referenced as a 'Related Document'?
Representation reference:	MOD168
Representor ID:	586279
Representor first name:	Michael
Representor surname:	Kingsley
Representor organisation:	The Estate of Marques Kingsley Deceased
Agent ID:	806400
Agent first name:	Jonathan
Agent surname:	Vose
Agent organisation:	Walsingham Planning
Representation regarding:	MM21 (Policy HER 2 'Heritage at risk')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	The proposed Modifications to this Policy continue to result in a wording that is inconsistent with national planning policy, therefore, it remains unsound and not legally compliant.

Q3 Changes necessary:	<p>Paragraph 208 of the NPPF states that: ‘Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies’.</p> <p>The proposed Main Modifications to the SADPD suggest Policy HER 2 should be further altered to include the following provisions: ‘Where a development site contains a listed building(s) identified as being at risk, proposals should be phased and secured by legal agreement to secure ensure its/their repair and re-use as early as possible in the development process, and in all cases before the use or occupation of any new buildings. Prior to new development being substantially complete or fully occupied, works required to secure the listed building should be carried out in full.</p> <p>Where a listed building is considered to be at risk, based on the evidence in the Heritage At Risk Register held by Historic England and any local list, any development proposal relating to it must include proposals to secure the future of the listed building. Every site and building will differ in its circumstances, however, there should be a legally binding mechanism put in place in all cases to secure the repairs to the listed building(s). The level of works to secure a listed building and prevent that building from being at risk will vary and each case will need to be considered individually’.</p> <p>The above wording proposes a level of detail and control far in excess of that directed in the NPPF. It is our view that the NPPF paragraph is appropriately drafted to allow for a greater degree of flexibility and pragmatism, noting that listed buildings, their context, condition and complexity vary very significantly from site to site.</p> <p>If, for example, the sale of a certain number of homes, consented as part of enabling development, were required to raise funds to start works on a heritage asset at risk this work would not be able to go ahead under the current wording.</p> <p>Policy HER 2 should be reworded to allow for more flexibility and to reflect national policy on enabling development at paragraph 208 of the NPPF.</p> <p>To be considered sound and consistent with national planning policy, Policy HER 2 should be concise in its terms and reflect the following proposed wording: ‘Where a development site contains a listed building identified as being at risk, proposals should be phased to secure its repair and re-use as early as possible in the development process, based on a phasing plan agreed with the Council’.</p>
Link to supporting information (attachments):	568279 The Estate of Marques Kinglsey Deceased Follow-up email and letters.pdf
Representation reference:	MOD195
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM21 (Policy HER 2 ‘Heritage at risk’)
Q2 Representation details:	<p>Object</p> <p>We support all of the changes the Council in order for the policy to comply with national policy and legislation.</p> <p>However, Criterion 1 is still not effective on the basis that it is not clear as to what extent new development should identify specific opportunities for heritage assets at risk. Our view is that the Criterion can only be applied if the heritage asset is on site and where relevant to the development proposal in question. The current wording could apply to a wider area that might be outside of the applicants control or the proposed development might be required for an matter that is an entirely separate matter to the heritage asset.</p>

Q3 Changes necessary:	"1. Where relevant, New new development should identify specific opportunities where on site heritage assets, have been identified as being at risk, and make provision to secure their future through repair and/or re-use."
Link to supporting information (attachments):	1187474 Tatton Estate Reqs.pdf
Representation reference:	MOD247
Representor ID:	1254720
Representor first name:	Brian
Representor surname:	Chaplin
Representor organisation:	South Knutsford Residents Group
Representation regarding:	MM21 (Policy HER 2 'Heritage at risk')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	SKRG supports the strengthening of the policy in relation to listed buildings. However, MM21 may not be sound in that it does not define what 'proactively manage' or 'periodically review' listed buildings. Given that CEC has not re-appraised conservation areas within or anywhere near the prescribed timescales, the MM does not inspire confidence.
Q3 Changes necessary:	To make sound, define what 'proactively manage' or 'periodically review' listed buildings.

MM22 (Policy HER 3 ‘Conservation areas’)

Representation reference:	MOD17
Representor ID:	1311253
Representor first name:	Valerie
Representor surname:	Herbert
Representor organisation:	Prestbury Parish Council
Representation regarding:	MM22 (Policy HER 3 ‘Conservation areas’)
Q3 Changes necessary:	Whilst not an observation on Policy HER3, the Parish Council feels obliged to raise, yet again, the fact that the reference is incorrect in only recognising one conservation area in Prestbury. There are two. The second, which Cheshire East Council does not acknowledge in its more recent documentation, is Butley Town, which is in Prestbury Parish, and subject to Policy HER3.
Representation reference:	MOD58
Representor ID:	989662
Representor organisation:	Emery Planning
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM22 (Policy HER 3 ‘Conservation areas’)
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>The amendment to paragraph 2 of the Policy is supported in respect of the deletion of points i. and ii. However, we do not consider that this amendment goes far enough.</p> <p>The policy as currently drafted states that proposals for the demolition of a group or group of buildings that positively contribute to the character and appearance of a conservation area will not be supported unless the harm or loss is outweighed by the public benefits of an approved replacement scheme.</p> <p>The Dorothy Bohm v SSCLG [2017] EWHC 3217 Judgment clarifies that just because something is a ‘positive contributor’, so long as it is not designated in itself, a Local Planning Authority should not automatically conclude that it cannot be demolished/redeveloped until it has assessed it in comparison with the potential enhancements of a proposed development. The Judgment implies that the demolition of a positive contributor in a Conservation Area cannot be treated as harm to a designated heritage asset in isolation, but that the scheme as a whole needs to be considered, with the demolition being just one factor in this.</p> <p>The wording as currently suggested is not consistent with case law on this matter.</p>
Representation reference:	MOD156
Representor ID:	1187009
Representor organisation:	PH Property Holdings Ltd
Agent ID:	1272265
Agent first name:	Jon
Agent surname:	Suckley
Agent organisation:	Asteer Planning
Representation regarding:	MM22 (Policy HER 3 ‘Conservation areas’)
Q1(1) Legally compliant?	No

Q1(2) Sound?	No
Q2 Representation details:	<p>The modification proposes deleting reasons ii and iii under which the loss of a building in a conservation area will be supported. This is justified on the basis of consistency with NPPF Paragraph 201 and 202.</p> <p>To ensure consistency, Policy HER 3 should also reference the four bullet points under Paragraph 201 which set out the circumstances in which the loss of a designated heritage asset would be acceptable.</p>
Q3 Changes necessary:	Additional criteria listed NPPF Paragraph 201 a – d to be inserted to Policy HER 3.
Representation reference:	MOD196
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM22 (Policy HER 3 'Conservation areas')
Q2 Representation details:	<p>Support</p> <p>Proposed changes are required to ensure consistency with National policy and legislation.</p>
Link to supporting information (attachments):	1187474 Tatton Estate Reprs.pdf

MM23 (Policy HER 4 'Listed buildings')

Representation reference:	MOD59
Representor ID:	989662
Representor organisation:	Emery Planning
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM23 (Policy HER 4 'Listed buildings')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	Yes
Q2 Representation details:	8.1 The amendment to Policy HER 4 is in broad accordance with the Framework and we have no further representations to make.
Representation reference:	MOD140
Representor ID:	560026
Representor organisation:	Bourne Leisure Ltd
Agent ID:	1311923
Agent first name:	Helen
Agent surname:	Ashby-Ridgway
Agent organisation:	Lichfields
Representation regarding:	MM23 (Policy HER 4 'Listed buildings')
Q2 Representation details:	Bourne Leisure endorses the change as it acknowledges the position taken in our letter of representation and reflects the requirements of national policy. Alvaston Hall is a Grade II listed building. The policy as it was written had no flexibility built in to allow an applicant to demonstrate if elements are of any heritage value, are in a condition to be retained, or are capable of being restored. The policy was onerous for proposed extensions or alterations to listed buildings. The modification to the policy acknowledges the need for this process and consideration.
Representation reference:	MOD197
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM23 (Policy HER 4 'Listed buildings')
Q2 Representation details:	Support These changes are required to ensure the policy is consistent with the Framework. We have simply suggested that the 2021 NPPF is referenced given the fact the document (and its paragraph numbers) have altered from time to time.
Q3 Changes necessary:	2. Proposals involving loss of or substantial harm to the significance of a listed building or structure will normally be refused, unless it can be demonstrated that this is necessary to achieve substantial public benefits, which outweigh the harm, or the other circumstances in paragraph 201 of the NPPF (2021) apply. The council considers the demolition of listed buildings or structures to amount to substantial harm.

Link to supporting information (attachments):	1187474 Tatton Estate Reprs.pdf
Representation reference:	MOD248
Representor ID:	1254720
Representor first name:	Brian
Representor surname:	Chaplin
Representor organisation:	South Knutsford Residents Group
Representation regarding:	MM23 (Policy HER 4 'Listed buildings')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	SKRG Strongly supports MM23, especially new para 2 where “the council will have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest that it possesses”. The inclusion of the preservation of the setting of listed buildings is particularly vital because, at present, Development Management does not give sufficient emphasis to this aspect and has encouraged development in settings to the detriment of listed buildings.
Q3 Changes necessary:	Stress the importance of settings in advisory paragraphs

MM24 (Policy HER 5 ‘Registered parks and gardens’)

Representation reference:	MOD198
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM24 (Policy HER 5 ‘Registered parks and gardens’)
Q2 Representation details:	<p>Object</p> <p>The proposed changes are not consistent with national policy. Registered Parks and Gardens are not statutory heritage assets under the relevant Act. That said, we note the NPPF applies the same tests that apply to listed buildings (which are a Statutory Heritage Asset) to Registered Parks and Gardens under paragraphs 200 to 202. Even so, the Council’s proposed modifications are not in line with these requirements of the NPPF. Paragraph 200 of the NPPF specifically refers to proposals that result in the ‘alteration or destruction or from development within its setting’ of designated heritage assets. The only defined setting for a Registered Park and Garden in Cheshire East is the boundary afforded to the Registered Park and Garden as illustrated on the Proposals Map. As such, we consider Part 1 of the policy, which seeks to preserve the heritage asset irrespective of the level of harm caused, should only relate to development proposals ‘within’ Registered Historic Parks and Gardens and not to development proposals located outside of the defined boundary.</p> <p>Whilst there might be land located beyond the defined boundary that contributes to a Registered Park and Garden's significance (for instance, if the Garden was originally designed with a long distance view in mind which remains unchanged), not all land located adjacent or near to a Registered Park and Garden will be relevant to its significance. Development proposals within and outside of Registered Parks and Gardens that impact on the significance of the heritage asset will be captured by Part 2 of the policy irrespective of this suggested alteration..</p>
Q3 Changes necessary:	<p>1. Development proposals affecting within a Registered Historic Park and Garden will be expected to preserve the heritage asset, its setting and any features of special interest that contribute to its significance, including, but not limited to:</p>
Link to supporting information (attachments):	1187474 Tatton Estate Reprs.pdf

MM26 (Policy HER 7 ‘Non-designated heritage assets’)

Representation reference:	MOD199
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM26 (Policy HER 7 ‘Non-designated heritage assets’)
Q2 Representation details:	Support Proposed changes provide greater clarity and increased effectiveness.
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf
Representation reference:	MOD235
Representor ID:	1310526
Representor first name:	Robert
Representor surname:	Wilding
Representor organisation:	Gladman Developments Ltd
Representation regarding:	MM26 (Policy HER 7 ‘Non-designated heritage assets’)
Q2 Representation details:	<p>This submission is provided by Gladman Developments Ltd (hereafter referred to as Gladman) to the Proposed Main Modifications to the Cheshire East Local Plan Site Allocations and Development Policies Document (SADPD). This submission is made following all previous representations and Gladman’s involvement in the SADPD Examination in Public. For brevity these arguments have not been repeated in full in response to the current consultation, however summaries of areas of support and also concerns have been provided. Gladman’s previous representations should be read in conjunction with this current submission.</p> <p>Main Modification 26 – Policy HER 7 ‘Non-designated heritage assets’</p> <p>Gladman support the main modification to Policy HER 7 which has now ensured consistency with national policy. It was Gladman’s case that the policy, as previously drafted in the Submission version of the SADPD, did not have full regard to paragraph 203 of the National Planning Policy Framework (NPPF) as it went further than what is required by national policy. Gladman are pleased to see the policy wording of paragraph 203 of the NPPF has now been included within Policy HER 7 to ensure clear consistency with national policy.</p>
Representation reference:	MOD249
Representor ID:	1254720
Representor first name:	Brian
Representor surname:	Chaplin
Representor organisation:	South Knutsford Residents Group
Representation regarding:	MM26 (Policy HER 7 ‘Non-designated heritage assets’)
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	SKRG welcomes the clarification given in MM26 to buildings of ‘townscape merit’ included in Conservation Area Appraisals ie although not Locally Listed they are “making a positive contribution to the conservation area are also considered to be non-designated heritage assets”.

Q3 Changes necessary:

This definition should be added to glossaries of Appraisals as they come forward for review but subject to the approval of the Authority's relevant specialist officers.

MM27 (Policy HER 8 'Archaeology')

Representation reference:	MOD200
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM27 (Policy HER 8 'Archaeology')
Q2 Representation details:	Support
Link to supporting information (attachments):	1187474 Tatton Estate Reprs.pdf

MM28 (Policy HER 9 ‘World heritage site’)

Representation reference:	MOD51
Representor ID:	1076042
Representor organisation:	Bloor Homes (NW) Ltd
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM28 (Policy HER 9 ‘World heritage site’)
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	<p>The Inspector requested modifications to Policy HER 9 to:</p> <p>Make clear how potential harm to heritage assets should be addressed in relation to JBO in terms of the assessment of ‘substantial’ and ‘less than substantial’ harm to designated heritage assets and of proposals for development within the WHS.</p> <p>Clarify the relationship between the JBO buffer zone of the WHS and the setting of heritage assets.</p> <p>Make clear, like Cheshire East Local Plan Strategy Policy SE 14, the need for and order of, separate assessments of the impact of proposals on the heritage significance of the WHS and on the efficiency of the JBO telescopes, as well as the potential for radio interference to harm elements of the site which contribute to the outstanding universal value of the WHS.</p> <p>The amendments to the policy do not address the three matters nor do they change our fundamental objections which are summarised as follows:</p> <p>It is unclear how harm to the significance of the JBO WHS will be evaluated from a heritage perspective for proposals within it.</p> <p>The policy needs to be more prescriptive as to the requirements for an applicant within the buffer zone producing a heritage impact assessment.</p> <p>The policy is unclear whether a heritage impact assessment is required for all proposals in the buffer zone. The policy states that development proposals affecting the JBO WHO must be accompanied by a heritage statement.</p> <p>It is unclear how radio interference impacts will be assessed against the established heritage impacts criteria.</p> <p>Part 3 of Policy HER 9 links the impact on the operational efficiency of the telescope. It states:</p> <p>“Development proposals affecting the Jodrell Bank World Heritage Site must be accompanied by a heritage statement. Consistent with LPS Policy SE 14 ‘Jodrell Bank’, this should address:</p> <p>the effect of any development proposal falling within the Observatory’s Buffer Zone on the operational efficiency of the telescopes through radio interference; and</p> <p>the effect of any development proposal on all other historic attributes of the Observatory, including its setting.”</p> <p>The policy does not set out the council’s approach to the assessment of planning applications within the entirety of the JBO consultation zone. The Inspector must be made aware of the approach to development in the Jodrell Bank consultation zone where neither the LPA nor</p> <p>University of Manchester provide any pre-application support for applicants or applicants after submission; in essence there is a moratorium for the majority of development across the consultation zone. Therefore, before this policy can be introduced a methodology must be set out and tested in the SADPD so that the matters of radio interference, heritage and visual impacts can be considered from a practical</p>

	<p>perspective as to how Policy HER9 will be used by planning officers and planning inspectors from a development control perspective. Our specific concerns on this are set out in our representations to the Jodrell Bank SPD which are appended to this representation and we respectfully request that the Inspector considers those representations and this matter in greater detail prior to closing the Examination.</p>
Link to supporting information (attachments):	1076042 Bloor Homes Reprs.pdf
Representation reference:	MOD60
Representor ID:	989662
Representor organisation:	Emery Planning
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM28 (Policy HER 9 'World heritage site')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	<p>9.1 The Inspector requested modifications to Policy HER 9 to:</p> <p>Make clear how potential harm to heritage assets should be addressed in relation to JBO in terms of the assessment of 'substantial' and 'less than substantial' harm to designated heritage assets and of proposals for development within the WHS.</p> <p>Clarify the relationship between the JBO buffer zone of the WHS and the setting of heritage assets.</p> <p>Make clear, like Cheshire East Local Plan Strategy Policy SE 14, the need for and order of, separate assessments of the impact of proposals on the heritage significance of the WHS and on the efficiency of the JBO telescopes, as well as the potential for radio interference to harm elements of the site which contribute to the outstanding universal value of the WHS.</p> <p>The amendments to the policy do not address the three matters nor do they change our fundamental objections which are summarised as follows:</p> <p>It is unclear how harm to the significance of the JBO WHS will be evaluated from a heritage perspective for proposals within it.</p> <p>The policy needs to be more prescriptive as to the requirements for an applicant within the buffer zone producing a heritage impact assessment.</p> <p>The policy is unclear whether a heritage impact assessment is required for all proposals in the buffer zone. The policy states that development proposals affecting the JBO WHS must be accompanied by a heritage statement.</p> <p>It is unclear how radio interference impacts will be assessed against the established heritage impacts criteria.</p> <p>Part 3 of Policy HER 9 links the impact on the operational efficiency of the telescope. It states:</p> <p>"Development proposals affecting the Jodrell Bank World Heritage Site must be accompanied by a heritage statement. Consistent with LPS Policy SE 14 'Jodrell Bank', this should address:</p> <p>the effect of any development proposal falling within the Observatory's Buffer Zone on the operational efficiency of the telescopes through radio interference; and</p> <p>the effect of any development proposal on all other historic attributes of the Observatory, including its setting."</p> <p>9.8 The policy does not set out the council's approach to the assessment of planning applications within the entirety of the JBO consultation zone. The Inspector must be made aware of the approach to development in the Jodrell Bank consultation zone where neither the LPA nor University of Manchester provide any pre-application support</p>

	for applicants or applicants after submission; in essence there is a moratorium for the majority of development across the consultation zone. Therefore, before this policy can be introduced a methodology must be set out and tested in the SADPD so that the matters of radio interference, heritage and visual impacts can be considered from a practical perspective as to how Policy HER9 will be used by planning officers and planning inspectors from a development control perspective. Our specific concerns on this are set out in our representations to the Jodrell Bank SPD which are appended to this representation and we respectfully request that the Inspector considers those representations and this matter in greater detail prior to closing the Examination.
Link to supporting information (attachments):	989662 Emery Planning Reprs.pdf
Representation reference:	MOD87
Representor ID:	1255476
Representor organisation:	The landowners of Land off New Platt Lane, Goostrey
Agent ID:	1255434
Agent first name:	Adam
Agent surname:	Day
Agent organisation:	Wardell Armstrong
Representation regarding:	MM28 (Policy HER 9 'World heritage site')
Q2 Representation details:	<p>Representation submission in response to the Cheshire East Local Plan Main modifications consultation with specific reference to Land off New Platt Lane, Goostrey.</p> <p>I write to you on behalf of the owners of Land Off New Platt Lane, Goostrey (375893 easting, 369934 northing) in response to the main modifications consultation currently taking place in relation to the Cheshire East Local Plan Site Allocations and Development Policies Document. We have made a previous submission to the emerging Local Plan (eLP) in December 2020 which comprised a site promotion document detailing the suitability of Land off New Platt Lane for inclusion within the eLP as a residential allocation. We consider that site remains demonstrably suitable for residential development and as such, the promotion document previously submitted has again been provided for consideration as part of this representation.</p> <p>As part of this submission, we also seek to comment on the main modifications proposed to the eLP. In this regard we draw attention to modification MM28 to Policy HER9 'World Heritage Site', and the proposed amendments to the policy wording. In principle we fully support the preservation of the significance of Jodrell Bank, however given the significant area that the 'buffer zone' surrounding the facility occupies, consideration must be given to facilitating appropriate development within this zone. We largely support the amendment to the policy wording of HER9, notably the text which states that 'Proposals leading to less substantial harm should be weighed against the public benefits of the proposal', referring to development within the Jodrell Bank buffer zone. This suggests that appropriate development supported by technical assessment may be deemed suitable within this zone, but we would urge greater clarity within the policy on how 'less than substantial harm' can be robustly demonstrated.</p> <p>It is further evident that a more flexible policy approach to development within the buffer zone will be key in delivering the requirements of the Local Plan. We note specifically Policy PG8 'Development at local service centres' which identifies 3,500 dwellings and 7ha of employment land will be delivered in 'local service centres', including Goostrey. A significant number of 'local service centres' are located within the Jodrell Bank buffer zone, therefore in order to meet the requirements of Policy PG8, development within the buffer zone is unavoidable. It is further noted that this significant development quantum is to be met through 'windfall' development rather than allocation, and that there is no apparent change to any local service centre settlement boundaries through the plan. It therefore follows that appropriate development will be determined on a case-by-case basis, based on the suitability of individual sites and that such development may fall outside the tightly drawn settlement</p>

	<p>boundaries currently proposed in order that the Council can achieve the level of growth to be delivered.</p> <p>We would urge the Council to consider and support further residential development in demonstrably sustainable 'local service centre' tier settlements such as Goostrey in direct response to the needs of Policy PG8. Goostrey contains an array of supporting services in addition to strong sustainable transport linkages, including a Railway Station. We support the more flexible approach to considering development within the Jodrell Bank buffer zone advocated under modification MM28 but would urge that greater clarity be provided on what would constitute 'less than substantial harm' for the purposes of the policy. This will greatly assist the delivery of the 3,500 dwellings required under Policy PG8, delivering much needed market and affordable dwellings in appropriate, sustainable locations such as Goostrey, while preserving the historic significance of Jodrell Bank.</p>
Link to supporting information (attachments):	1255476 The landowners of land off New Platt Lane Goostrey promotion document.pdf
Representation reference:	MOD92
Representor ID:	761329
Representor first name:	Emily
Representor surname:	Hrycan
Representor organisation:	Historic England
Representation regarding:	MM28 (Policy HER 9 'World heritage site')
Q2 Representation details:	<p>Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.</p> <p>We have the following comments to make:</p> <p>MM28 Policy HER 9</p> <p>The proposed change to Policy HER 9, excludes the need for proposals to enhance (only preserve) the significance of Jodrell Bank which is not consistent with national policy. In view of this, Historic England objects to the proposed main modification.</p> <p>Sustainability Appraisal</p> <p>In view of our comments on MM28 Policy HER 9, we disagree with the SA that the main modifications will strengthen the policy.</p>
Representation reference:	MOD201
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM28 (Policy HER 9 'World heritage site')
Q2 Representation details:	<p>Object</p> <p>Overall, we note the additional clarity provided by the text within the revised policy. However, we have raised key issues to the Council through separate representations to the Jodrell Bank SPD. We attach those representations (N001v4) at Appendix 2. We respectfully request that the Local Plan Inspector considers the full content of those representations in relation to this policy as well. Within our representations to the SPD, we comment on the methodology the Council intend to apply when assessing</p>

the impact of development in terms of radio frequency emissions. We note that the Policy in the SADPD does not seek to stipulate what the methodology is and therefore we accept that the Inspector in this instance, will not be tasked with reviewing this in any detail. However, we can confirm that if applied rigidly, the methodology and thresholds proposed through the SPD would be triggered by the occupation of one new home within the entire Buffer Zone. In short, we consider the impact thresholds being applied to the radio-frequency tests are taken out of context, have been applied inconsistently by the University in the past, and largely ignores the fact that the Buffer Zone (which represents a six-mile radii around the JBO) already accommodates over 10,000 existing homes, including a Key Service Centre (Holmes Chapel). Overall, the application of this policy coupled with the emerging SPD will inevitably have a significant impact on the delivery of sustainable development in what is a very extensive area of the Borough. Within our representation to the SPD, we also highlight the context in relation to the future role of the JBO and the significance of the Buffer Zone. Whilst we note that the existing operational and scientific abilities of JBO are cited by the World Heritage Organisation as a contributing factor to its significance, it must be recognised that JBOs role in continuing to lead ground breaking research will fundamentally alter as technology advances. Indeed, JBOs preservation as a World Heritage Site will prevent the installation of new, advanced radio-telescopes on site because the very purpose of the World Heritage Site is to preserve and capture the fact that the JBO represents and reflects a specific moment in time. The fact that its existing setting within a populated part of the North West also means its function will not keep up pace with advanced technology being deployed elsewhere, including through the advancement of the Square Kilometre Array (as referred to in the SPD and Policy HER 9). Whilst JBO will remain the headquarters for the Square Kilometre Array, the actual radio-telescopes being used to gather the best and most up to date data will reside in far more remote locations in Mexico and Australia. The data received from these locations will be infinitely better due to the new technology used and the purposefully chosen remote and less disturbed areas. As such, the continued relevance of the JBO Buffer Zone (used to apply a level of protection to the efficiency of the JBO and first established in 1973), will inevitably alter in the near future and at the point when the Square Kilometre Array becomes fully functional. This is not to say that the Buffer Zone will not continue to play a role but it has to be acknowledged that the role and function of JBO will alter in the very near future. In light of these circumstances, we respectfully urge the Inspector to allow for further changes to the supporting text of Policy HER 9 to include a reference to for the Council to review the relevance of the 1973 Buffer Zone, with the University of Manchester, Central Government and World Heritage Organisation once the Square Kilometre Array becomes operational and address this through a Local Plan Review (and/or through an amendment to the SPD). We consider such an approach will make the policy more effective and ensure the evidence base for any emerging Local Plan is based on the latest available information. To not include these references would result in unsustainable development patterns into the future.

Q3 Changes necessary:

5.32 The inscription of a site onto the World Heritage List is accompanied by a statement of outstanding universal value (SOUV) which contains key references for their effective protection and management. The SOUV for Jodrell Bank Observatory recognises its importance in the pioneering phase and later evolution of radio astronomy. It reflects scientific and technical achievements and interchanges related to the development of entirely new fields of scientific research which led to a revolutionary understanding of the nature and scale of the Universe. The site has evidence of every stage of the history of radio astronomy, from its emergence as a new science to the present day. Vitally, the property retains its ongoing scientific use. The property retains all attributes that document its development as a site of pioneering astronomical research. The location of the property has continued unchanged, and the largely agricultural setting within its immediate vicinity is essentially identical apart from the construction of the Square Kilometre Array building, the headquarters of an international effort to build the world's largest radio telescope. Once the Square Kilmometer Array becomes fully functional, the data received at this facility will principally rely on the new telescopes being built in more remote locations located elsewhere around the globe.

5.33 The Buffer Zone covers a much larger area and identifies the area surrounding the Observatory in which some forms of development is most likely have the potential to harm its scientific capabilities through radio interference. The Buffer Zone's heritage significance arises from its purpose to protect the continued scientific operation of the Observatory's telescopes which is a component of central to its Outstanding Universal Value, and therefore the heritage significance of the World Heritage Site. The Buffer Zone is based on the Jodrell Bank Radio Telescope Consultation Zone, which has operated effectively to protect the Observatory for many decades from development that would harm its operational efficiency through radio interference. The Consultation Zone was established by the Town and Country Planning (Jodrell Bank Radio Telescope) Direction 1973 and triggers a requirement for the council to notify the Observatory (University of Manchester) when planning applications are submitted for certain categories of development within it.

b Once the Square Kilometer Array becomes fully functional, the purpose and relevance of Jodrell Bank Observatory will alter in terms of its scientific relevance in progressing humanities understanding of space through radio-telescopes. As such, the Council will review the continued relevance of the 1973 Buffer Zone and associated Direction with the Government, University of Manchester and other relevant stakeholders at a time when the Square Kilometre Array becomes operational and as part of any Local Plan Review, particularly given this covers a significant area of the Borough which contains a number of existing communities including Key Service Settlements.

As well as the critical need to protect the Observatory's ongoing current scientific capabilities, development proposals must also consider any other heritage impacts they may have on the Observatory. This will include any impact on its immediate or wider landscape setting. However, the Buffer Zone itself is not protected for its landscape setting. Most of its attributes have been listed under the Planning (Listed Buildings and Conservation Areas) Act 1990, with the two major telescopes listed in the highest category, Grade 1.

Link to supporting information (attachments):	1187474 Tatton Estate Repls.pdf 1187474 Tatton Estate Appendix 2.pdf
Representation reference:	MOD244
Representor ID:	497968
Representor organisation:	Redrow Homes
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM28 (Policy HER 9 'World heritage site')
Q2 Representation details:	<p>On behalf of Redrow Homes, we submit the following representation to the Cheshire East Site Allocations DPD Main Modifications, which specifically relates to MM28 and Policy HER 9 (Jodrell Bank World Heritage Site).</p> <p>Overall, we note the additional clarity provided by the text within the revised policy. However, we have raised key issues to the Council through separate representations to the Jodrell Bank SPD. We attach those representations (N001v4). We respectfully request that the Local Plan Inspector considers the full content of those representations in relation to this policy as well.</p> <p>Within our representations to the SPD, we comment on the methodology the Council intend to apply when assessing the impact of development in terms of radio frequency emissions. We note that the Policy in the SADPD does not seek to stipulate what the methodology is and therefore we accept that the Inspector in this instance, will not be tasked with reviewing this in any detail. However, we can confirm that if applied rigidly, the methodology and thresholds proposed through the SPD would be triggered by the occupation of one new home within the entire Buffer Zone. In short, we consider the impact thresholds being applied to the radio-frequency tests are taken out of</p>

context, have been applied inconsistently by the University in the past, and largely ignores the fact that the Buffer Zone (which represents a six-mile radii around the JBO) already accommodates over 10,000 existing homes, including an entire Key Service Centre (Holmes Chapel) and large parts of Congleton and Middlewich. Overall, the application of this policy coupled with the emerging SPD will inevitably have a significant impact on the delivery of sustainable development in what is a very extensive area of the Borough.

Within our representation to the SPD, we also highlight the context in relation to the future role of the JBO and the significance of the Buffer Zone.

Whilst we note that the existing operational and scientific abilities of JBO are cited by the World Heritage Organisation as a contributing factor to its significance, it must be recognised that JBOs role in continuing to lead ground breaking research will fundamentally alter as technology advances. Indeed, JBOs preservation as a World Heritage Site will prevent the installation of new, advanced radio-telescopes on site because the very purpose of the World Heritage Site is to preserve and capture the fact that the JBO represents and reflects a specific moment in time. The fact that its existing setting within a populated part of the North West also means its function will not keep up pace with advanced technology being deployed elsewhere, including through the advancement of the Square Kilometre Array (as referred to in the SPD and Policy HER 9).

Whilst JBO will remain the headquarters for the Square Kilometre Array, the actual radio-telescopes being used to gather the best and most up to date data will reside in far more remote locations in Mexico and Australia. The data received from these locations will be infinitely better due to the new technology used and the purposefully chosen remote and less disturbed areas. As such, the continued relevance of the JBO Buffer Zone (used to apply a level of protection to the efficiency of the JBO and first established in 1973), will inevitably alter in the near future and at the point when the Square Kilometre Array becomes fully functional.

This is not to say that the Buffer Zone will not continue to play a role but it has to be acknowledged that the role and function of JBO will alter in the very near future. In light of these circumstances, we respectfully urge the Inspector to allow for further changes to the supporting text of Policy HER 9 to include a reference to for the Council to review the relevance of the 1973 Buffer Zone, with the University of Manchester, Central Government and World Heritage Organisation once the Square Kilometre Array becomes operational and address this through a Local Plan Review (and/or through an amendment to the SPD). We consider such an approach will make the policy more effective and ensure the evidence base for any emerging Local Plan is based on the latest available information. To not include these references would result in unsustainable development patterns into the future.

We have set out the suggested changes below.

Q3 Changes necessary:

The inscription of a site onto the World Heritage List is accompanied by a statement of outstanding universal value (SOUV) which contains key references for their effective protection and management. The SOUV for Jodrell Bank Observatory recognises its importance in the pioneering phase and later evolution of radio astronomy. It reflects scientific and technical achievements and interchanges related to the development of entirely new fields of scientific research which led to a revolutionary understanding of the nature and scale of the Universe. The site has evidence of every stage of the history of radio astronomy, from its emergence as a new science to the present day. Vitally, the property retains its ongoing scientific use. The property retains all attributes that document its development as a site of pioneering astronomical research. The location of the property has continued unchanged, and the largely agricultural setting within its immediate vicinity is essentially identical apart from the construction of the Square Kilometre Array building, the headquarters of an international effort to build the world's largest radio telescope. Once the Square Kilmometer Array becomes fully functional, the data received at this facility will principally rely on the new telescopes being built in more remote locations located elsewhere around the globe.

The Buffer Zone covers a much larger area and identifies the area surrounding the Observatory in which some forms of development is most likely have the potential to harm its scientific capabilities through radio interference. The Buffer Zone's heritage

significance arises from its purpose to protect the ~~continued~~ scientific operation of the Observatory's telescopes which is a component of ~~central~~ to its Outstanding Universal Value, and therefore the heritage significance of the World Heritage Site. The Buffer Zone is based on the Jodrell Bank Radio Telescope Consultation Zone, which has operated effectively to protect the Observatory for many decades from development that would harm its operational efficiency through radio interference. The Consultation Zone was established by the Town and Country Planning (Jodrell Bank Radio Telescope) Direction 1973 and triggers a requirement for the council to notify the Observatory (University of Manchester) when planning applications are submitted for certain categories of development within it.

b Once the Square Kilometer Array becomes fully functional, the purpose and relevance of Jodrell Bank Observatory will alter in terms of its scientific relevance in progressing humanities understanding of space through radio-telescopes. As such, the Council will review the continued relevance of the 1973 Buffer Zone and associated Direction with the Government, University of Manchester and other relevant stakeholders at a time when the Square Kilometre Array becomes operational and as part of any Local Plan Review, particularly given this covers a significant area of the Borough which contains a number of existing communities including Key Service Settlements.

As well as the ~~critical~~ need to protect the Observatory's ~~ongoing~~ current scientific capabilities, development proposals must also consider any other heritage impacts they may have on the Observatory. This will include any impact on its immediate or wider landscape setting. However, the Buffer Zone itself is not protected for its landscape setting. Most of its attributes have been listed under the Planning (Listed Buildings and Conservation Areas) Act 1990, with the two major telescopes listed in the highest category, Grade 1.

Link to supporting information (attachments):

[497968 Redrow Rep.pdf](#)
[497968 Redrow Enclosure.pdf](#)

MM29 (Policy RUR 1 ‘New buildings for agriculture and forestry’)

Representation reference:	MOD202
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM29 (Policy RUR 1 ‘New buildings for agriculture and forestry’)
Q2 Representation details:	Support Clarity and effectiveness
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf
Representation reference:	MOD262
Representor ID:	762464
Representor first name:	Dawn
Representor surname:	Hewitt
Representor organisation:	Environment Agency
Representation regarding:	MM29 (Policy RUR 1 ‘New buildings for agriculture and forestry’)
Q2 Representation details:	<p>We are satisfied this Main Modifications of the SADPD includes an effective list of policies and considered site allocations and correctly identifies environmental issues and parameters for consideration/investigation. We are also pleased to see several of our previous recommendations for improvement as outlined in our letter ref: SO/2009/105288/SL-04/SB3-L01, dated 05 January 2021, have been included as part of this revision.</p> <p>However, we note several of our previous recommendations have not been included. Therefore, we request the following modifications and additional changes outlined below are made. These recommendations will strengthen the SADPD providing greater clarity whilst also improving the standard of development and its interactions with the natural environment. Further to this consultation response, we welcome any discussion on the matters raised within this letter should further guidance be needed.</p> <p>Policy RUR1</p> <p>We are disappointed that our recommendation that :-</p> <p>Policy RUR 1 - Sub Point 3 - should be altered to read “Adequate provision must be made for the disposal of foul and surface water drainage and animal wastes without risk of detriment to controlled waters” - This alteration has been recommended to address the issue that drainage systems utilising systems such as a soakaway can pose a risk to groundwater water in addition to surface watercourses.</p> <p>Especially as groundwaters are an identified waterbody with in the NWRBMP, and this inclusion would go someway to improving and protecting these.</p>

MM30 (Policy RUR 3 ‘Agriculture and forestry workers dwellings’)

Representation reference:	MOD61
Representor ID:	989662
Representor organisation:	Emery Planning
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM30 (Policy RUR 3 ‘Agriculture and forestry workers dwellings’)
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>The deletion of the reference to Table 6.1 which set out maximum sizes for rural workers dwellings is supported.</p> <p>We consider that the word ‘existing’ is not required in point 1 iii. This does not account for example for occupation by a young family whose needs may grow and the explanation in paragraph 6.13 addresses the level of justification required. It is considered that the policy should be amended to read:</p> <p>[See Amend 1 in Q3 below]</p> <p>We support the insertion of paragraph 6.11a in the explanatory text in principle. However, we consider that the wording should be amended to accurately reflect that in paragraph 80 of the Framework. Furthermore, as this is national policy, it should be included within the policy itself rather than the explanatory text. We consider that point 1 i. of the policy should be amended as follows:</p> <p>[See Amend 2 in Q3 below]</p>
Q3 Changes necessary:	<p>[Amend 1]: “iii. the size and siting of the dwellings is strictly commensurate with the existing functional need and does not significantly exceed the gross internal To ensure consistency with national policy. 46 floorspace for the intended number of bedrooms, as set out in Table 6.1 ‘Gross internal floorspace (square metres)’ below;”</p> <p>[Amend 2]: 1. i. it can be clearly demonstrated that there is an existing functional need for an additional worker to live permanently at the site, <u>including those taking majority control of a farm business</u></p>
Representation reference:	MOD203
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM30 (Policy RUR 3 ‘Agriculture and forestry workers dwellings’)
Q2 Representation details:	<p>Object</p> <p>We support all proposed changes are required to ensure compliance with national policy apart from the use of the term ‘must be strictly’ commensurate and suggest ‘should be commensurate’</p>
Q3 Changes necessary:	<p>6.13 Larger dwellings will be more expensive from the outset and the restrictive occupancy condition could be undermined if the dwelling is outside of the range of property affordable by the local workforce. The size of the dwelling must be strictly <u>should be</u> commensurate to the functional need and where additional rooms or space are proposed (such as a farm office, meeting room, additional utility rooms, boot rooms</p>

	or shower rooms) then a proportionate justification setting out the need for this additional space should be provided, alongside evidence that the additional space could not be reasonably accommodated in existing buildings on the farm holding.”
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf

MM31 (Policy RUR 6 ‘Outdoor sport, leisure and recreation outside of settlement boundaries’)

Representation reference:	MOD108
Representor ID:	1227334
Representor first name:	Jackie
Representor surname:	Copley
Representor organisation:	CPRE Cheshire
Representation regarding:	MM31 (Policy RUR 6 ‘Outdoor sport, leisure and recreation outside of settlement boundaries’)
Q2 Representation details:	27. The policy edit makes sense to accord with the NPPF and Green Belt policy.
Representation reference:	MOD250
Representor ID:	1254720
Representor first name:	Brian
Representor surname:	Chaplin
Representor organisation:	South Knutsford Residents Group
Representation regarding:	MM31 (Policy RUR 6 ‘Outdoor sport, leisure and recreation outside of settlement boundaries’)
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	SKRG accepts MM31 but suggests that tighter definitions of what constitutes sport in this context. Dog exercise areas do not seem to constitute Sport or Recreation in the Green belt or countryside, particularly when open fields are littered with equipment and subdivided with fencing.
Q3 Changes necessary:	Include more guidance on what is acceptable within these categories

MM32 (Policy RUR 7 ‘Equestrian development outside of settlement boundaries’)

Representation reference:	MOD62
Representor ID:	989662
Representor organisation:	Emery Planning
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM32 (Policy RUR 7 ‘Equestrian development outside of settlement boundaries’)
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	<p>11.1 Whilst we generally support the amendments to Policy RUR 7, we consider that point 2 should be further amended as follows:</p> <p>Delete ‘seeking a location in the countryside’. This is not needed as the policy relates only to equestrian development outside of settlement boundaries.</p> <p>Delete the final part of the sentence. The first part of the sentence directs development to use existing buildings and structures or replacement of existing buildings and structures. There is no justification for a restriction on new buildings for equestrian purposes in the open countryside.</p> <p>Delete ‘restricted to the minimum level’. Paragraph 84 of the Framework states that planning policies should enable the sustainable growth and expansion of business in rural areas. Restricting to the minimum necessary is not justified in the context of national policy.</p> <p>11.2 The policy would then read:</p>
Q3 Changes necessary:	<p>2. Additional <u>new</u> buildings and structures may be permitted <u>for proposals to facilitate the sustainable growth and expansion of existing businesses, or for new small scale equestrian businesses and non-commercial proposals</u> or for proposals to facilitate the sustainable growth and expansion of existing businesses, provided there are no existing buildings or structures that could be converted <u>or replaced</u>, and where they are restricted to the minimum level reasonably required for the operation of the facility; are well-related to each other and existing buildings; and do not form isolated or scattered development. Larger <u>New larger equestrian businesses and non-commercial proposals and proposals for a new business seeking a location in the countryside</u> should utilise existing buildings and structures <u>(or replacements for existing buildings and structures)</u>, and new additional buildings and structures will not usually be permitted for this scale of new equestrian enterprise.</p>
Representation reference:	MOD109
Representor ID:	1227334
Representor first name:	Jackie
Representor surname:	Copley
Representor organisation:	CPRE Cheshire
Representation regarding:	MM32 (Policy RUR 7 ‘Equestrian development outside of settlement boundaries’)
Q2 Representation details:	<p>28. CPRE feels the concerns made by its representatives at the examination about development in the Green Belt coming forward as equestrian facilities has been listened to and that the policy text changes will enable Green Belt to be better protected in the future. However, due to the central Green Belt aim of retaining land permanently open it prefers in bullet 3. to see the word ‘temporary’ before materials retained.</p>
Representation reference:	MOD204

Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM32 (Policy RUR 7 'Equestrian development outside of settlement boundaries')
Q2 Representation details:	<p>Object</p> <p>The proposed policy still too onerous in relation to new larger equestrian businesses and is not consistent with paragraph 84 of the NPPF, which states: 'Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed new buildings.' At the examination it was highlighted by the Inspector that equestrian uses are a common and acceptable use in the countryside. Indeed, they can rarely be located elsewhere. The Council's approach is therefore too restrictive on new businesses and new equestrian buildings. If new buildings are well designed, this accords with the NPPF and would allow the Council to refuse schemes that were deemed to not be of a sufficient quality design or would result in an adverse impact on the countryside setting relevant to each site. The greater the quality of the open countryside associated with any proposal would clearly be a key consideration in this regard and may render certain proposals as being unjustified or call for increased levels of good design.</p>
Q3 Changes necessary:	<p>"2. Additional new buildings and structures may be permitted for proposals to facilitate the sustainable growth and expansion of existing businesses, or for new small scale equestrian businesses and non-commercial proposals, provided there are no existing buildings or structures that could be converted or replaced <u>on site</u>, and where they are restricted to the minimum level reasonably required for the operation of the facility; are well-related to each other and existing buildings; and do not form isolated or scattered development.</p> <p>3. New larger equestrian businesses and non-commercial proposals seeking a location in the countryside should utilise existing buildings and structures (or replacements for existing buildings and structures) where possible; and new additional buildings and structures will not usually be permitted for this scale of new equestrian enterprise. 3. Any new building or structure must be <u>well designed and</u> constructed of materials appropriate for its intended use; its design must be appropriate to its intended equestrian use; and must not be designed to be easily converted to any non-equestrian use in the future."</p> <p>Paragraph 6.25 Under LPS Policy PG 6 'Open countryside', development that is essential for uses appropriate to a rural area will be permitted in the open countryside. Equestrian development related to grazing and equestrian enterprises (including stables, training areas, riding centres and studs) is considered to be a use appropriate to a rural area, <u>particularly if</u> provided it is small in scale and it can be demonstrated that a countryside location is necessary for the proposal. New larger or commercial proposals may also be appropriate to a rural area where they re-use or replace existing buildings <u>and where new proposed buildings are well designed and respect the open countryside setting for any site</u> do not involve the construction of additional new buildings. Any replacement building should be in accordance with the relevant provisions in Policy RUR 13 'Replacement buildings outside of settlement boundaries' as well as LPS Policy PG 3 'Green Belt' and/or LPS Policy PG 6 'Open countryside' (as appropriate)."</p>
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf

MM33 (Policy RUR 8 'Visitor accommodation outside of settlement boundaries')

Representation reference:	MOD63
Representor ID:	989662
Representor organisation:	Emery Planning
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM33 (Policy RUR 8 'Visitor accommodation outside of settlement boundaries')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	Yes
Q2 Representation details:	12.1 We support the amendments to the policy to remove the requirement to clearly demonstrate that the proposal requires a countryside location and to remove the exclusion of new build hotels or guest houses in part 1 of the policy.
Representation reference:	MOD205
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM33 (Policy RUR 8 'Visitor accommodation outside of settlement boundaries')
Q2 Representation details:	Support We fully support these changes which are required to be consistent with national policy. In certain locations within the defined countryside, such as roadside locations, hotels will be required to allow road users to rest in accordance with other circulars and policy.
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf

MM34 (Policy RUR 9 'Caravan and camping sites')

Representation reference:	MOD206
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM34 (Policy RUR 9 'Caravan and camping sites')
Q2 Representation details:	Support Necessary to avoid duplication with national policy.
Link to supporting information (attachments):	1187474 Tatton Estate Reprs.pdf

MM35 (Policy RUR 10 'Employment development in the open countryside')

Representation reference:	MOD64
Representor ID:	989662
Representor organisation:	Emery Planning
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM35 (Policy RUR 10 'Employment development in the open countryside')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>13.1 We do not consider that the modifications to Policy RUR 10 are sufficient for the Policy to be sound and legally compliant for the following reasons:</p> <p>Point 1 of the policy paraphrases Policy PG6 resulting in a different meaning.</p> <p>The Framework provides for the sustainable growth and expansion of all types of businesses in rural areas.</p> <p>13.2 We therefore suggest the policy is modified as follows:</p>
Q3 Changes necessary:	<p>"1. Under LPS policy PG 6 'Open Countryside', development that is essential for <u>the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area</u> will be permitted in the open countryside. Certain types of small scale employment. Employment development may be appropriate to a rural area where:</p> <p>its scale is appropriate to the location and setting;</p> <p>the nature of the business <u>is appropriate to a rural area</u> means that a countryside location is essential; and</p> <p>the proposals provide local employment opportunities that support the vitality of rural settlements.</p> <p>2. Where it is demonstrated that the proposal is appropriate to a rural area under Criterion 1, small scale employment development will be supported where it accords with other policies in the development plan and</p> <p>the proposals make the best use of existing infrastructure such as existing buildings, utilities, parking and vehicular access;</p> <p>additional buildings, structures and ancillary development are restricted to the minimum level reasonably required for the existing or planned operation of the business; are well-related to each other and existing buildings and do not form isolated or scattered development</p> <p>iii the proposal does not unacceptably affect the amenity and character of the surrounding area or landscape (including visual impacts, noise, odour, design and appearance) either on its own or cumulatively with other developments; and</p> <p>iv. inappropriate landscaping and screening is provided.</p> <p>3. The design of any new building for employment purposes in the open countryside must be appropriate to its intended function and must not be designed to be easily converted to residential use in the future."</p>
Representation reference:	MOD110
Representor ID:	1227334
Representor first name:	Jackie
Representor surname:	Copley
Representor organisation:	CPRE Cheshire
Representation regarding:	MM35 (Policy RUR 10 'Employment development in the open countryside')

Q2 Representation details:	29. CPRE does not support the deletion of the word small scale employment from this policy as it will result in large incursions in the countryside.
Representation reference:	MOD207
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM35 (Policy RUR 10 'Employment development in the open countryside')
Q2 Representation details:	Support We consider this change is necessary to align Policy RUR10 and Policy PG 6 in the adopted plan with the NPPF, which supports development that supports the rural economy, which can include a range of employment uses of various scales. We consider one aspect of scale will be the proposed function of any new building. As such, we have added this to Criterion 1.i. Alternatively, Criterion 1i could be deleted and scale is added to Criterion 3.
Q3 Changes necessary:	"1. Under LPS policy PG 6 'Open countryside', development that is essential for uses appropriate to a rural area will be permitted in the open countryside. Employment development may be appropriate to a rural area where: i. its scale is appropriate to the <u>proposed function, its location and setting</u> ;" "3. The design <u>and scale</u> of any new building for employment purposes in the open countryside must be appropriate to its intended function and must not be designed to be easily converted to residential use in the future."
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf
Representation reference:	MOD251
Representor ID:	1254720
Representor first name:	Brian
Representor surname:	Chaplin
Representor organisation:	South Knutsford Residents Group
Representation regarding:	MM35 (Policy RUR 10 'Employment development in the open countryside')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	SKRG accepts MM35. However, more attention needs to be given to the expansion of farm shops and similar (The Clarkson Syndrome). Some have now grown so larger and provide a supermarket range of goods that are taking trade away from retail within KSC's and LSCs to the detriment to their viability.
Q3 Changes necessary:	Monitor the developing situation. A note should be included on how their expansion can be drawn into retail surveys.

MM36 (Policy RUR 11 ‘ Extensions and alterations to buildings outside of settlement boundaries’)

Representation reference:	MOD18
Representor ID:	1311253
Representor first name:	Valerie
Representor surname:	Herbert
Representor organisation:	Prestbury Parish Council
Representation regarding:	MM36 (Policy RUR 11 ‘ Extensions and alterations to buildings outside of settlement boundaries’)
Q2 Representation details:	<p>This policy is very relevant to Prestbury parish as much of the rural parts of the parish are covered by Green Belt policies.</p> <p>This policy contains detailed guidance to replace Policy GC12 of the Macclesfield Borough Local Plan, and is in accord with the NPPF (2021).</p> <p>Proposals will usually be considered to represent disproportionate additions where they increase the size of the original building by more than 30% in the Green Belt. This figure was the guideline in Policy GC12. However, outside the Green Belt and in the open countryside the figure has been increased to 50%.</p> <p>The matters to be judged when considering whether an extension is disproportionate include height, bulk, form, siting and design. The Inspector required the deletion of the further reference to any increase to the overall building height to be usually considered as disproportionate.</p>
Q3 Changes necessary:	The deletion of the use of a percentage figure increase in relation to this policy is supported by the Parish Council.
Representation reference:	MOD65
Representor ID:	989662
Representor organisation:	Emery Planning
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM36 (Policy RUR 11 ‘ Extensions and alterations to buildings outside of settlement boundaries’)
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	<p>The Inspector’s stated in his post hearing comments that:</p> <p>“The last sentence of part 2 of Policy RUR 11 is not justified in imposing a blanket rule that increase in overall building height are considered to be disproportionate, since there may be proposals involving small increases in height which are not disproportionate, and may be less than the overall 30/50% increase in size allowed in part 3 of the policy. Accordingly, for soundness, so that the policy is justified and effective, this sentence should be deleted.”</p> <p>Rather than deleting the sentence the council has redrafted the policy to state that particular attention will be given to increases in the overall building height.</p> <p>The question as to whether an extension is ‘disproportionate’ can only be assessed on a case-by-case basis and with due regard for site-specific characteristics. The impact of the height of the proposal would be assessed as part of the range of considerations set out within the first sentence of part 2 of the policy. There is no reason to identify height in isolation and the additional sentence does not serve any meaningful planning purpose and is contrary to the recommendations of the Inspector.</p>

	The final sentence of part 2 of the policy should be deleted in the interests of soundness.
Representation reference:	MOD93
Representor ID:	1311875
Representor first name:	Mark
Representor surname:	Dauncey
Representor organisation:	Amos Group
Representation regarding:	MM36 (Policy RUR 11 ' Extensions and alterations to buildings outside of settlement boundaries')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	<p>Amos Group has only recently acquired land interests in the area and therefore previously not commented on the SADPD. We therefore would like to take this opportunity to make the following representation, even though it doesn't specifically relate to one of the MMs. We do however consider it relevant to the plans soundness. Our comments as follows:</p> <p>Part 3 of Policy RUR 11 sets out the exceptions to the size thresholds for extensions. One of the exceptions is where the proposal "is within a village infill boundary as shown on the adopted policies map". We strongly object to this wording, as it prevents the potential for larger extensions in other settlements without an infill boundary and where the impact of an extension on the open countryside. or openness of the GB, would be no greater than if it were in a village with infill boundary. This approach is not justified or supported by evidence.</p>
Q3 Changes necessary:	<p>We recommend that part 3 i. of RUR 11 is amended as follows:</p> <p>"Lies in a group of buildings or ribbon development and the extension would not be prominent".</p> <p>This wording would be similar to that of saved Policy GC12 of the Macclesfield Borough Local Plan and would be consistent with paragraph 149 of the NPPF.</p>
Representation reference:	MOD111
Representor ID:	1227334
Representor first name:	Jackie
Representor surname:	Copley
Representor organisation:	CPRE Cheshire
Representation regarding:	MM36 (Policy RUR 11 ' Extensions and alterations to buildings outside of settlement boundaries')
Q2 Representation details:	30. CPRE can support the deletion of the use of a percentage figure increase.
Representation reference:	MOD130
Representor ID:	1311888
Representor first name:	Kev
Representor surname:	Ryder
Representation regarding:	MM36 (Policy RUR 11 ' Extensions and alterations to buildings outside of settlement boundaries')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	The Council previously sought via its submission SADPD to introduce to introduce a further restrictive test via the second sentence of criterion 2) in respect of building height which was rejected by the Inspector during the relevant hearing session as unjustified and inconsistent with the Framework; subsequently instructing the Council

	<p>via his post-hearing comments (INS/34) to delete the same as part of the proposed MMs, as evidenced by the `struck through` text within the MM revision..</p> <p>However, whilst this has been removed, the Council has subsequently proposed a revision to sentence one of criterion 2), providing additional text to the same by way of replacement to that deleted.</p> <p>Whilst the previously proposed restrictive provision to rule out increase in building height has been removed, this revised additional text is equally considered to also be unjustified, unnecessary, and inconsistent with national policy.</p> <p>The first part of criterion 2) sets out those principal matters (height, bulk, form, siting, & design) that would be taken into account in consideration of “disproportionate additions “, which does already include `height`.</p> <p>To include this proposed additional text, aside from being unnecessarily repetitive, would, as a result, place an undue emphasis upon one single element of those matters for consideration, in preference to and over and above those others.</p> <p>For any objective assessment to be truly objective, it will take into account and have regard to the individual circumstances and all relevant factors equally, without restriction or favour.</p> <p>The introduction of this additional text would impede this process, in that it does create a hierarchical approach to those relevant factors, where the matter of height is the recipient of an elevated and preferential status over and above that of those others as listed.</p> <p>It is understood that there is no national planning policy provision, guidance or case law that either supports or substantiates such an approach.</p> <p>In development management terms, the inclusion of this additional text would automatically enable the Council to take a more restrictive approach in respect of any proposal which specifically sought an increase in height, singling out this factor for “particular attention” in comparison to all other relevant factors, with the end result and outcome very possibly in practice being equal in effect to that of the previous deleted text, albeit now via a softer and more roundabout form of policy wording.</p>
Q3 Changes necessary:	On the basis of the above, it is respectfully suggested to the Inspector that this proposed additional text is also removed from sentence one of criterion 2).
Representation reference:	MOD208
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM36 (Policy RUR 11 ‘ Extensions and alterations to buildings outside of settlement boundaries’)
Q2 Representation details:	<p>Object</p> <p>The Inspector highlighted that in order for this policy to be deemed sound, the last sentence in criterion 2 should be deleted and did not suggested the new proposed wording, which still places a disproportionate emphasis on height. Each site and proposal will be different and whilst the Council may wish to give particular attention to increases in height, this is not directly consistent with the NPPF and adding additional consideration to height might result in proposals being submitted that actually have a greater impact on the openness of the Green Belt. For instance, the increase in hight of a building set within a rural courtyard setting may result in one building being increased in height but if that increase is no greater than the other buildings within the courtyard, that form of extension might result in the least impact on openness of the Green Belt compared to other types of extension to the same building depending on certain views to and from the site.</p>

Q3 Changes necessary:	Pegasus Version "2. When considering whether a proposal represents disproportionate additions, matters including height, bulk, form, siting and design will be taken into account, with particular attention given to increases in the overall building height. "
Link to supporting information (attachments):	1187474 Tatton Estate Reqs.pdf

MM37 (Policy RUR 12 'Residential curtilages outside of settlement boundaries')

Representation reference:	MOD66
Representor ID:	989662
Representor organisation:	Emery Planning
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM37 (Policy RUR 12 'Residential curtilages outside of settlement boundaries')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	Yes
Q2 Representation details:	15.1 We support the amendments to Policy RUR12 and have no further comments to make.
Representation reference:	MOD209
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM37 (Policy RUR 12 'Residential curtilages outside of settlement boundaries')
Q2 Representation details:	Support We note the Inspector's conclusion on this policy further to the hearing sessions and consider these changes comply with the thread of those conclusions.
Link to supporting information (attachments):	1187474 Tatton Estate Reqs.pdf

MM38 (Policy RUR 13 'Replacement buildings outside of settlement boundaries')

Representation reference:	MOD19
Representor ID:	1311253
Representor first name:	Valerie
Representor surname:	Herbert
Representor organisation:	Prestbury Parish Council
Representation regarding:	MM38 (Policy RUR 13 'Replacement buildings outside of settlement boundaries')
Q2 Representation details:	<p>Cheshire East Council wanted to introduce a % increase on whether replacement buildings would be materially larger than the existing building, but this criterion 3 of the Policy has been removed at the recommendation of the Inspector.</p> <p>Criterion 2 contains a list of matters which will need to be taken into account when considering whether a replacement building is materially large. These include height, bulk, form, siting, design, floorspace and footprint.</p> <p>The Inspector required the deletion of criterion 3, and reference in para 6.48 which introduced percentage thresholds that will usually be considered to result in replacement buildings which will be materially larger. He considered that using a percentage increase in floorspace would be neither justified nor effective, as it is only one of the range of factors involved in any consideration.</p> <p>Until there is time to consider the impact of this change it is difficult to reach a view on it; but from the experience of the Parish Council this could lead to much larger replacement buildings, which could have a negative impact on the countryside.</p>
Representation reference:	MOD67
Representor ID:	989662
Representor organisation:	Emery Planning
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM38 (Policy RUR 13 'Replacement buildings outside of settlement boundaries')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>The Inspector stated in his Post Hearing comments that for soundness, Part 3 of Policy RUR13 should be deleted and the policy modified accordingly to define the range of considerations to be taken into account in determining whether a replacement building outside of settlement boundaries is materially larger.</p> <p>The deletion of Part 3 of the policy is supported.</p> <p>The first sentence of Part 2 of the policy sets out the range of factors that will be considered in an assessment of whether a building is materially larger. These include height, bulk, form, siting, design, floorspace and footprint. This sentence remains as drafted in the Submission version of the plan and we have no objection to it.</p> <p>The second sentence states that 'increases in overall building height and development extending notably beyond the existing footprint in particular have the potential to be materially larger'.</p> <p>As all of these factors referenced in the first sentence of Part 2 may affect whether a building is materially larger, we object to the inclusion of the second sentence which refers specifically to proposals with an increase in height or extending notably beyond the existing footprint.</p>

In the same way that the Inspector commented that there may be proposals involving small increases in height that are not disproportionate, there may also be proposals involving a modest increase in height or change in footprint that are not materially larger. There is no justifiable reason to single out height and footprint.

Our previous representations referred to the judgment of *Tandridge DC v SoSCLG*, [2015] EWHC 2503 (Admin) which related to a challenge to an Inspector's appeal decision to grant planning permission for a replacement dwelling.

Paragraph 58 of the judgment states that in considering the "not materially larger" test the issue of comparative size is to be determined on the facts by reference to the objectives of Green Belt policy. It refers to the *Surrey Homes* case which states that the issue of "materially larger" does not always depend on a simple floorspace comparison but must be judged by reference to other factors which may affect openness. Paragraph 23 of *Surrey Homes* is quoted as follows:-

"..... the concept of whether a dwelling is 'materially larger' can be assessed by reference to matters such as bulk, height, mass, and prominence. These are all matters going to the openness of the Green Belt. They are plainly all material considerations relevant to deciding on the meaning of the term in the context in which it arises, namely Green Belt policy".

The case law does not single out height or footprint as considerations that should be treated differently.

It was held in *Tandridge* (paragraph 65) that in determining the appeal for a noing that would be 78% larger in terms of volume, approximately 1m taller but have a 22% smaller footprint than the dwelling it would replace, the Inspector had followed due process. That is, the appeal Inspector reached a conclusion by comparing the physical dimensions, but also assessed the materiality of the size increase as per *Surrey Homes* (above).

In terms of the second element of the second sentence "beyond the existing footprint" is overly restrictive. There could be a scenario where higher elements of an existing two storey dwelling are replaced by a single storey replacement dwelling over a larger footprint than the existing but in spatial and visual terms has less impact upon openness. The drafting as currently proposed could render such a design concept in breach of policy.

In summary, an assessment of 'materially larger' hinges on spatial considerations such as floorspace, volume and height; together with perceptual considerations such as bulk, massing and siting. We consider that the second sentence of point 2 should be deleted and this is consistent with the Inspector's comments in respect of RUR11.

Point 3 is inconsistent with the approach of considering all dimensions of size as referred to above, in that it refers only to the floorspace of detached outbuildings. We consider it would be more appropriate to use the word 'size' in this part of the policy.

Point 5 states that the existing building means the building as it existed at the time of submitting the planning application. Although the explicit reference to the 'fall-back' position that appeared in the First Draft of the document has now been omitted, the revised policy still appears to be implying that any 'fall-back' position will not be taken into account. The *Encyclopedia of Planning Law* clarifies that the planning authority are obliged to have regard to the fall-back position i.e. what the applicant could do without any fresh planning permission and this may form a material consideration in establishing the context for the building to be replaced. Point 5 should be deleted from the policy. It is not for a development management policy to pre-determine what matters are material planning considerations. It is for the development control process to assess material considerations in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

Representation reference:	MOD112
Representor ID:	1227334
Representor first name:	Jackie
Representor surname:	Copley

Representor organisation:	CPRE Cheshire
Representation regarding:	MM38 (Policy RUR 13 'Replacement buildings outside of settlement boundaries')
Q2 Representation details:	31. CPRE cannot support this modification as it may lead to larger replacement buildings than would otherwise be the case.
Representation reference:	MOD210
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM38 (Policy RUR 13 'Replacement buildings outside of settlement boundaries')
Q2 Representation details:	Object Again, the particular emphasis on height within this policy is not reflected by the NPPF and for the same reasons set out under MM36, we consider this component of the policy should be deleted.
Q3 Changes necessary:	2. When considering whether a replacement building is materially larger, matters including height, bulk, form, siting, design, floorspace and footprint will be taken into account. Increases in overall building height and development extending notably beyond the existing footprint in particular have the potential to be materially larger.
Link to supporting information (attachments):	1187474 Tatton Estate Reprs.pdf

MM39 (Policy RUR 14 'Re-use of rural buildings for residential use')

Representation reference:	MOD68
Representor ID:	989662
Representor organisation:	Emery Planning
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM39 (Policy RUR 14 'Re-use of rural buildings for residential use')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	<p>We support the amendment to the text to allow for extensions that accord with Policy RUR11. We also support the deletion of the first part paragraph 6.53 in the supporting text.</p> <p>However, RUR 14 continues to relate only to the re-use of rural buildings for residential use and there is no policy in the SADPD otherwise relating to the re-use of buildings for other uses. The Framework does not restrict the use that a rural building can change to and the conversion of rural buildings to other uses such as employment or commercial uses would also be acceptable in principle. The re-use of buildings for uses other than residential is not covered by Policy RUR 14 or any other policy within the SADPD.</p>
Representation reference:	MOD113
Representor ID:	1227334
Representor first name:	Jackie
Representor surname:	Copley
Representor organisation:	CPRE Cheshire
Representation regarding:	MM39 (Policy RUR 14 'Re-use of rural buildings for residential use')
Q2 Representation details:	32. CPRE can support the modification.
Representation reference:	MOD211
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM39 (Policy RUR 14 'Re-use of rural buildings for residential use')
Q2 Representation details:	<p>Support</p> <p>Required for clarity and effectiveness and to accord with the Framework.</p>
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf

MM40 (Policy EMP 2 'Employment allocations')

Representation reference:	MOD212
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM40 (Policy EMP 2 'Employment allocations')
Q2 Representation details:	<p>Pegasus Group (on behalf of Tatton Estate) note the proposed changes to paragraph 7.5 and Site EMP2.8 Land west of Manor Lane, Holmes Chapel.</p> <p>Maintain original objection to EMP 2.</p> <p>No further comments other than Tatton Estate maintain their objection that additional employment land should be allocated in Knutsford to meet the planned and unmet requirements set out in Policy PG 7 of the adopted Local Plan. We note that the Inspector has yet to provide any conclusions on this matter in his January 2022 statement. We maintain there is scope adjacent to and within the Parkgate residential allocation in the adopted Local Plan to accommodate this unmet need.</p>
Link to supporting information (attachments):	1187474 Tatton Estate Reprs.pdf

MM41 (Policy HOU 1 'Housing mix')

Representation reference:	MOD20
Representor ID:	1311253
Representor first name:	Valerie
Representor surname:	Herbert
Representor organisation:	Prestbury Parish Council
Representation regarding:	MM41 (Policy HOU 1 'Housing mix')
Q2 Representation details:	<p>This policy will be of relevance to Prestbury if the Safeguarded Land sites in Heybridge Lane and Prestbury Lane come forward for development after a review of the Local Plan.</p> <p>Policy HOU1 is one of several policies which would affect their development. It makes a statement that housing developments that do not demonstrate an appropriate mix of housing on the site will not be permitted.</p> <p>The provision of a Housing Mix Statement will be required with an application. This should be based on an up to date assessment of local circumstances in terms of housing tenure, type and sizes, and several site and market factors.</p>
Q3 Changes necessary:	Missing from this policy is reference to the need for the proposed development to comply with other relevant policies in the Local Plan, and the NPPF. The Parish Council recommends that this wording is added to Policy HOU1.
Representation reference:	MOD38
Representor ID:	1255389
Representor first name:	John
Representor surname:	Winstanley
Representor organisation:	Story Homes
Agent ID:	1311680
Agent first name:	Rebecca
Agent surname:	Caines
Agent organisation:	Lichfields
Representation regarding:	MM41 (Policy HOU 1 'Housing mix')
Q2 Representation details:	1.22 Story recognise the importance of providing an appropriate housing mix that meets the local need and always seek to provide a range of home sizes when delivering new development. However, it is important that any policy is flexible and not overly prescriptive to stifle development and consider that this policy is not sound. In this context, representations previously submitted on this matter are still relevant.
Representation reference:	MOD46
Representor ID:	1076042
Representor organisation:	Bloor Homes (NW) Ltd
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM41 (Policy HOU 1 'Housing mix')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No

Q2 Representation details:	<p>A single change is proposed to Policy HOU1 to state that 'where a housing mix statement is required, the council will consider the extent to which it addresses the factors outline above in determining whether a scheme provides for an appropriate housing mix on site'.</p> <p>We do not consider that the amendment is sufficient to address the concerns raised at the examination or set out in our previous representations and hearing statement on Matter 3.</p>
Representation reference:	MOD69
Representor ID:	989662
Representor organisation:	Emery Planning
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM41 (Policy HOU 1 'Housing mix')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>A single change is proposed to Policy HOU1 to state that 'where a housing mix statement is required, the council will consider the extent to which it addresses the factors outline above in determining whether a scheme provides for an appropriate housing mix on site'.</p> <p>We do not consider that the amendment is sufficient to address the concerns raised at the examination or set out in our previous representations and hearing statement on Matter 3.</p>
Representation reference:	MOD84
Representor ID:	687198
Representor first name:	Andrew
Representor surname:	Taylor
Representor organisation:	David Wilson Homes North West
Agent ID:	1255717
Agent first name:	Paul
Agent surname:	Forshaw
Agent organisation:	Turley
Representation regarding:	MM41 (Policy HOU 1 'Housing mix')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	<p>DWH's previous representations to Policy HOU1 have raised concerns that the policy is overly prescriptive and is not positively prepared as it requires the submission of a significant amount of evidence with planning applications to justify the proposed housing mix. Whilst DWH generally supports the aims of the policy to provide a range and choice of homes to meet the needs of the local area, previous representations have sought to amend the policy so that a housing mix statement is only required where the proposed housing mix deviates significantly from the most up-to-date evidence of housing mix need; rather than being required for all major housing applications. DWH also maintains that the most up-to-date evidence on housing mix need should be provided by the local planning authority as part of its annual monitoring.</p> <p>Main Modification MM41 proposes to include some additional text to the policy, including a recognition that the mix of housing coming forward on sites will vary dependent on several site and market factors. This additional clarification is welcomed</p>

	<p>but does not go far enough in addressing DWH's significant concerns with Policy HOU 1 highlighted previously (and summarised above). DWH continues to consider that Policy HOU 1 is not sound as it is not positively prepared.</p> <p>Conclusion</p> <p>These representations to the Schedule of Proposed Main Modifications to the Cheshire East SADPD are submitted on behalf of David Wilson Homes North West (DWH).</p> <p>3.3 Whilst DWH supports Main Modification MM41 to Policy HOU 1 (Housing Mix), the modification does not go far enough in amending the policy wording to overcome DWH's significant concerns about the lack of flexibility and requirement for significant amounts of supporting evidence to be submitted with all major housing applications.</p>
Representation reference:	MOD119
Representor ID:	1140423
Representor first name:	Joanne
Representor surname:	Harding
Representor organisation:	Home Builders Federation
Representation regarding:	MM41 (Policy HOU 1 'Housing mix')
Q2 Representation details:	5. The HBF continues to consider that this policy is not sound and much of its content should be deleted, as set out in our previous representations. The HBF understands the need for a mix of homes. However, it is still important that any policy is workable and flexible, and that the information required is not overly onerous and unnecessary.
Representation reference:	MOD148
Representor ID:	641527
Representor organisation:	Barratt & David Wilson Homes
Agent ID:	1272265
Agent first name:	Jon
Agent surname:	Suckley
Agent organisation:	Asteer Planning
Representation regarding:	MM41 (Policy HOU 1 'Housing mix')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>The additional text at paragraph 8.5 is welcomed in acknowledging the that mix of housing on sites will vary dependent on several site and market factors.</p> <p>However, to be considered sound, Table 8.1 "Indicative house type tenures and sizes" and any reference to it should be deleted.</p> <p>It is acknowledged that the table is labelled as indicative, however it will be used as a starting point for housing mix considerations, and that is not appropriate or effective given it takes no account of the economic, social and environmental considerations faced on a settlement by settlement basis, nor a site by site basis.</p> <p>The authority of Cheshire East covers a large geographical area and has wide-range of economic, social and environmental characteristics. Whilst the policy has some flexibility, there is a risk that as a starting point, Table 8.1 is pursued inappropriately for small to medium sized sites, and possibly contrary to wider evidence on larger sites. This could ultimately have implications for delivery and achieving overall sustainability objectives.</p> <p>Furthermore, the evidence behind the suggested indicative housing mix pre-dates the Covid-19 pandemic and therefore does not pick up on resulting changing market trends, such as designated study/home office.</p>

	<p>The requirement for a Housing Mix Statement set by Policy HOU 1 will provide the evidence base to support housing mix on a site-by-site basis and so Table 8.1 is unnecessary.</p> <p>Whilst PPG doesn't explicitly refer to a transitional period in relation to housing mix, for viability reasons should Table 8.1 remain, we would suggest that Policy HOU 1 contains a transitional period for the introduction of the policy to enable the implications of the housing mix policy to be factored into site acquisitions and development going forward, and not render current planning applications unviable by imposing an unaccounted for requirement.</p>
Q3 Changes necessary:	<p>Delete Table 8.1 from Policy HOU 1 and any reference to it.</p> <p>Should Table 8.1 remain, we would suggest that the following text is added to the policy: <u>"The application of Table 8.1 as a starting point for consideration of housing mix will apply from six months after the date of adoption of the Plan."</u></p>
Representation reference:	MOD157
Representor ID:	1187009
Representor organisation:	PH Property Holdings Ltd
Agent ID:	1272265
Agent first name:	Jon
Agent surname:	Suckley
Agent organisation:	Asteer Planning
Representation regarding:	MM41 (Policy HOU 1 'Housing mix')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>The additional text at paragraph 8.5 is welcomed in acknowledging the that mix of housing on sites will vary dependent on several site and market factors.</p> <p>However, to be considered sound, Table 8.1 "Indicative house type tenures and sizes" and any reference to it should be deleted.</p> <p>It is acknowledged that the table is labelled as indicative, however it will be used as a starting point for housing mix considerations, and that is not appropriate or effective given it takes no account of the economic, social and environmental considerations faced on a settlement by settlement basis, nor a site by site basis.</p> <p>The authority of Cheshire East covers a large geographical area and has wide-range of economic, social and environmental characteristics. Whilst the policy has some flexibility, there is a risk that as a starting point, Table 8.1 is pursued inappropriately for small to medium sized sites, and possibly contrary to wider evidence on larger sites. This could ultimately have implications for delivery and achieving overall sustainability objectives.</p> <p>Furthermore, the evidence behind the suggested indicative housing mix pre-dates the Covid-19 pandemic and therefore does not pick up on resulting changing market trends, such as designated study/home office.</p> <p>The requirement for a Housing Mix Statement set by Policy HOU 1 will provide the evidence base to support housing mix on a site-by-site basis and so Table 8.1 is unnecessary.</p> <p>Whilst PPG doesn't explicitly refer to a transitional period in relation to housing mix, for viability reasons should Table 8.1 remain, we would suggest that Policy HOU 1 contains a transitional period for the introduction of the policy to enable the implications of the housing mix policy to be factored into site acquisitions and development going forward, and not render current planning applications unviable by imposing an unaccounted for requirement.</p>
Q3 Changes necessary:	<p>Delete Table 8.1 from Policy HOU 1 and any reference to it.</p> <p>Should Table 8.1 remain, we would suggest that the following text is added to the policy:</p>

	<u>"The application of Table 8.1 as a starting point for consideration of housing mix will apply from six months after the date of adoption of the Plan."</u>
Representation reference:	MOD213
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM41 (Policy HOU 1 'Housing mix')
Q2 Representation details:	<p>Comment</p> <p>We support the proposed changed put forward by the Council but consider it would be beneficial if 'settlement' and 'wider' market factors where also accounted for within paragraph 8.5 just to provide some additional clarity and scope for the applicant and decision maker to consider a range of relevant factors.</p> <p>For instance, a certain settlement may have a range of residential development allocations, some being more peripheral than others to a settlements defined centre and associated services. Some of those allocations might be better placed to achieve a greater concentration of smaller types of homes and higher densities than others, meaning an alternative housing mix might be more appropriate on other sites to ensure the settlement as a whole achieves an appropriate housing mix overall.</p>
Q3 Changes necessary:	"8.5 The housing mix statement should be a proportionate and up to date assessment of local circumstances and demonstrate how the proposed mix of housing tenure, type and sizes can help support the creation of mixed, balanced and inclusive communities. The mix of housing coming forward on sites will vary dependent on several site, <u>settlement</u> and <u>wider</u> market factors. Information presented through the housing mix statement, focused on the factors identified in Policy HOU 1, will assist the council in determining whether a proposal provides for an appropriate housing mix. The Cheshire East Residential Mix Study (2019) includes an assessment of the bedroom size and tenure of housing in Cheshire East up to 2030 and should be considered the starting point for the analysis included in the housing mix statement as set out in Table 8.1 'Indicative house type tenures and sizes'17."
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf
Representation reference:	MOD252
Representor ID:	1254720
Representor first name:	Brian
Representor surname:	Chaplin
Representor organisation:	South Knutsford Residents Group
Representation regarding:	MM41 (Policy HOU 1 'Housing mix')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	SKRG supports MM41 but regrets the omission of the retention of bungalow or other single-storey dwellings.
Q3 Changes necessary:	Their retention/creation to be included in the supporting text at the very least. See also MM42.

MM42 (Policy HOU 2 ‘Specialist housing provision’)

Representation reference:	MOD165
Representor ID:	1186251
Representor first name:	Tony
Representor surname:	Dowse
Representor organisation:	Cognatum Developments Limited
Agent ID:	1311933
Agent first name:	Karl
Agent surname:	Scholz
Agent organisation:	Pearce Planning
Representation regarding:	MM42 (Policy HOU 2 ‘Specialist housing provision’)
Q2 Representation details:	<p>TOWN & COUNTRY PLANNING (LOCAL PLANNING) REGULATIONS 2012 REPRESENTATIONS: MAIN MODIFICATIONS TO THE CHESHIRE EAST LOCAL PLAN SADPD</p> <p>ABBEY MILL, SHIRLEYS DRIVE, PRESTBURY, CHESHIRE</p> <p>Further to our previous representations submitted and our attendance at the virtual Examination, we wish to submit further representations regarding the proposed Main Modifications.</p> <p>In summary, we are considerably disappointed that our salient points made in the context of specialist accommodation for older people have seemingly been dismissed.</p> <p>Council’s Homework Item #15</p> <p>Paras 2 – 14 of this document consider the need for older persons accommodation. Of particular note is the ORS table on page 3, which identifies a total need for older person housing up to 2030 of 12,435 bedspaces. As part of this, a backlog at the start of the plan period is identified as being 6,862 bedspaces.</p> <p>Whilst the Council notes at para 9 that the Housing LIN model (at a rate of 251 units of dedicated older persons accommodation per 1,000) would represent an idealised rate of provision, which is evidently not achieved by any other local authority in England, it nonetheless represents the scale of need in this housing sector in Cheshire East. The Council then goes on to argue that provision of a quantum based on the pro rata rate of existing provision (i.e. 71 units per 1,000 persons, 28% of the idealised target or 1,580 no. units) would be more appropriate, taking into account the Council’s ‘homes first’ policy.</p> <p>It is noted that an overall provision of 2,185 no. units is proposed, which is an uplift on the existing rate of provision at 1,580 no. units. This rate however falls significantly below the scale of need identified by the ORS data. Whilst we appreciate that would be challenging for the Council to achieve a rate of provision in line with the ORS modelling data, it is our view that the Council should nonetheless seek to boost provision at a rate significantly above the existing rate of provision if (1) the backlog of provision is to be rectified and (2) the forecasted future increase in need is to be catered for.</p> <p>Inspector’s Post Hearing Comments</p> <p>With regard to question 7 on page 9, we are very disappointed with the Inspector’s conclusion that the proposed rate of provision (i.e. 2,185 units) would “make adequate provision to meet the need for specialist accommodation for older people within the plan period”. Against the identified backlog and growing new need noted above, it is unclear to us and our client how provision at the rate proposed could reasonably be classed as ‘adequate’. If the SADPD goes forward on this basis, the identified need will continue to remain unmet, to the detriment of older persons seeking more specialist forms of accommodation.</p> <p>Furthermore, we would also like to express our disappointment that the two safeguarded sites in Prestbury [PRE 2 ‘Land south of Prestbury Lane’, (1.84 ha); and</p>

	<p>PRE 3 'Land off Heybridge Lane', Prestbury (0.94 ha)] are retained as such with no changes, despite our client's site at Prestbury being sited more centrally within the settlement and adjacent to an existing and in demand retirement community.</p> <p>Our client is nonetheless keen to continue to promote their site at Prestbury for development as the existing retirement community has a considerable waiting list of prospective residents. As such, we will continue to monitor planning progress within Cheshire East, with a view to submitting further representations at the appropriate times.</p> <p>The proposed Main Modifications do not go anywhere near far enough to provide for the need identified for older persons' accommodation within Cheshire East and they are inconsistent with other Local Plans in the UK. The modifications are thus a completely unsatisfactory response from Council. We therefore maintain our strong objection to the proposed Main Modifications of the SADPD for the reasons set out above.</p>
Representation reference:	MOD174
Representor ID:	1311944
Representor organisation:	Symphony Park Holdings Ltd
Agent ID:	1227631
Agent first name:	Ed
Agent surname:	Harvey
Agent organisation:	Avison Young
Representation regarding:	MM42 (Policy HOU 2 'Specialist housing provision')
Q2 Representation details:	<p>These representations are submitted on behalf of our client Symphony Park Holdings Limited (SP) in relation to the Cheshire East Site Allocations Development Plan Document (SADPD) proposed Main Modifications consultation.</p> <p>For context our client is the developer of Symphony Park, a bespoke Integrated Retirement Community. A major planning application is to be shortly lodged with Cheshire East Council for such a development on land within the Alderley Park site (Local Plan Strategy Allocation site 61, Alderley Park Opportunity Site).</p> <p>In line with the published guidance these representations are focused on comments in respect of the proposed main modifications to Policy HOU 2 'Specialist Housing Provision' of the SADPD and the soundness of the changes proposed. Additionally these representations also seek to identify a number of key considerations in relation to the need for C2 Older Persons Accommodation in Cheshire East as a direct response to Section 7 (Page 9) of the Inspectors Post Hearing Comments on key issues. In order to assist these representations a summary report from market specialists Carterwood is attached to this letter.</p> <p>Proposed Main Modification MM42 Policy HOU2 'Specialist Housing Provision'</p> <p>This main modification seeks to amend Policy HOU2 by making several adjustments to the definitions of specialist housing for older people and specialist accommodation to ensure consistency with national policy. The introduction of a viability clause for the provision of affordable housing as part of specialist older people's accommodation is also captured within the proposed main modifications. It is the latter of the two that SP wish to comment specifically on.</p> <p>Clause vii. is proposed to be amended as follows:</p> <p>"vii. Affordable housing provision will be required in line with the thresholds and policy approach set out in LPS Policy SC5 'Affordable Homes' where independent dwellings would be formed."</p> <p>The policy justification is to be amended with an additional paragraph at 8.13a which explains that where specialist accommodation for older people is proposed that would create independent dwellings, affordable housing will be required in line with LPS Policy CS5 – it confirms that where scheme viability may be affected by the provision of affordable housing at the identified thresholds then applicants would be expected</p>

to provide viability assessments to justify any alternative level of affordable housing provision.

This main modification was set out in the Inspectors Post Hearing Comments on Key Issues document where it is explained that the modification is needed to ensure that the policy is effective in enabling schemes to come forward in lower value areas of the Borough, where the Viability Assessment Update submitted with the SADPD suggests that sheltered and extra care housing may not be able to viably support a full policy compliant level of affordable housing.

SP object to the proposed modification on the basis that it self-evidently does not adopt a sound approach, and instead invites the Inspector to endorse an approach which runs precisely counter to the advice in the PPG.

Whilst recent case law has confirmed that it is lawful to assess whether a specialist housing development for older persons accommodation could be capable of providing for an element of affordable housing, it does not necessarily follow that every such scheme would be capable of doing so viably. Rather, the same case noted it is for the plan making stage to assess viability for such forms of development and not to seek to use the absence of viability testing as a subsequent tool to interpret policy. This appears to have been misunderstood by the council as permitting such matters to be established after the plan has been adopted but from the starting point that affordable housing must be provided.

The main modification therefore seeks to retrofit the requirements of the adopted Local Plan Strategy Policy (LPS) SC5, however this approach would be inconsistent with the guidance set out in Planning Practice Guidance (PPG). Whilst the adopted LPS was clearly informed by a viability assessment undertaken at the time, it did not include C2 accommodation for the elderly as a typology. And whilst we note that the SADPD has been supported by the Viability Assessment Update, that omission has not been remedied. Thus, the approach adopted is not sound due to direct conflict with PPG which notes that policy requirements should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability that takes into account all relevant policies, and local and national standards [PPG ID: 10/001-20190509]. More specifically PPG states:

“Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision making stage [PPG ID: 10-002-20190509].

The approach which policy HOU2 therefore intends to adopt runs contrary to PPG in that (as the additional justification text at para 8.13a makes clear) there will now be a policy presumption that affordable housing is to be provided subject to a test to consider viability at the planning application stage whereas guidance makes it clear that the viability testing exercise should be fully undertaken at the plan-making stage. The Council has simply got the approach here the wrong way round due to an omission in its evidence base which has not been remedied.

The policy as drafted therefore is patently not fully justified in the context of NPPF paragraph 35 (b) as it seeks to defer the issue of viability to the planning application stage contrary to PPG and which would also be inconsistent with national policy given that paragraph 35 (d) defines consistency with national policy as the policies within the Framework or other statements of national planning policy, where relevant. In our view this includes the PPG as a form of national planning guidance.

In order to address this matter satisfactorily, a full assessment to test the impact of broadening the remit of LPS Policy CS5 to incorporate specialist housing for older persons would need to be undertaken to establish whether all forms of housing for older persons are potentially capable of affordable housing provision. This would then adopt a PPG compliant approach. Following this exercise a judgement would then be required as to whether it is sound to apply the provisions of SC5 to all forms of specialist housing. The policy should therefore be reconsidered once this further information has been produced in order to ensure that it meets the tests of soundness as defined in the NPPF.

Should the Inspector conclude that the balance of convenience lies in progressing to adoption notwithstanding this clear tension with the PPG, then this policy must at the

very least be subject to a commitment to an immediate review – otherwise it jeopardises delivery of development for which there is a critical need.

Whether the Development Plan Makes Adequate Provision to Meet the Need for Specialist Accommodation for Older People

Section 7 (Page 9) of the Inspector's Post Hearing Comments on key issues concludes that adequate provision to meet the need for specialist accommodation for older people during the plan period would be made. This would be through a combination of supply of C2 accommodation already delivered or committed since 2010, the remaining housing allocations in the LPS and SADPD without permission, the potential for further windfall sites, and the expectations of Policies SC 4, HOU 1, HOU 2 and HOU 6 for future housing applications to provide for the long term needs of the borough's older residents.

Part 3 of draft SADPD Policy HOU 2, subject to proposed Main Modification 42 (MM42), states: 'Schemes that provide specialist housing for older people, whilst promoting independent living, will be supported', provided that a number of criteria are met including criterion (i), which states 'the type of specialist accommodation proposed meets identified needs and contributes to maintaining the balance of the housing stock in the locality'. Carterwood have been appointed by our client to analyse the planning need position for specialist housing for older people in Cheshire East, and their summary report is enclosed with this letter.

The need to provide specialist housing for older people is identified as being 'critical' by PPG [Housing for older and disabled people, Paragraph: 001 Referenced ID: 63-001-20190626] based on the projected significant increase in the elderly demographic. The NPPF (paragraph 62) advises that local planning authorities should assess the size, type and tenure of housing needed for different groups in the community (including older people) and this should be reflected in planning policies. It is very clear indeed from the numerous publications in respect of older persons accommodation, including Government papers referenced in the submitted Carterwood report, that the current national focus is on increasing the supply and variety of specialist accommodation for older people.

From our analysis of the current situation in CEC, whatever may have been the position at the time of the adoption of the LPS there is now a significant additional need for extra care housing in the authority area which has not been factored into the draft SADPD or adequately accounted for in the Inspector's review of the draft plan and his post hearing comments.

Accordingly these representations seek to identify a number of key considerations in relation to C2 older persons housing need which are relevant to determining future planning applications and the Council's Local Plan Strategy review. According to the NPPF (paragraph 33), this Review should be completed no later than five years from the adoption date of a plan (i.e. by 27 July 2022 for the Local Plan Strategy). Notably, Reviews at least every five years are a legal requirement for all local plans [Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012)].

The Carterwood report summarises in chronological order strategic documents prepared by Cheshire East to inform its approach to catering for the need for extra care provision in the area. It is notable that whilst CEC in its Residential Mix Assessment 2019 report identifies a significant need for new, additional extra care units in the period to 2030, no specific requirement has been set as part of its Local Plan Strategy policies or emerging SADPD to cater for its provision. This is despite the Council's Adult Social Care Strategy, within the Vulnerable and Older persons Housing Strategy (2020-2024) report, and the Joint [CEC and NHS CCG] Market Position Statement 2021-2025 respectively, being 'to take a proactive role in promoting a better offer for this type of housing'.

In its Homework Item #15 submitted during the SADPD examination, CEC confirmed at paragraph 2 that: 'There is no distinct 'requirement' figure set out in policy, in the Local Plan Strategy, or Site Allocations and Development Policies Document, for C2 or older persons accommodation. It goes on to state that 'C2 accommodation forms part of the overall 36,000 figure and is considered as part of the overall housing supply in the borough'. Given the acute need for new specialist accommodation for older

people we would urge the Council to introduce a specific positive requirement for its provision within the Local Plan.

CEC had the opportunity to address this as part of the emerging SADPD. Its decision not to do so is not justified and will not be effective in promoting delivery of much needed specialist accommodation for older people to meet an identified and growing need in Cheshire East, particularly in the form of extra care housing.

This approach also runs contrary to the Council's Adult Social Care strategy which 'aims to provide more extra care facilities' [Joint Market Position Statement 2021-2025, Pages 15 and 39] and states that 'there is a shared ambition locally to increase the intermediate housing and care options available, for example through the development of extra care housing'.

It is notable from the analysis within the enclosed Carterwood report that the vast majority (c. 90%) of the C2 housing provision which has been completed in Cheshire East since the start of the plan period (2010) comprises care home beds. The Council's evidence base identifies a significant need for new extra care units which is not being delivered effectively. Setting a specific requirement and allocating appropriate sites for a variety of extra care schemes (in terms of scale and tenure) would obviously be far more effective in bringing forward the required level of this type of C2 accommodation, given the current ambition to deliver increased levels of extra care housing, and which – on the evidence – is needed. This approach should serve to deliver such C2 accommodation in a proportionate way, which is important given the under-delivery of extra care accommodation to date.

The Local Plan Strategy has sought to deal with C2 need through its headline C3 housing requirement only, with no distinct requirement figure for C2 accommodation including extra care housing. This matter was discussed at length during the examination into the Local Plan Strategy, with various participants identifying that C2 need was not truly (or appropriately) considered as part of the headline C3 housing requirement figure. There was significant disagreement between developers and the Council about the validity of CEC's method at that time and we do not believe the current SADPD Inspector's conclusions on C2 need, which places great reliance on the disputed headline C3 figure to deliver C2 provision, is justified in that context.

The great majority of C2 accommodation delivered to date has been care homes beds. There is an urgent need for new extra care units and we do not believe that relying on the Inspector's conclusions on the approach to C2 need would deliver anything like the necessary quantum and quality of extra care units required to address this true representation of need over the remaining plan period.

We would urge that the additional need for C2 accommodation highlighted by the Carterwood report should be factored into the Council's Local Plan Review to ensure that future provision of care beds and extra care accommodation is included in the planned supply. It is self-evident from the Council's own evidence and housing strategy that significant need exists beyond that identified in the now outdated evidence base which sat behind the headline 36,000 homes figure. Therefore an appropriate planning policy response is required in the Local Plan Strategy and/or SADPD by setting out a specific numeric requirement for C2 accommodation. This would be more effective in increasing provision in Cheshire East, particularly for extra care housing where there is a significant qualitative and quantitative need.

In summary we have identified that there is a significant additional need for extra care accommodation and action is required to ensure adequate provision can be made for this housing sector. The alternative is that insufficient accommodation will be available to match the needs of the Borough's aging population and which would be contrary to Government guidance and the Adult Social Care Reform White Paper objectives. This is not a sustainable outcome nor would it be compliant with the National Planning Policy Framework. Failure to address this matter within the Local Plan will result in:

Under-delivery of extra care accommodation for which there is a significant and growing need, both at the local level in Cheshire East and nationally.

Potential over-provision of care home beds, which has already made up c. 90% of Class C2 development provided during the plan period to date.

A lack of available specialist housing options or opportunities for older people, who will have little choice but to stay in their existing homes at a time in their life where

	<p>they may require increasing levels of assistance with their care needs. A lack of suitable housing options results in many people staying in hospital unnecessarily or moving to residential care prematurely.</p> <p>A lack of choice in the market means that older people may have to stay in under-occupied family homes for longer, reducing the amount of existing housing stock released onto the market, the recycling of which could otherwise benefit younger age groups in need of larger houses to raise families.</p> <p>Specialist accommodation for older people reduces the burden on local health infrastructure. There is a significant amount of published evidence on the health and wellbeing benefits to older people of living in specialist housing and the resultant savings to the NHS and social care. This is particularly the case for extra care housing, and failure to deliver sufficient provision could increase reliance on local health and social care services.</p> <p>Moving forward it is essential that CEC considers this matter fully as part of an immediate Review of the Local Plan Strategy. PPG directs that most plans are likely to require updating in whole or in part at least every 5 years, and that a local planning authority can review specific policies on an individual basis. In order to address this issue and ensure that sufficient extra care accommodation is provided within the local authority moving forward, CEC should consider the preparation of a new planning policy as part of its Review exercise, specific to C2 accommodation and identifying a specific numeric target for older persons housing delivery for the plan period. It is imperative that the Inspector's observations in his interim letter about the basis of the LPS are not misunderstood and misused to restrict such development until any such review is complete. A brake on the delivery of extra care housing would be a serious concern and would actively hamper the meeting of need based on the current evidence.</p> <p>Enc: Extra Care Review (Carterwood, May 2022)</p>
Link to supporting information (attachments):	1311944 Syphony Park Holdings attachment.pdf
Representation reference:	MOD214
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM42 (Policy HOU 2 'Specialist housing provision')
Q2 Representation details:	Support Required for clarity and consistency with the Framework.
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf
Representation reference:	MOD236
Representor ID:	1310526
Representor first name:	Robert
Representor surname:	Wilding
Representor organisation:	Gladman Developments Ltd
Representation regarding:	MM42 (Policy HOU 2 'Specialist housing provision')
Q2 Representation details:	This submission is provided by Gladman Developments Ltd (hereafter referred to as Gladman) to the Proposed Main Modifications to the Cheshire East Local Plan Site Allocations and Development Policies Document (SADPD). This submission is made following all previous representations and Gladman's involvement in the SADPD Examination in Public. For brevity these arguments have not been repeated in full in

	<p>response to the current consultation, however summaries of areas of support and also concerns have been provided. Gladman’s previous representations should be read in conjunction with this current submission.</p> <p>Main Modification 42 – Policy HOU 2 ‘Specialist housing provision’</p> <p>Gladman are pleased to see the insertion of the new paragraph 8.13a which states that in exceptional circumstances, where a scheme’s viability may be affected by the provision of affordable housing, applicants will have the opportunity to submit viability assessments to justify an alternative level of affordable housing provision. This will allow for more flexibility on the proportion of affordable housing and other obligations sought on specialist housing developments.</p> <p>However, we still stress the point that the policy should include the following policy text: “affordable housing provision will be required in line with the thresholds set out in the Cheshire East Local Plan Strategy (LPS) Policy SC 5 ‘Affordable homes’ for elements of a proposal for supported and specialist housing that would create use class C3 self-contained dwellings” (emphasis added). This is the correct approach and as such, we recommend that Policy HOU 2 should be modified to reflect this wording as was set out in the previous iteration of the SADPD.</p>
Representation reference:	MOD253
Representor ID:	1254720
Representor first name:	Brian
Representor surname:	Chaplin
Representor organisation:	South Knutsford Residents Group
Representation regarding:	MM42 (Policy HOU 2 ‘Specialist housing provision’)
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	SKRG would wish to see reference to the protection of existing bungalows or other single-storey residential dwellings from adding additional floors and that bungalows should still be provided within major new build developments. They are a form of specialist housing that enables the elderly and the disabled to continue to live independently.
Q3 Changes necessary:	Their retention/creation to be included in the supporting text at the very least. See also MM41.

MM43 (Policy HOU 3 'Self and custom build housing')

Representation reference:	MOD47
Representor ID:	1076042
Representor organisation:	Bloor Homes (NW) Ltd
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM43 (Policy HOU 3 'Self and custom build housing')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	<p>The Inspector considered that Policy HOU3 was justified in seeking a proportion of self and custom build housing plots on sites of 30 or more dwellings. However, he recommended that the policy was modified to require self and custom build plots only where there is evidence of unmet demand, to enable plots to revert back to open market housing where they remain sold after being marketed for 12 months and to include a viability clause.</p> <p>The policy has been modified in accordance with these recommendations. We remain of the view that the council's evidence base provides no evidence of unmet demand and past targets have been exceeded. Furthermore, there is no evidence to suggest what an 'acceptable proportion' of serviced plots should be. The requirement for a 'proportion of plots to be self build is unclear and ambiguous.</p>
Representation reference:	MOD70
Representor ID:	989662
Representor organisation:	Emery Planning
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM43 (Policy HOU 3 'Self and custom build housing')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	<p>The Inspector considered that Policy HOU3 was justified in seeking a proportion of self and custom build housing plots on sites of 30 or more dwellings. However, he recommended that the policy was modified to require self and custom build plots only where there is evidence of unmet demand, to enable plots to revert back to open market housing where they remain sold after being marketed for 12 months and to include a viability clause.</p> <p>The policy has been modified in accordance with these recommendations. We remain of the view that the council's evidence base provides no evidence of unmet demand and past targets have been exceeded.: Furthermore, there is no evidence to suggest what an 'acceptable proportion' of serviced plots should be. The requirement for a 'proportion of plots to be self build is unclear and ambiguous.</p>
Representation reference:	MOD85
Representor ID:	687198
Representor first name:	Andrew
Representor surname:	Taylor

Representor organisation:	David Wilson Homes North West
Agent ID:	1255717
Agent first name:	Paul
Agent surname:	Forshaw
Agent organisation:	Turley
Representation regarding:	MM43 (Policy HOU 3 'Self and custom build housing')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	Yes
Q2 Representation details:	<p>DWH's representations to the Revised Publication Version SADPD and its Matter 3 (Housing) Hearing Statement set out its concerns that the requirement in Policy HOU 3, as drafted in the Revised Publication Version SADPD, that all sites of 30 dwellings or more provide plots for self and custom build housing was overly prescriptive, restrictive, and therefore not positively prepared and unsound.</p> <p>The Main Modification proposed to Part 2 of Policy HOU 3 (MM43) would mean that the provision of self and custom build housing would only be required "where there is evidence of unmet demand". DWH supports this proposed Main Modification.</p> <p>DWH also supports the introduction of Parts 3 and 4 to the Policy through Main Modification MM43. These additions to the policy clarify that exceptions to the requirement for self and custom build homes will be permitted, where the applicant can demonstrate that such provision would not be viable and allows for plots to revert to open market housing where unsold after 1 year of marketing.</p> <p>The Main Modifications to Policy HOU 3 introduce flexibility in the delivery of individual sites and would assist in the delivery of the Local Plan's housing requirement and are therefore supported by DWH.</p> <p>Conclusion</p> <p>These representations to the Schedule of Proposed Main Modifications to the Cheshire East SADPD are submitted on behalf of David Wilson Homes North West (DWH).</p> <p>DWH supports the following proposed Main Modifications which largely reflect DWH's previous representations on these policies:</p> <p>MM11 – Policy ENV 6: Trees, Hedgerows and Woodland Implementation; MM43 – Policy HOU 3: Self and Custom Build Housing; and MM52 – Policy HOU 12: Housing Density.</p>
Representation reference:	MOD120
Representor ID:	1140423
Representor first name:	Joanne
Representor surname:	Harding
Representor organisation:	Home Builders Federation
Representation regarding:	MM43 (Policy HOU 3 'Self and custom build housing')
Q2 Representation details:	6. The HBF continues to consider that it is not necessary for this policy to require developments of 30 or more dwellings to provide a proportion of serviced plots where there is evidence of unmet demand. It is clear from the evidence provided by the Council, that self-build and custom-build homes are being provided at a sufficient level to meet needs without this policy and therefore there is no evidence or justification for its inclusion.
Representation reference:	MOD125
Representor ID:	1311716
Representor first name:	Charlotte
Representor surname:	Sythes

Representor organisation:	The Crown Estate
Agent ID:	1311715
Agent first name:	Stephenie
Agent surname:	Hawkins
Agent organisation:	Barton Willmore, now Stantec
Representation regarding:	MM43 (Policy HOU 3 'Self and custom build housing')
Q1(2) Sound?	Yes
Q2 Representation details:	<p>The Crown Estate is the freehold owner of land in Cheshire East including land in North West Knutsford allocated for residential and commercial development under Policy LPS 36 of Cheshire East's Local Plan Strategy adopted July 2017 ('the LPS') and land that has been safeguarded for potential longer-term development under Policies LPS 39 and LPS 40 of the LPS.</p> <p>On behalf of The Crown Estate, we have engaged throughout the Plan process making representations to the Publication Draft SADPD (2019) and Revised Publication Draft SADPD (2020) and participating in the Examination Hearing Sessions.</p> <p>Through our engagement in the Plan process, we have sought modifications to Policy HOU 3 to assist the delivery of housing and make the make the policy justified, effective and consistent with national planning policy and, as such, sound. These submissions are not repeated here.</p> <p>MM43 is broadly consistent with the modifications we have sought. We particularly welcome the modification that enables plots to revert back to the open market where they remain unsold after being marketed for a year, and the modification that brings viability considerations into the policy. These modifications ensure the policy does not undermine the delivery of housing and, as such, make the policy effective.</p> <p>Overall, The Crown Estate broadly supports MM43 and consider it makes Policy HOU 3 sound.</p>
Representation reference:	MOD149
Representor ID:	641527
Representor organisation:	Barratt & David Wilson Homes
Agent ID:	1272265
Agent first name:	Jon
Agent surname:	Suckley
Agent organisation:	Asteer Planning
Representation regarding:	MM43 (Policy HOU 3 'Self and custom build housing')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>We welcome the modification to apply the requirement for serviced plots for self and custom building only where there is evidence of demand, and that if any self and custom build plots remain unsold after 1 year, the plots can revert to open market housing.</p> <p>However, we would suggest the requirement to provided serviced plots on sites of 30 dwellings or more is deleted. It causes uncertainty for delivery of housing sites by developers (e.g. the impact on the discharge of planning conditions for detailed design, vacant plots impacting the sale of completed dwellings and impacting future amenity). Demand for self and custom build would be better met through bespoke sites.</p> <p>Whilst PPG doesn't explicitly refer to a transitional period in relation to self-build plots, for viability reasons, if the policy is to remain, we again suggest a transitional period is included within the policy.</p>
Q3 Changes necessary:	<p>Delete Points 2, 3 and 4 of Policy HOU 3.</p> <p>If the policy is to remain, insert <u>"the requirements of Policy HOU 3 (2), (3), and (4) will apply from six months after the date of adoption of the Plan."</u></p>

Representation reference:	MOD158
Representor ID:	1187009
Representor organisation:	PH Property Holdings Ltd
Agent ID:	1272265
Agent first name:	Jon
Agent surname:	Suckley
Agent organisation:	Asteer Planning
Representation regarding:	MM43 (Policy HOU 3 'Self and custom build housing')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>We welcome the modification to apply the requirement for serviced plots for self and custom building only where there is evidence of demand, and that if any self and custom build plots remain unsold after 1 year, the plots can revert to open market housing.</p> <p>However, we would suggest the requirement to provided serviced plots on sites of 30 dwellings or more is deleted. It causes uncertainty for delivery of housing sites by developers (e.g. the impact on the discharge of planning conditions for detailed design, vacant plots impacting the sale of completed dwellings and impacting future amenity). Demand for self and custom build would be better met through bespoke sites.</p> <p>Whilst PPG doesn't explicitly refer to a transitional period in relation to self-build plots, for viability reasons, if the policy is to remain, we again suggest a transitional period is included within the policy.</p>
Q3 Changes necessary:	<p>Delete Points 2, 3 and 4 of Policy HOU 3.</p> <p>If the policy is to remain, insert <u>"the requirements of Policy HOU 3 (2), (3), and (4) will apply from six months after the date of adoption of the Plan."</u></p>
Representation reference:	MOD215
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM43 (Policy HOU 3 'Self and custom build housing')
Q2 Representation details:	<p>Support changes but maintain original objection.</p> <p>We note that Council's proposed modifications align with the Inspector's conclusions on this policy and the particular allowances provided at Criteria 2, 3 and 4. We support these additions to the Policy and consider they are necessary for effectiveness in the event that the threshold and principal mechanism of delivering self build homes is to be through the allotment of plots on sites that have capacity for 30 or more homes.</p> <p>However, we still maintain our original objection to this policy. We do not consider there is any evidence for the 30 unit threshold and we maintain that there is clear evidence that smaller, individual windfall planning permissions provide the best scope for delivering a self-build home within Cheshire East and there is no evidence of an unmet level of demand for such plots.</p> <p>In the event that there are specific locations within the Borough where there is evidence of an unmet demand, the policy would be more justified and effective if it identified allocations specifically for self build plots. In doing so, it would be easier to submit and construct a relevant planning application and permission. Our suggested alternation to Criteria 1 would be more effective and there remainder of the policy would not then have to exist.</p>

	<p>On larger sites where the majority of the homes delivered will be by a developer, there are often longer lead in times and a variety of technical constraints and practical matters to overcome (including on site construction and health and safety measures when construction is underway). To allow other self builders to access a site that is under construction is often not practical or safe meaning such plots would have to be developed towards the back end of the development process. By this time, it would be common place that standard timeframe conditions for submitting relevant Reserved Matter permissions and implementing development will have lapsed. As such, whilst we understand the Council's desire to apply this policy to all sites delivering 30 or more homes, we consider it will ultimately be ineffective and therefore we maintain our objection in that there is limited merit in retaining the policy within the plan in its current form.</p>
Q3 Changes necessary:	<p>1. The council will support proposals for self-build and custom-build housing <u>particularly in the following</u> suitable locations. <u>(Insert List of Appropriate Site Allocations identified specifically for Self Build Homes).</u></p>
Link to supporting information (attachments):	<p>1187474 Tatton Estate Reqs.pdf</p>
Representation reference:	<p>MOD237</p>
Representor ID:	<p>1310526</p>
Representor first name:	<p>Robert</p>
Representor surname:	<p>Wilding</p>
Representor organisation:	<p>Gladman Developments Ltd</p>
Representation regarding:	<p>MM43 (Policy HOU 3 'Self and custom build housing')</p>
Q2 Representation details:	<p>This submission is provided by Gladman Developments Ltd (hereafter referred to as Gladman) to the Proposed Main Modifications to the Cheshire East Local Plan Site Allocations and Development Policies Document (SADPD). This submission is made following all previous representations and Gladman's involvement in the SADPD Examination in Public. For brevity these arguments have not been repeated in full in response to the current consultation, however summaries of areas of support and also concerns have been provided. Gladman's previous representations should be read in conjunction with this current submission.</p> <p>Main Modification 43 – Policy HOU 3 'Self and custom build housing'</p> <p>Gladman broadly support the inclusion of the modification to Policy HOU 3 Criterion 2 which now states that for planning applications of 30 dwellings or more, a proportion of serviced plots should be provided where there is evidence of unmet demand. The inclusion of "where there is evidence" allows for greater flexibility for applicants to demonstrate at locations where there is or is not a demand for self-build or custom-build housing.</p> <p>However, Gladman do not believe the inclusion of Policy HOU 3 in the SADPD is required as there is already evidence of self-build custom-build homes being delivered at an appropriate level across the district. In addition, there is no evidence provided by the Council to justify the site size threshold of 30 dwellings and we recommend that this site size threshold should be deleted.</p> <p>Gladman support the inclusion of a new Criterion 4 to Policy HOU 3 which now states: 'Plots delivered through Criterion 2 should be marketed as self/custom build opportunities for a minimum of 1 year. If unsold, these plots can revert to open market housing'. Gladman raised this point within their Matter 3 Hearing Statement and are pleased that the Criterion has been included within Policy HOU 3.</p>

MM46 (Policy HOU 6 'Accessibility and wheelchair housing standards')

Representation reference:	MOD39
Representor ID:	1255389
Representor first name:	John
Representor surname:	Winstanley
Representor organisation:	Story Homes
Agent ID:	1311680
Agent first name:	Rebecca
Agent surname:	Caines
Agent organisation:	Lichfields
Representation regarding:	MM46 (Policy HOU 6 'Accessibility and wheelchair housing standards')
Q2 Representation details:	<p>Story continue to consider this policy is not sound as elements in regard to Parts 1(i)a and 1(i)b are not fully justified. The Practice Guidance [Planning Practice Guidance ID: 56-007-20150327] sets out the type of evidence which can be used in order to justify these requirements, including: the likely future need for housing for older and disabled people (including wheelchair user dwellings); size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes); the accessibility and adaptability of existing housing stock; how needs vary across different housing tenures; and, the overall impact on viability. Limited evidence has been provided on the size, location, and quality of dwellings required to address the need identified and it is not therefore clear what requirements are and how they differ across different parts of Cheshire East.</p> <p>In this context, representations previously submitted on this matter are still relevant.</p> <p>Story consider the transition period for the nationally described space standards is appropriate.</p>
Representation reference:	MOD48
Representor ID:	1076042
Representor organisation:	Bloor Homes (NW) Ltd
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM46 (Policy HOU 6 'Accessibility and wheelchair housing standards')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	<p>The Inspector was satisfied that the evidence in the Residential Mix Study supports the application of the optional technical requirements for accessible and adaptable dwellings in section M4 (2) of the Building Regulations to all specialist housing for older people and to at least 30% of dwellings in housing developments.</p> <p>However, he stated that it was unclear whether the evidence in ED49 supports a need for 6% of all housing and 25% of specialist housing for older people to meet the optional technical standards in section M4(3) of the Building Regulations. The Inspector states that for soundness, clarification should be provided within the supporting text to Policy HOU6 and if necessary the policy wording itself.</p> <p>This amendment does not appear to have been made and further clarification is needed for the plan to be sound. Furthermore, the proposed changes do not address our previous objections and those remain.</p>

Representation reference:	MOD71
Representor ID:	989662
Representor organisation:	Emery Planning
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM46 (Policy HOU 6 'Accessibility and wheelchair housing standards')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	<p>The Inspector was satisfied that the evidence in the Residential Mix Study supports the application of the optional technical requirements for accessible and adaptable dwellings in section M4 (2) of the Building Regulations to all specialist housing for older people and to at least 30% of dwellings in housing developments.</p> <p>However, he stated that it was unclear whether the evidence in ED49 supports a need for 6% of all housing and 25% of specialist housing for older people to meet the optional technical standards in section M4(3) of the Building Regulations. The Inspector states that for soundness, clarification should be provided within the supporting text to Policy HOU6 and if necessary the policy wording itself.</p> <p>This amendment does not appear to have been made and further clarification is needed for the plan to be sound. Furthermore, the proposed changes do not address our previous objections and those remain.</p>
Representation reference:	MOD121
Representor ID:	1140423
Representor first name:	Joanne
Representor surname:	Harding
Representor organisation:	Home Builders Federation
Representation regarding:	MM46 (Policy HOU 6 'Accessibility and wheelchair housing standards')
Q2 Representation details:	7. The HBF continues to be concerned that this policy is not sound and that the Council is not able to justify the requirements. The HBF does consider that the modifications have improved the clarity of the policy and that the inclusion of a transition period for the nationally described space standards is appropriate.
Representation reference:	MOD150
Representor ID:	641527
Representor organisation:	Barratt & David Wilson Homes
Agent ID:	1272265
Agent first name:	Jon
Agent surname:	Suckley
Agent organisation:	Asteer Planning
Representation regarding:	MM46 (Policy HOU 6 'Accessibility and wheelchair housing standards')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	The general aims of the policy to provide accessible homes is supported, however the specific requirements for all major sites to meet 6% provision to M4 (3) standards of Building Regulations has not addressed the Inspector's concern that this requirement is not supported by evidence.

	<p>Whilst PPG doesn't explicitly refer to a transitional period in relation to accessibility standards, for viability reasons, if the policy is to remain, we again suggest a transitional period is included within the policy in relation to the specific requirement for all major sites to meet 30% provision to M4 (2).</p> <p>Furthermore, the policy is inconsistent with NPPG which states "Local Plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling." (Paragraph: 009 Reference ID: 56-009-20150327).</p>
Q3 Changes necessary:	<p>The requirement to deliver dwellings to M4 (3)(2)(a) Category 3 of the Building Regulations standards should be deleted from Policy HOU 6 1. i (b) and ii (b). Insert "<u>the requirements of Policy HOU 1 i (a) and ii (a) will apply from six months after the date of adoption of the Plan.</u>"</p>
Representation reference:	MOD159
Representor ID:	1187009
Representor organisation:	PH Property Holdings Ltd
Agent ID:	1272265
Agent first name:	Jon
Agent surname:	Suckley
Agent organisation:	Asteer Planning
Representation regarding:	MM46 (Policy HOU 6 'Accessibility and wheelchair housing standards')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>The general aims of the policy to provide accessible homes is supported, however the specific requirements for all major sites to meet 6% provision to M4 (3) standards of Building Regulations has not addressed the Inspector's concern that this requirement is not supported by evidence.</p> <p>Furthermore, the policy is inconsistent with NPPG which states "Local Plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling." (Paragraph: 009 Reference ID: 56-009-20150327).</p>
Q3 Changes necessary:	<p>The requirement to deliver dwellings to M4 (3)(2)(a) Category 3 of the Building Regulations standards should be deleted from Policy HOU 6 1. ii (b) and ii (b).</p>
Representation reference:	MOD216
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM46 (Policy HOU 6 'Accessibility and wheelchair housing standards')
Q2 Representation details:	<p>Support MM</p> <p>We note the inspectors comments in relation to this policy and the Council's evidence. In light of this, we support the changes proposed and the inclusion of a 6 month window from the date of adoption of the Plan before this policy comes into effect. We also support the changes at paragraph 8.34 that confirm it will be through the imposition of planning conditions where these requirements will take effect so as to avoid any confusion in relation to the determination of Reserved Matter applications relating to Outline permission granted prior to the policy taking effect.</p>

Link to supporting information (attachments):

[1187474 Tatton Estate Reprs.pdf](#)

MM47 (Policy HOU 7 'Subdivision of dwellings')

Representation reference:	MOD217
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM47 (Policy HOU 7 'Subdivision of dwellings')
Q2 Representation details:	Support MM We have not previously commented on this policy but support the proposed Modifications for clarity and effectiveness.
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf

MM48 (Policy HOU 8 'Backland development')

Representation reference:	MOD21
Representor ID:	1311253
Representor first name:	Valerie
Representor surname:	Herbert
Representor organisation:	Prestbury Parish Council
Representation regarding:	MM48 (Policy HOU 8 'Backland development')
Q2 Representation details:	<p>This policy provides helpful advice on the sort of housing development that comes forward within the built-up area of Prestbury.</p> <p>The factors which need to be considered are the need for a satisfactory access, no harm to residential amenities and a scale of development which is similar and sympathetic to the character and appearance of the local area.</p>
Q3 Changes necessary:	Prestbury Parish Council supports this modification.
Representation reference:	MOD218
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM48 (Policy HOU 8 'Backland development')
Q2 Representation details:	<p>Support MM</p> <p>We have not previously commented on this policy but support the proposed Modifications for clarity and effectiveness.</p>
Link to supporting information (attachments):	1187474 Tatton Estate Reprs.pdf

MM49 (Policy HOU 9 'Extensions and alterations')

Representation reference:	MOD219
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM49 (Policy HOU 9 'Extensions and alterations')
Q2 Representation details:	Support MM We have not previously commented on this policy but support the proposed Modifications for clarity and effectiveness.
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf
Representation reference:	MOD254
Representor ID:	1254720
Representor first name:	Brian
Representor surname:	Chaplin
Representor organisation:	South Knutsford Residents Group
Representation regarding:	MM49 (Policy HOU 9 'Extensions and alterations')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	SKRG supports the clarification in MM49. However, it should refer not only to the Borough Design Guide but also to the design guides and other design guidance in Neighbourhood Plans. They require appropriate weight to be accorded to them when Development management are deciding planning applications.
Q3 Changes necessary:	Add this point to the explanatory text.

MM50 (Policy HOU 10 'Amenity')

Representation reference:	MOD220
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM50 (Policy HOU 10 'Amenity')
Q2 Representation details:	Support MM We have not previously commented on this policy but support the proposed Modifications for clarity and effectiveness.
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf

MM51 (Policy HOU 11 'Residential standards')

Representation reference:	MOD49
Representor ID:	1076042
Representor organisation:	Bloor Homes (NW) Ltd
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM51 (Policy HOU 11 'Residential standards')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	Policy HOU11 has been amended to add point 3 which states that the standards in Table 8.2 should be seen as a minimum where it impacts on existing property. This is overly prescriptive. There will be circumstances where the design and layout of a scheme provides an adequate degree of light and privacy for existing dwellings without meeting the distances set out in Table 8.2. It is considered that point 3 should be deleted.
Representation reference:	MOD72
Representor ID:	989662
Representor organisation:	Emery Planning
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM51 (Policy HOU 11 'Residential standards')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	21.1 Policy HOU11 has been amended to add point 3 which states that the standards in Table 8.2 should be seen as a minimum where it impacts on existing property. This is overly prescriptive. There will be circumstances where the design and layout of a scheme provides an adequate degree of light and privacy for existing dwellings without meeting the distances set out in Table 8.2. It is considered that point 3 should be deleted.
Representation reference:	MOD151
Representor ID:	641527
Representor organisation:	Barratt & David Wilson Homes
Agent ID:	1272265
Agent first name:	Jon
Agent surname:	Suckley
Agent organisation:	Asteer Planning
Representation regarding:	MM51 (Policy HOU 11 'Residential standards')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	The insertion of new Criterion 3 to states that the standards for space between buildings should be seen as minimum is not justified and is overly restrictive.

	Whilst it may be an appropriate stance for many sites, for others, for example in higher density town centre locations, the character and site context and good design principles set out in LPS Policy SE 1 SD 2 and SADPD Policy GEN 1 may warrant flexibility to achieve good design and sense of place.
Q3 Changes necessary:	Delete newly introduced Criterion 3 as unnecessary and inconsistent with other local plan policies.
Representation reference:	MOD160
Representor ID:	1187009
Representor organisation:	PH Property Holdings Ltd
Agent ID:	1272265
Agent first name:	Jon
Agent surname:	Suckley
Agent organisation:	Asteer Planning
Representation regarding:	MM51 (Policy HOU 11 'Residential standards')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>The insertion of new Criterion 3 to states that the standards for space between buildings should be seen as minimum is not justified and is overly restrictive.</p> <p>Whilst it may be an appropriate stance for many sites, for others, for example in higher density town centre locations, the character and site context and good design principles set out in LPS Policy SE 1 SD 2 and SADPD Policy GEN 1 may warrant flexibility to achieve good design and sense of place.</p>
Q3 Changes necessary:	Delete newly introduced Criterion 3 as unnecessary and inconsistent with other local plan policies.
Representation reference:	MOD221
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM51 (Policy HOU 11 'Residential standards')
Q2 Representation details:	<p>Object</p> <p>We note that the Inspector has not commented on this policy. We previously considered the original policy to be overly restrictive and the inclusion of Criterion 3 and reference to the distances in Table 8.2 as being a minimum when planning development next to an existing property adds further restrictions.</p> <p>If the Policy is to persist, Criterion 1i is deemed sufficient and can be applied to new development proposals and the interrelationship between new and existing homes meaning there is no need for Criterion 3.</p> <p>Ultimately, we maintain our objection because many of our most loved urban environments have been developed in an organic manner where no such standards applied. Applying so many rigid minimum standards will result in an increased level of uniformity that will prevent innovation and the ability to deliver developments where a more intermit built environment would be perfectly suitable and reflective of the existing surroundings.</p>
Q3 Changes necessary:	"3. The distances in Table 8.2 'Standards for space between buildings' should be seen as a minimum guide where it impacts on existing property."

	<p>Paragraph 8.46 “The Cheshire East Borough Design Guide supplementary planning document (2017) supports an innovative design led approach to new residential development and promotes opportunities for reduced distance standards through good design. The standards for space between buildings set out in Table 8.2 ‘Standards for space between buildings’ are intended to provide an ‘adequate’ degree of light <u>and act as a guide</u>. The council also uses the 45-degree rule <u>as a guide</u>, which is a well-established rule of thumb that is used to make sure development does not have an unacceptable impact on outlook and light to principal and habitable room windows. This is in addition to and distinct from general spacing standards required to provide appropriate outlook, privacy, light and living standards. <u>The Council recognise, there will be certain locations and development proposals where exceptions can be made if supported by corroborating design evidence, such as in locations where the distinct character of the area already breaches these standards.</u>”</p>
<p>Link to supporting information (attachments):</p>	<p>1187474 Tatton Estate Reps.pdf</p>

MM52 (Policy HOU 12 ‘Housing density’)

Representation reference:	MOD22
Representor ID:	1311253
Representor first name:	Valerie
Representor surname:	Herbert
Representor organisation:	Prestbury Parish Council
Representation regarding:	MM52 (Policy HOU 12 ‘Housing density’)
Q2 Representation details:	<p>HOUSING DENSITY</p> <p>With regard to Policy HOU12, which deals with the issue of Housing Density, the Inspector referred to the fact that the policy is ambiguous in its support for densities lower than 30 dpa, where this is justified by the evidence, but this is not explicit in the policy wording. That said, it does state in the supporting text – in paragraph 8.49 – that the policy recognises there will be sites where lower densities will be more appropriate.</p> <p>The Inspector asked for greater clarification. The proposed modified policy wording does not provide this. Nor does it provide any certainty for the areas which currently have this classification. It merely puts the onus of proof – that particular local circumstances should demand a lower density – onto a third party, the applicant. This is not an appropriate way of dealing with the matter per se, nor with the Inspector’s concerns.</p> <p>It is unclear why Cheshire East Council are reluctant to specifically identify low density areas in the same way that they were identified in the Proposals Map of the Macclesfield Borough Local Plan and in the policy which related to map (H12).</p> <p>Low density housing areas have been part of the Local Plan covering the North East Cheshire area for 30 years. They have been reviewed and tested (successfully) on appeal on a regular basis.</p> <p>In addition, there are Supplementary Planning Documents, adopted by Macclesfield Borough Council which provide specific guidance to these areas. In Prestbury, this is the Village Design Statement (2007). No reference is made to this and other important local planning documents in the list of ‘Related Reports’, which includes the CEC Residential Design Guide (2017). That guide is geared to larger scale housing proposals, and a general density analysis based on a grid process, unrelated to the character and appearance of the local area. It provides no specific guidance on assessing the character and appearance of specific low density housing areas in small scale developments.</p> <p>MM52 Policy HOU12 Housing density</p> <p>As stated earlier in this submission, the proposed modification to this policy is contrary to the Inspector’s advice to make it more explicit. Instead, it merely puts the onus on applicants to justify all developments where the proposed density is less than 30 dpa.</p> <p>It should be noted that the Annual Monitoring Report for 2019/20 stated that 74% of all housing developments involved densities of less than 30 dpa and many of the sites which did not comply with this criteria were large housing developments not in low density areas.</p> <p>The need is for Low Density Housing Areas to be identified on the Adopted Policies Map and for there to be references to the Supplementary Planning Documents that support these areas, such as the Prestbury Village Design Statement (2007). These documents should be added to point vii of criterion 3 of Policy HOU 12.</p> <p>Point vii of criterion 3 is a modification. It incorporates the Cheshire East Design Guide SPD into Policy HOU 12. This guide, which was adopted in 2017, is geared to larger scale housing proposals and a general density analysis based on a grid process. It is unrelated to the character and appearance of specific areas. It provides no dedicated advice in assessing the impact of small scale development on the character and appearance of specific low density housing areas. In order for this to occur, it is essential to take into consideration more detailed guidance for each area.</p>

Q3 Changes necessary:	In the light of the Inspector's advice, Prestbury Parish Council objects to the proposed wording of the modification and recommends that in line with the Inspector's requirement for explicit reference to low density housing areas, a separate section is introduced into criterion 3 of Policy HOU 12 specifying the low density housing areas, and relevant SPDs and identifying them on the Adopted Policies Map.
Representation reference:	MOD50
Representor ID:	1076042
Representor organisation:	Bloor Homes (NW) Ltd
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM52 (Policy HOU 12 'Housing density')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	Yes
Q2 Representation details:	We support the addition to Policy HOU 12 which recognises the circumstances in which a density of below 30 dwellings to the hectare will be supported.
Representation reference:	MOD73
Representor ID:	989662
Representor organisation:	Emery Planning
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM52 (Policy HOU 12 'Housing density')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	Yes
Q2 Representation details:	22.1 We support the addition to Policy HOU 12 which recognises the circumstances in which a density of below 30 dwellings to the hectare will be supported.
Representation reference:	MOD78
Representor ID:	1226151
Representor first name:	Norman and Fiona
Representor surname:	Braithwaite
Representation regarding:	MM52 (Policy HOU 12 'Housing density')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>The Inspector asked for more clarity for areas with densities less than 30dph. We do not think that the proposed modification does this. In particular, it does not specify the areas covered and it does not give any clarity, or even guidance, on the conditions to be met.</p> <p>There is no reference to the guidance given in Supplementary Planning documents such as the Prestbury Village Design Statement (2007). The reference to the CEC Residential Guide (2017) does not help because it does not cover the immediate impact of a new build on the immediate area.</p>

	<p>The Council extols the virtue of the attractiveness and variety of its towns and villages, but in draft Policy HOU12 is introducing a blanket density proposal which will undermine their attractiveness and variety. Such a policy is totally inappropriate.</p> <p>In the absence of specified areas, constraints and guidelines, the modified policy wording effectively gives power without guidance to the planning department to approve what it wants and to ignore the wishes of residents in the local area.</p> <p>If the Council can identify Conservation Areas then there is nothing stopping it identifying Low Density Housing Areas. It has been done in the Macclesfield Local Plan and could be easily extended across the balance of Cheshire East.</p> <p>Given the recent history of department support for applications that were subsequently refused by committee and turned down at Appeal, this lack of clarity will be a matter of extreme concern to residents within the currently designated Low Density Housing Areas, particularly in Prestbury. It seems likely that, under the proposed HOU12, the Low Density Housing Areas will be negatively impacted.</p> <p>In contrast, the existing Policy H12 does meet with the Inspector's request for clarity; it makes it clear which areas are covered and lays down guidelines for each area. It also emphasises the importance of new dwellings fitting in with its immediate neighbours, which seems to be missing from the proposal.</p>
Q3 Changes necessary:	<p>The Council can identify Conservation Areas so there is nothing stopping it identifying Low Density Housing Areas. It has been done in the Macclesfield Local Plan and could be easily extended across the balance of Cheshire East.</p> <p>An extended version of the approach in H12 would provide the clarity requested by the Inspector, whereas the proposed modified policy wording does not.</p>
Representation reference:	MOD86
Representor ID:	687198
Representor first name:	Andrew
Representor surname:	Taylor
Representor organisation:	David Wilson Homes North West
Agent ID:	1255717
Agent first name:	Paul
Agent surname:	Forshaw
Agent organisation:	Turley
Representation regarding:	MM52 (Policy HOU 12 'Housing density')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	Yes
Q2 Representation details:	<p>The Main Modification proposed to Part 1 of Policy HOU 12 (MM52) would confirm that densities lower than 30 dwellings per hectare (dph) will be supported where evidence is submitted with a planning application that demonstrates that a lower density would be justified. Further clarity on the factors that would be considered is provided in Part 3 of the Policy.</p> <p>DWH supports the proposed Main Modification to Policy HOU 12. In its representations to the Revised Publication Version SADPD and its Matter 3 (Housing) Hearing Statement, DWH expressed concern that Policy HOU 12 in the Revised Publication Version SADPD did not provide the flexibility to allow for lower densities in areas of the Borough where 30 dph would not be appropriate, or where site constraints would not allow for such density. It was considered that the policy, as previously drafted, would also be contrary to national planning policy which does not advocate a blanket minimum density across wider areas, rather suggests minimum densities should be introduced or certain areas (such as city and town centres)¹.</p> <p>The proposed Main Modification MM52 brings Policy HOU 12 more in line with national policy and reflects DWH's previous representations and is, therefore, supported.</p>

	<p>Conclusion</p> <p>These representations to the Schedule of Proposed Main Modifications to the Cheshire East SADPD are submitted on behalf of David Wilson Homes North West (DWH).</p> <p>DWH supports the following proposed Main Modifications which largely reflect DWH's previous representations on these policies:</p> <p>MM11 – Policy ENV 6: Trees, Hedgerows and Woodland Implementation; MM43 – Policy HOU 3: Self and Custom Build Housing; and MM52 – Policy HOU 12: Housing Density.</p>
Representation reference:	MOD88
Representor ID:	1311770
Representor first name:	Emma
Representor surname:	Bambrook
Representor organisation:	Goostrey Parish Council
Representation regarding:	MM52 (Policy HOU 12 'Housing density')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>Part 3 of Policy HOU12 should include a further factor on density which says: "ix the density policies contained in the relevant made Neighbourhood Plan"</p> <p>Justification - this is to ensure that the SADPD is inline with the NPPF Para 12 which says "Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted"</p>
Q3 Changes necessary:	<p>Part 3 of Policy HOU12 should include a further factor on density which says: "ix the density policies contained in the relevant made Neighbourhood Plan"</p> <p>Justification - this is to ensure that the SADPD is inline with the NPPF Para 12 which says "Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted"</p>
Representation reference:	MOD114
Representor ID:	1227334
Representor first name:	Jackie
Representor surname:	Copley
Representor organisation:	CPRE Cheshire
Representation regarding:	MM52 (Policy HOU 12 'Housing density')
Q2 Representation details:	<p>CPRE cannot support this proposed modification which, in any event, does not achieve what the inspector asked for. The inspector asked for greater clarification as to what constituted lower density housing areas. The new proposal makes no attempt to define them, nor to illustrate where they are. (They were illustrated in the Macclesfield Borough Local Plan). It simply proposes that the applicant seeking planning permission should demonstrate why it is appropriate that a density of less than 30 dpa is being sought. Also, there is no reference to supplementary planning documents and yet there is to Cheshire East's own Residential Design Guide – which is not relevant to small scale developments in low density areas.</p> <p>CPRE recognises the problems of national planning policies that lead to an acceleration of development in our rural areas despite Government claims to protect our best farmland and land in the Green Belt. We are considering the 'Levelling Up and Regeneration' Bill, which promises to scrap the five year housing land supply to curb the excesses of 'speculative development' and 'planning by appeal'. We effectively stopped the "Planning White Paper", which threatened the democratic basis of planning</p>

	for new development, ever coming to fruition due to the perceived threat to our countryside. We want spatial planning to be democratic and transparent to best protect and enhance the countryside for the benefit of future generations. In this context, it is hoped the abovementioned comments will be constructive in progressing the local plan to the next stage.
Representation reference:	MOD132
Representor ID:	1227257
Representor first name:	Jamie
Representor surname:	Mutton
Representation regarding:	MM52 (Policy HOU 12 'Housing density')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>The inspector acknowledged that HOU 12 was ambiguous in its support for housing densities lower than 30 dph. The proposed amendments to HOU 12 move the onus onto the applicant to justify development in lower-density areas along with an additional reference to the Cheshire East Borough Design Guide supplementary planning document.</p> <p>Having the justification of development in lower-density areas being placed upon the applicant, whilst the same policy acknowledges that the low-density character of some low-density areas should be protected, would appear to be contradictory. Either these protections are well understood and documented, or they aren't. If they aren't understood, and this would currently appear to be the case, planning decisions are going to be made based on an individual's own opinions and their interpretation of a loosely worded policy. Inspection of a considerable number of planning applications and appeals within low-density areas aptly demonstrates how different conclusions can be reached for the same planning application.</p> <p>The Cheshire East Borough Design Guide supplementary planning document can't be used as a definitive basis for density analysis; it is an incomplete document for this purpose with many of the existing low-density areas missing.</p> <p>Whilst the inspector may have rejected a wider range of densities in policy HOU 12 (which are currently specified within the Macclesfield Local Plan), it should be noted that the current iteration of the SADPD was amended specifically to include reference to low-density areas after significant feedback from residents and Parish Councils. However, with a continued reluctance to provide more concrete protections within Policy HOU 12 for low-density areas, there is a very real risk that these areas will not be protected at all.</p>
Representation reference:	MOD175
Representor ID:	683144
Representor first name:	Peter J
Representor surname:	Yates
Representation regarding:	MM52 (Policy HOU 12 'Housing density')
Q2 Representation details:	<p>Planning Inspector's views.</p> <p>The Planning Inspector's views on the representations received on Policy HOU12, following the Hearings in Oct/Nov 2021, were set out in a Note attached to a letter sent to the Council on 25th January 2022. They are:</p> <p>In overall terms, the criteria based approach to housing density and the expectation of a minimum density of 30 dwellings per hectare (dph) proposed in Policy HOU12 is consistent with the approach to densities in legacy plans, and with national policy, in seeking to make efficient use of land, whilst taking account of the prevailing character of areas. Although residential character and densities vary across the Borough's settlements, adding a wider range of densities into the policy, as sought by some representors, is not justified by the evidence. For example, the use of lower density ranges is only specified for a few selected locations in the Macclesfield Local Plan.</p>

However, Policy HOU12 is ambiguous in its support for densities lower than 30 dph, where justified by evidence. Although the supporting text in paragraph 8.49 states that the policy recognises there will be sites where lower densities will be more appropriate, this is not explicit in the policy wording. Therefore, for soundness, a MM will be necessary to clarify this point and how lower density proposals will be considered.

Summary response to Main Modification 52.

The requirement to make the wording in Policy HOU12 more explicit in the addressing how development proposals in low density housing areas will be dealt with is not satisfactorily addressed in the Main Modification.

Reasons:

Policy HOU12 does not reflect the guidance in the NPPF (2021) which in paragraph 125, refers to the need to contain policies which optimise the use of land in sustainable locations which are well served by public transport, as well as in paragraph 125 (b)

The use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range.

Policy HOU12 makes no attempt to do this.

The imposition of a minimum density figure of 30 dph across the whole of Cheshire East is contrary to national policy (para 125(b) NPPF 2021).

The wording of Policy HOU12 makes it clear that residential proposals will be expected to achieve a net density of 30dph. The implication of this wording is any density of less than 30 dph falls into a category of lower density. No attempt is made in Policy HOU12 to clarify what is meant by areas of a low density character (Point 3 (ii)).

The figure of 30 dph has been reached in a minority of housing developments in Cheshire East. The Annual Monitoring Report (2019/20) stated that 74% of all housing developments involved densities of less than 30 dph. Most of the sites which did not comply were large housing sites allocated as Strategic Sites in the Local Plan Strategy (2017).

The approach to housing density in HOU12 is not consistent with the three legacy plans. The Macclesfield Borough Local Plan has recognised the importance of the diversity of the character and appearance of the towns and villages in its area, and has a specific policy, H12, protecting low density housing areas. This policy is not new, it has been used for 30 years, and has been highly successful at appeal. The evidence over such an extensive period, fully justifies the continuance of a specific policy in the SADPD.

There is the inference that Low Density Policy H12 only applied to a few selected locations. This is not the case. Reference to the Proposals Map of the Macclesfield Borough Local Plan (2004) clearly shows that large areas of Wilmslow (The 3 Parks), Knutsford, Prestbury, and Alderley Edge are covered by the Low Density Policy H12, as well as a significant area of Poynton. Several of these areas are supported by Supplementary Planning Documents including The Three Wilmslow Parks (2004) and the Prestbury Village Design Statement.

The Modification in Policy HOU12 point 3 (viii) Cheshire East Borough Design Guide SPD (2017) was prepared to deal with larger scale residential development on the Strategic Sites in the Local Plan Strategy (2017). It provides no detailed advice in assessing the impact of small scale development on the character and appearance of low density housing areas. Its approach to density is to impose a grid structure over each settlement without any reference to the detailed features which make up the character and appearance of the individual settlement.

The diversity of the towns and villages of the towns and villages in Cheshire East is recognised in the Local Plan Strategy (pars 1.24 & 1.48). It is therefore totally appropriate for those low density housing areas which make a strong contribution to the character and appearance of towns and villages, should be protected by a specific policy, rather than being covered by a generic approach of increasing densities and undermining the unique character and identity of the area.

	<p>The ambiguity which characterises Policy HOU12, both in the submitted SADPD and the Main Modification, arises from the attempt to cover a range of densities in the same policy. The additional wording in point 1 adds to the ambiguity and does not meet the requirement of soundness provided in paragraph 16(d) of the NPPF (2021):</p> <p>Plans should</p> <p>(d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.</p>
Q3 Changes necessary:	<p>Recommendation.</p> <p>In order to address this important matter, the most effective way is to separate the general policy (HOU12) in relation to areas where it will be expected that a net density of 30 dph will be provided, from a specific policy relating to Low Density Housing Areas.</p> <p>Policy H12 of the Macclesfield Borough Local Plan (2004) provides such a policy, which has been implemented successfully over a period of 30 years. The areas to which the policy relates have been clearly identified on the Adopted Policies Map, and Supplementary Planning Documents have been produced for specific areas, where appropriate.</p> <p>This approach addresses the issue of ambiguity, and meets the test of soundness in paragraph 16(d) of the NPPF (2021).</p> <p>In terms of Cheshire East as a whole it would provide an opportunity to identify additional areas of low density housing areas of towns and villages which help to contribute to the richness and diversity of character highlighted in the Local Plan Strategy. It would also provide an opportunity for local communities to contribute to the preparation of supporting Supplementary Planning Documents.</p>
Representation reference:	MOD222
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM52 (Policy HOU 12 'Housing density')
Q2 Representation details:	<p>Support</p> <p>We supported the original policy and we are able to support these modifications too.</p>
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf
Representation reference:	MOD255
Representor ID:	1254720
Representor first name:	Brian
Representor surname:	Chaplin
Representor organisation:	South Knutsford Residents Group
Representation regarding:	MM52 (Policy HOU 12 'Housing density')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	SKRG accepts MM5, although it regrets the omission of the naming of low-density areas as they currently exist. SKRG requests that they should be inserted in relevant Neighbourhood Plans without delay but subject to the approval of the Authority's relevant specialist officers.
Q3 Changes necessary:	Insert in Neighbourhood Plans of existing Low Density Areas and other areas that qualify

MM53 (Policy RET 1 'Retail hierarchy')

Representation reference:	MOD52
Representor ID:	1253154
Representor organisation:	Orbit Investments (Properties) Ltd
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM53 (Policy RET 1 'Retail hierarchy')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	<p>Our representations to this policy are with regard to our client's site at Dean Row Road which is identified as a local urban centre.</p> <p>We support the amendment to paragraph 9.6 which confirms that local urban centres fall within the definition of town centres as set out in the glossary of the Framework. However, the Glossary to the SADPD is silent in relation to local urban centres. The Glossary should also be amended to ensure that local urban centres are included within the definition of town centre for consistency with Policy RET1 and for the avoidance of doubt.</p> <p>Proposed new paragraph 9.6a requires proposals outside of a defined centre to consider impact on existing centres and LPS allocations. Whilst the recognition that protection will be afforded to local urban centres is supported, the purpose of the new paragraph in the explanatory text is not clear and this appears to better relate to Policy RET3 on impact tests rather than RET 1. In terms of affording protection to planned new centres within LPS strategic allocations, where these are proposed to be small parades of shops of purely neighbourhood significance, these should not be afforded the protection associated with a designated centre.</p>
Representation reference:	MOD223
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM53 (Policy RET 1 'Retail hierarchy')
Q2 Representation details:	<p>Object</p> <p>We maintain our original objection that we consider that new local centres proposed under the adopted development plan as part of a number of the strategic sites (including at NW Knutsford) should be listed under this policy as appropriate and identified locations for new local centres. Nevertheless, we welcome some reference to them in new paragraph 9.6 where there is an opportunity to list the relevant strategic allocations again for clarity. We also consider that in the event that these locations are not part of the designated retail hierarchy yet, that position should clearly be reviewed as part of any Local Plan Review and this should also be referenced at paragraph 9.6a.</p>
Q3 Changes necessary:	<p>Paragraph 9.6a "Although planned new local centres within the LPS strategic allocations (at the following sites: [List sites and policy refs & Policy NW Knutsford]) do not currently form part of the retail hierarchy, in line with the approach in Policy RET 3 'Sequential and impact tests' and in paragraph 90a of the NPPF, retail impact</p>

	assessments for proposals on sites outside defined centres[new footnote], which are not in accordance with an up-to-date plan, should consider their impact on existing, committed and planned public and private investment on centre(s) in the catchment area of the proposal, including any relevant LPS allocations.” <u>Once these new local centres are developed, their status will be reviewed through any Local Plan Review.</u>
Link to supporting information (attachments):	1187474 Tatton Estate Repls.pdf

MM54 (Policy RET 3 ‘Sequential and impact tests’)

Representation reference:	MOD53
Representor ID:	1253154
Representor organisation:	Orbit Investments (Properties) Ltd
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM54 (Policy RET 3 ‘Sequential and impact tests’)
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	<p>The Inspector notes in his Post Hearing comments that:</p> <p>“At the Hearing it was agreed that criterion 2(ii) of Policy RET 3 should be modified to confirm that assessments of the impact of edge and out-of-centre proposals for retail and leisure development above the specified thresholds should apply to existing centres which are ‘defined’ centres for the purposes of the sequential and impact tests in footnote 22 to the policy. This includes the ‘local urban centres’ identified in Policy RET 1, but Policy RET 3 and its supporting evidence do not establish an impact threshold for ‘local urban centres.’ This appears to be an omission from the plan, which will need to be addressed by way of an MM, to ensure Policy RET 3 is effective and consistent with national policy. Although this specific point was not discussed at the Hearing or raised in my MIQs, it has arisen from my post hearing review of key issues, and remains a soundness issue. Accordingly, I invite the Council in the first instance, to explain how it proposes to address this point.</p> <p>As a result Policy RET3 has been amended to include a threshold for an impact test for development urban centres. We support the inclusion of an impact test threshold for local urban centres in principle. We have two points to make in respect of the revised RET 3.</p> <p>First, the impact test threshold for local urban centres is set out in a table 9.3 in the explanatory text. It is not clear why this is included within the explanatory text rather than the policy itself (which is the case for principal, town and local centres). For consistency, the thresholds for local urban centres should be included within Policy RET 3 and not the explanatory text.</p> <p>Second, it is not clear how the thresholds for local urban centres have been derived. The thresholds for principal, town and local centres are derived from the Cheshire East Retail Study Partial Update (2020, WYG) [ED17]. At the time the Study was prepared, local urban centres were not identified as ‘defined centres’ (although the Study recommended that they should be treated as such at paragraph 7.4). Therefore, there was no suggested floorspace threshold for local urban centres. The explanatory text should be amended to cross reference the evidence base for the local urban centre impact test threshold in the same way it is cross referenced for principal, town and local centres, to ensure the policy is fully justified and sound.</p>
Representation reference:	MOD224
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM54 (Policy RET 3 ‘Sequential and impact tests’)

Q2 Representation details:	<p>Object</p> <p>Overall, we support the proposed modification made for clarity but maintain our objection to the very low impact thresholds that will be applied regardless of the evidenced need for additional retail floorspace and the existing health and vibrancy of Knutsford Town Centre. Given the evidenced need for additional convenience goods floorspace in Knutsford at 3,600 sq m in the shorter term to 4,300 sq m net in the longer term (as set out in Table 9.2 of the Plan) there is no justification for applying such a low threshold in Knutsford and there is a clear case to retain the national 2,500 sq m threshold in the instance of this town. Whilst we note the Inspector has not suggested any modifications to Policy RET 2, we also maintain our position that the need for convenience goods floorspace in Knutsford should be adequately planned for by this plan. This was identified as a major shortfall in the Inspector’s conclusion to the Part 1 plan and yet again the matter has been kicked down the road to another Local Plan review principally on the basis that future online retail spending patterns are not known. However, this is not the case, the Council’s retail evidence supporting this Plan does specifically account for a large increase in online spending patterns into the future by applying/discounting rates for Spatial Forms of Trading within the capacity and expenditure analysis. Even after allowing for these discounts, the evidence still generates the above significant convenience goods floorspace requirements for Knutsford as presented in Table 9.2. As such, the Inspector’s interim conclusions in this regard are not correct. To not plan for the need as part of this Plan, is not in accordance with the NPPF.</p>
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf

MM55 (Policy RET 5 'Restaurants, cafés, pubs and hot food takeaways')

Representation reference:	MOD225
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM55 (Policy RET 5 'Restaurants, cafés, pubs and hot food takeaways')
Q2 Representation details:	<p>Support</p> <p>We fully support the modifications that remove the blanket application of the policy across the Borough, as advanced in the Submission Plan. Such an approach was not evidenced and therefore the modifications are required to ensure the policy is justified and therefore in accordance with the Framework.</p>
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf

MM56 (Policy RET 6 ‘Neighbourhood parades of shops’)

Representation reference:	MOD226
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM56 (Policy RET 6 ‘Neighbourhood parades of shops’)
Q2 Representation details:	<p>Support</p> <p>We support this change to ensure consistency with the Framework and effectiveness. The very purpose of the new Class E was to allow for flexibility in the use of commercial / retail floorspace and given small convenience stores / village stores are caught by F2(a) (which does not benefit from permitted change of use rights), there is no need for this policy to protect services in more rural areas.</p> <p>We also consider the first sentence in paragraph 9.25 ought to be deleted for consistency with the Framework and other policies within the Plan.</p>
Q3 Changes necessary:	<p>Paragraph 9.25 "In line with LPS Policy EG 5 'Promoting a town centre first approach to retail and commerce', small parades of shops will be protected. This policy reflects the important role that neighbourhood parades of shops have in providing for the day to day needs of people their local area. Neighbourhood parades of shops generally form at least four shops located closely together. They can generally be readily accessed on foot and by bicycle and are a focus for interaction by local people, supporting community vibrancy. The council therefore wants to support the continued provision of these small scale facilities, which include post offices, general stores and hairdressers."</p>
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf

MM59 (Policy INF 1 ‘Cycleways, bridleways and footpaths’)

Representation reference:	MOD126
Representor ID:	1311716
Representor first name:	Charlotte
Representor surname:	Sythes
Representor organisation:	The Crown Estate
Agent ID:	1311715
Agent first name:	Stephenie
Agent surname:	Hawkins
Agent organisation:	Barton Willmore, now Stantec
Representation regarding:	MM59 (Policy INF 1 ‘Cycleways, bridleways and footpaths’)
Q1(2) Sound?	Yes
Q2 Representation details:	<p>The Crown Estate is the freehold owner of land in Cheshire East including land in North West Knutsford allocated for residential and commercial development under Policy LPS 36 of Cheshire East’s Local Plan Strategy adopted July 2017 (‘the LPS’) and land that has been safeguarded for potential longer-term development under Policies LPS 39 and LPS 40 of the LPS.</p> <p>On behalf of The Crown Estate, we have engaged throughout the Plan process making representations to the Publication Draft SADPD (2019) and Revised Publication Draft SADPD (2020) and participating in the Examination Hearing Sessions.</p> <p>Throughout our engagement in the Plan process, we have sought modifications to Policy INF 1 to assist the delivery of development land and to make the policy effective and, as such, sound. These submissions are not repeated here.</p> <p>MM59 is consistent with the modifications we have sought in that it deletes the requirement for diversions of cycleways, footpaths or bridleways to provide clear and demonstrable benefits for the wider community and in its place requires diversions to be “no less convenient than the existing route.” This is a less restrictive requirement that does not undermine the delivery of development land and, as such, the modification makes the policy effective.</p> <p>The Crown Estate supports MM59 and consider it makes Policy INF 1 sound.</p>

MM60 (Policy INF 3 'Highway safety and access')

Representation reference:	MOD122
Representor ID:	1140423
Representor first name:	Joanne
Representor surname:	Harding
Representor organisation:	Home Builders Federation
Representation regarding:	MM60 (Policy INF 3 'Highway safety and access')
Q2 Representation details:	8. The HBF considers that the deletion of part (vi) of this policy is appropriate as it now included within the Building Regulations Part S.
Representation reference:	MOD152
Representor ID:	641527
Representor organisation:	Barratt & David Wilson Homes
Agent ID:	1272265
Agent first name:	Jon
Agent surname:	Suckley
Agent organisation:	Asteer Planning
Representation regarding:	MM60 (Policy INF 3 'Highway safety and access')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	BDW supports the deletion of the requirement for EV charging points as unnecessary duplication of Building Regulations.
Q3 Changes necessary:	No change.
Representation reference:	MOD161
Representor ID:	1187009
Representor organisation:	PH Property Holdings Ltd
Agent ID:	1272265
Agent first name:	Jon
Agent surname:	Suckley
Agent organisation:	Asteer Planning
Representation regarding:	MM60 (Policy INF 3 'Highway safety and access')
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	PH supports the deletion of the requirement for EV charging points as unnecessary duplication of Building Regulations.
Q3 Changes necessary:	No change
Representation reference:	MOD227
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham

Agent organisation:	Pegasus Group
Representation regarding:	MM60 (Policy INF 3 'Highway safety and access')
Q2 Representation details:	Overall, we support the modifications, note the Inspector's conclusions on this matter and the provision for electric vehicle charging points in 2022 building regulations. We consider the amended paragraph 10.5a is a useful reminder to developers and applicants but the title (and now amended content) of the policy does not really lend itself to issues relating to electric vehicles. As such, we consider this paragraph might be best placed elsewhere within the plan under the supporting text to Policy GEN 1 in light of Criterion 10 of that policy.
Q3 Changes necessary:	Paragraph 10.5a "Planning applicants should be aware that Part S in Schedule 1 to the Building Regulations sets out requirements for electric vehicle charging points within new residential and non-residential development schemes. These requirements should be considered early in the design process." <i>(We suggest this part of the paragraph is now moved to the supporting text under Policy GEN 1 – Design)</i>
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf

MM61 (Policy INF 4 ‘Manchester Airport’)

Representation reference:	MOD228
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM61 (Policy INF 4 ‘Manchester Airport’)
Q2 Representation details:	Support We support the addition of impacts of any development being appropriately assessed, minimised and mitigated.
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf
Representation reference:	MOD256
Representor ID:	1254720
Representor first name:	Brian
Representor surname:	Chaplin
Representor organisation:	South Knutsford Residents Group
Representation regarding:	MM61 (Policy INF 4 ‘Manchester Airport’)
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	SKRG accepts MM61 and supports that any changes desired by the Airport should “accord with the development plan”. However, it is not clear whether this is the Airport’s or the Authority’s development plan. That should be made plain. Similarly, it is supported that “any adverse impacts of development have been appropriately assessed, minimised and mitigated”. However, if the developments are proposed on land in CEC, the assessment, minimalization and mitigation should be acceptable to the Authority. This too should be made clear. Additionally, insufficient account has been taken of the increase of noise, particularly night-time, and traffic movements (given the 24-hour operation) with the expansion of ground-based airport operations. No intention is expressed in reducing noise created by night flights – an anomaly that affects negatively all those living in the vicinity of flight paths.
Q3 Changes necessary:	Add that the assessment, minimalization and mitigation should be acceptable to the Authority
Representation reference:	MOD258
Representor ID:	1183441
Representor first name:	Paul
Representor surname:	Webster
Representation regarding:	MM61 (Policy INF 4 ‘Manchester Airport’)
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	Draft policy INF 4 is unsound, as I stated at the Examination hearing on Matter 7 Transport and Infrastructure (my supporting information is set out below, at foot). The proposing of Main Modification [MM] 61 recognises that the draft policy is unsound.

However, proposed MM61 is itself unsound, being vague and imprecise, and inconsistent with national policy. NPPF paragraph 16(d) requires Plans to “contain policies that are clearly written and unambiguous”.

In referring to ...“development and uses”..., proposed MM61 correctly includes the caveats of ... being permitted “where they accord with other policies in the development plan and provided that any adverse impacts of development have been appropriately assessed, minimised and mitigated.”

Such Planning policy would mirror the Crawley Borough Local Plan consultation draft policy GAT1 in respect of Gatwick Airport.

But in proposed MM61 there is no clarity as to the determining authority to undertake the appropriate assessment and decide the minimising and mitigation of adverse impacts of development and uses necessary for Manchester Airport’s operational efficiency and amenity as proposed in its operational area.

The issue of who undertakes such assessment, and decides on the minimising and mitigation, is not dealt with in proposed MM61. That is an important omission, which creates ambiguity. The omission is unlike draft policy GAT1, which states “The control or mitigation of impacts ... will be secured through appropriate planning conditions and/or S106 obligations” – clearly, therefore, action for the local planning authority.

Draft policy INF 4 and proposed MM61 are unsound. My response to Q3 suggests revised wording which would make INF 4 sound.

Information supporting the need to modify draft policy INF 4

The issue is real and current.

Manchester Airport has significant economic, social and environmental impacts on Cheshire East which are arguably unique in their scale.

On draft policy INF 4, Manchester Airports Group stated for Matter 7 of the SADPD Examination:

“the definition of an Operational Area is crucial to facilitating the growth of airports” and the “fundamental basis [of an Operational Area] is to reserve sufficient land for the airport’s long-term needs”.

Passenger throughput at Manchester Airport is proposed to increase from 29.5 million in 2019 to what it forecast – pre-pandemic – as “around 50 million per annum by 2030”. An investment programme of £1 billion is underway as has been described, to “transform the airport and improve its facilities”.

Proposed development in the operational area of Manchester Airport should be considered on the Planning merits or otherwise of that proposed development, there being no reason in Aviation policy, nor any reason in Planning policy, not to do so.

The environment in Cheshire East is no less important than in the Borough of Crawley; and securing sustainable development is relevant in both Boroughs.

Minimising and mitigating the environmental impacts of an airport are identified in Crawley Borough Local Plan Consultation Draft Strategic Policy GAT1, in respect of Gatwick Airport.

That draft policy refers to minimising and mitigating impacts “including noise, air quality, flooding, surface access, visual impact, biodiversity and climate change”.

Such impacts, and others, may apply also in respect of Manchester Airport. Just as minimising and mitigating impacts are set out in policy in respect of Gatwick Airport, minimising and mitigating adverse impacts should be set out in policy in respect of Manchester Airport, with the addition of clarification in the INF 4 policy modification as to who secures that minimising and mitigating.

Q3 Changes necessary:

My suggested revised wording to INF 4 is sound including in its consistency with national policy, and is reasonable and proportionate. It is as follows:

“Manchester Airport

The Manchester Airport operational area is shown on the adopted policies map. In the operational area, development and uses that are necessary for the operational efficiency and amenity of the airport, including operational facilities and infrastructure, passenger facilities, cargo facilities, airport ancillary infrastructure, landscaping works, and internal highways and transport infrastructure will be permitted where they accord

with other policies in the development plan and provided that any adverse impacts of development have been appropriately assessed, minimised and mitigated, to be secured by the local planning authority.”

MM63 (Policy INF 10 'Canals and mooring facilities')

Representation reference:	MOD91
Representor ID:	1227046
Representor first name:	Matt
Representor surname:	Hayes
Representor organisation:	FCC Environment (UK) Limited
Agent ID:	1311819
Agent first name:	Andrew
Agent surname:	Barton
Agent organisation:	Axis Ped Ltd
Representation regarding:	MM63 (Policy INF 10 'Canals and mooring facilities')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	<p>This representation builds upon the previous representation provided on this emerging policy on behalf of FCC. Policy INF 10 'Canals and Mooring Facilities' states that proposals for permanent moorings will only be permitted within the settlement boundaries and infill boundaries. From a review of the Draft Policies Map (including Modifications) it is clear that it would not be possible to develop a moorings serving the Shropshire Union Canal (and connecting Canals) between (or in the vicinity of) Audlem and Tarporley. There is no developable land adjacent to the Union canal within Audlum or Nantwich settlement boundaries, accordingly the only opportunity would be within the open countryside. On this basis, it is simply not possible to comply with this criteria, ion the vast majority of the canals within Cheshire East, which effectively acts as a moratorium on any moorings being brought forward on that basis it is considered unsound.</p>
Q3 Changes necessary:	<p>On the basis that it is not possible to locate permanent moorings in the settlement or infill boundaries the current wording of Criteria 3 of Policy INF 10 needs to be amended to enable moorings to be located in the open countryside where specific circumstances dictate. At the present time any development being brought forward to serve the Union would be in conflict with this criterion.</p> <p>Regardless, even if there was a site of a suitably sized plot of land which could accommodate a marina and the associated supporting infrastructure, it would undoubtedly be promoted for higher land values, such as housing, especially considering a canal frontage. A marina within the settlement boundary would always be far less economically viable then a residential-led scheme, and therefore to not allow the potential for opportunities in the open countryside will mean that it is very unlikely that additional moorings would come forward during the plan period.</p> <p>It is requested that the policy be amended so that moorings are supported in the open countryside where other criteria in the policy is met and the Canal and Rivers Trust confirm there is a need for such facilities. As stated in our previous representation, the trust have advised through the Expression of Interest process that there is a need for mooring facilities along the Union canal, especially as the number of boats on the network continues to increase year on year.</p>
Representation reference:	MOD164
Representor ID:	1311927
Representor first name:	Rebecca
Representor surname:	Wyllie
Representor organisation:	Canal & River Trust
Representation regarding:	MM63 (Policy INF 10 'Canals and mooring facilities')
Q1(1) Legally compliant?	Yes

Q1(2) Sound?	Yes
Q2 Representation details:	<p>We welcome the proposed main modification to Policy INF10 (MM63) that new moorings (Point 2) and new residential permanent moorings (Point 3) have to comply with criterion 1 and 2 of the policy.</p> <p>The Trust sought clarification in the previous consultation (December 2021) with regard to Point 3 of the above policy, regarding new moorings within the settlement boundary, and whether the scope of this restriction included the change of use of existing (non-residential) moorings to permanent residential use. Whilst we note the confirmation provided in Schedule 2 of the Council's 'Regulation 20 Representations Statement' that this does 'not apply to the change of use of existing moorings' and the reference in Policy INF 10 to Policy PG 3 'Green Belt' in Criterion 4 (which provides guidance on appropriate development in the Green Belt) it is still considered that the policy wording may be open to misinterpretation as it is not explicitly clear that Criterion 3 refers only to new moorings and does not apply to change of use of existing moorings. Minor changes to the supporting information for the policy could help to address this matter.</p> <p>We would also reiterate our previous request that the requirement to provide adequate access (previously 2.iv) and provide appropriate services and amenities' (previously 2.v) should be retained as a requirement for new residential moorings, as the Trust would require all moorings to have a minimum level of services.</p> <p>Whilst not part of the current consultation we note reference to the Canal & River Trust's Code of Practice guidance, in the related documents of the supporting text and within AM06 (Appendix A Related Documents and Links). This document is updated annually, and as such, the year of publication could usefully be removed.</p>

MM64 (Policy REC 1 ‘Green/open space protection’)

Representation reference:	MOD74
Representor ID:	989662
Representor organisation:	Emery Planning
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM64 (Policy REC 1 ‘Green/open space protection’)
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	Yes
Q2 Representation details:	23.1 We support the removal of the open space designations at Land at Waterworks House, Dingle Lane, Sandbach and Land off Spring Gardens, Macclesfield which accord with the Inspector’s Post Hearing comments.
Representation reference:	MOD141
Representor ID:	560026
Representor organisation:	Bourne Leisure Ltd
Agent ID:	1311923
Agent first name:	Helen
Agent surname:	Ashby-Ridgway
Agent organisation:	Lichfields
Representation regarding:	MM64 (Policy REC 1 ‘Green/open space protection’)
Q2 Representation details:	<p>Bourne Leisure does not consider paragraph 2 of Policy REC 1 to be in accordance with national policy. The modification adds:</p> <p>“other incidental open spaces, which are too small to be shown on the adopted Policies Map, but which are of public value for informal recreation or visual amenity; and open spaces provided through new development yet to be shown on the adopted Policies Map.”</p> <p>Bourne Leisure consider the modification as written to be ambiguous and therefore inconsistent with Paragraph 16(d) of the Framework. It is important the modification is written in a clear and specific way, which allows the decision maker to arrive at an effective conclusion in relation to development proposals.</p>
Q3 Changes necessary:	<p>To be made sound the emerging policy should reflect the need to be unambiguous by incorporating the following text in bold below:</p> <p><i>“other public open spaces, which are too small to be shown on the adopted Policies Map, but which are of public value for informal recreation or visual amenity; and public open spaces provided through new development yet to be shown on the adopted Policies Map.”</i></p>
Representation reference:	MOD229
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM64 (Policy REC 1 ‘Green/open space protection’)

Q2 Representation details:	<p>We do not consider the protection of undefined open spaces not defined on the proposals map can be protected by this policy. Such an approach will lead to ambiguity and cannot be deemed to be justified or effective. Other incidental areas of opens space that are too small to identify on the proposals map will clearly be too small to develop and/or in public ownership regardless.</p> <p>With regard to open spaces delivered through developments of new sites, there will be instances on allocated development sites where the development has delivered sufficient open space to meet the Council's policy requirement and the needs of new residents yet there could be additional residual land left over that remains undeveloped and open and potentially grazed for an interim period. Protecting such residual land would not strictly be justified or evidenced and therefore we do not consider this policy is justified or effective. Instead, the Council already have suitable mechanisms to protect open space areas delivered by development through S106 legal agreements, including their ongoing management and maintenance requirements (as required by Policy REC 3 – Criterion 3). As such, to avoid any ambiguity and to follow due process, any new areas of open space delivered through development proposals should be identified through the Council's ongoing 5 year review programme, which could simply include an update to the Proposals Map, or via a new or updated Neighbourhood Plan for the area.</p>
Q3 Changes necessary:	<p>"2. The types of open space to which this policy applies includes: existing areas of open space shown on the adopted Policies Map, such as formal town parks, playing fields, pitches and courts, play areas, allotments and amenity open space; other incidental open spaces, which are too small to be shown on the adopted Policies Map, but which are of public value for informal recreation or visual amenity; and open spaces provided through new development yet to be shown on the adopted Policies Map."</p> <p>Paragraph 11.2: "The adopted policies map identifies the majority of areas of open space that should be protected from other forms of development. The council maintains a GIS layer of open space and a database, which covers a number of categories ranging from formal town parks and playing fields to play areas, allotments and amenity open space. As development takes place across the borough, further open spaces will be created and added to this GIS layer and the database <u>and then formally designated as part of any Local Plan Review process.</u> Local green spaces can also be designated in neighbourhood plans."</p>
Link to supporting information (attachments):	<p>1187474 Tatton Estate Reprs.pdf</p>

MM65 (Policy REC 2 'Indoor sport and recreation implementation')

Representation reference:	MOD232
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM65 (Policy REC 2 'Indoor sport and recreation implementation')
Q2 Representation details:	Support Required for clarity and effectiveness
Link to supporting information (attachments):	1187474 Tatton Estate Reps.pdf

MM66 (Policy REC 3 'Green space implementation')

Representation reference:	MOD76
Representor ID:	989662
Representor organisation:	Emery Planning
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	MM66 (Policy REC 3 'Green space implementation')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	Yes
Q2 Representation details:	24.1 We support the amendment from green space to open space.
Representation reference:	MOD230
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM66 (Policy REC 3 'Green space implementation')
Q2 Representation details:	Support Required for clarity and effectiveness
Link to supporting information (attachments):	1187474 Tatton Estate Reprs.pdf

MM69 (Site MID 2 'East and west of Croxton Lane')

Representation reference:	MOD134
Representor ID:	1094384
Representor first name:	Duncan
Representor surname:	Gregory
Representor organisation:	Anwyl Land Limited
Agent ID:	988007
Agent first name:	Beverley
Agent surname:	Moss
Agent organisation:	Hourigan Planning
Representation regarding:	MM69 (Site MID 2 'East and west of Croxton Lane')
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	<p>Current Consultation</p> <p>The Revised Publication Draft Site Allocations and Development Policies Document (SADPD) includes non-strategic planning policies and site allocations. It has been prepared to support the strategic policies of the Local Plan Strategy. Having considered the issues raised through representations and the examination process to date, the Inspector issued his post hearing advice on the Main Modifications that are likely to be required to make the SADPD sound and/or legally compliant on 25 January 2022. These Main Modifications are in addition to those discussed and agreed at the examination Hearing.</p> <p>The deadline for representations is 5:00pm on Tuesday 31 May 2022.</p> <p>Background</p> <p>Anwyl Land Limited (hereafter referred to as Anwyl) controls Site MID 2 and has been working collaboratively with the Council in respect of the delivery of the allocation. Anwyl strongly supports the proposed allocation of the land for residential development.</p> <p>Hourigan Planning [On 01 April 2022 Hourigan Connolly became Hourigan Planning. Hourigan Planning has acted on behalf of Anwyl Land throughout the duration of the preparation of the SADPD and is therefore familiar with all previous stages of the Development Plan document.] recently submitted a full planning application on behalf of Anwyl and Brenig Construction for the residential development of the subject allocation land. The planning application was given the Reference 21/5436C and was registered by the Council on 25 October 2021. The description of development is:</p> <p>'The erection of 52 dwellings with associated infrastructure including new vehicular access from Croxton Lane, alterations to existing lay-by on Croxton Lane, hard and soft landscaping, new open space areas with children's play area, Sustainable Urban Drainage system, pedestrian access point to Croxton Park and continued provision of public right of way'</p> <p>The application remains undetermined by the Council and Hourigan Planning is currently working with the Case Officer to address comments that have been raised during the consultation period. Work is ongoing to seek to reach a position whereby the Council can recommend to the relevant Planning Committee that full planning permission ought to be granted.</p> <p>Main Modification: MM69 in respect of Policy MID 2 'East and West of Croxton Lane'</p> <p>Anwyl continues to work co-operatively with the Council and Policy MID 2 is still supported.</p> <p>However, Anwyl is still concerned about part of the policy and therefore has no option but to continue to OBJECT to Criterion 4.</p> <p>The Schedule of Main Modifications states the following (pages 88 and 89): MM69 Site MID 2 'East and west of Croxton Lane' 151</p>

Amend Site MID 2 Criterion 4:

“4. provide for improvements to the surface of the canal towpath to encourage its use as a traffic-free route for pedestrians and cyclists between the site and town centre, where this meets the test for planning obligations as set out in the NPPF and CIL Regulations.”

Insert new paragraph after paragraph 12.45:

“12.45a Improvements to the surface of the canal towpath should be included in any future planning application to encourage its route for pedestrians and cyclists, provided that any such requirement meets the tests set out in paragraph 57 of the NPPF and Regulation 122 of the CIL Regulations 2010.”

To ensure the policy is justified and consistent with national policy.

Justification

Site MID 2 comprises two parcels of land lying to the east and west of Croxton Lane (A530). The Trent and Mersey Canal lies to the north of both parcels of land and Croxton Lane crosses the canal via Bridge Number 173. There is no direct access to the canal from either parcel of land (due to existing hedgerows and a difference in levels in respect of the eastern parcel of land and due to an access road to the household waste recycling site in the case of the western parcel). The towpath is accessible from Croxton Lane (by the side of Bridge Number 172) and it runs a short distance from the northern boundary of both parcels of land.

The SADPD Examination Hearing session which dealt with the draft Policy MID 2 was held on Tuesday 12 October 2021 and was a virtual Hearing. This was attended by Beverley Moss of Hourigan Planning on behalf of Anwyl Land. The Inspector invited comments on this particular policy as the last item to be discussed on that day, and the discussions by all parties, i.e. Hourigan Planning, the Council and the Inspector himself, were very brief. Hourigan Planning kept a note of the verbal discussions from that day, noting down that the Inspector queried the addition of criterion 4 in the policy and couldn't see why it was necessary. The Council verbally confirmed on the day that there was no specific evidence in the evidence base which supported the need for the criterion, and thereby nothing which justified the requirement for improvements to the towpath. The Council verbally informed the Hearing that they would be happy to adjust the policy as the Inspector saw fit. The Inspector raised no other matters pertaining to the policy. Before the Hearing ended, Hourigan Planning advised the Inspector that the planning application for residential development had been submitted the week prior to the Hearing (it was submitted via the Planning Portal on 06 October 2021). The discussions on the day of the Hearing which focused on Policy MID 2 were over in less than 3 minutes.

The Council presented no new evidence to the Hearings which justified the need to provide for improvements to the surface of the canal towpath. Furthermore, the Inspector requested none.

Our position on behalf of Anwyl Land remains thus, that there is no justification and for the requirement and it does not meet the tests set out in Paragraph 57 of the Framework and Regulation 122 of the CIL Regulations 2010.

At present, during the consideration of the aforementioned pending planning application (reference 21/5436C), the Canal and Rivers Trust has twice requested a financial contribution towards improvements to the canal towpath (consultation responses dated 29 November 2021 and 17 May 2022) as the extracts below confirm:

'It is evident that there is clear and widespread support throughout the adopted Cheshire East Local Plan Strategy to seek to utilise and improve existing links, such as the canal towpath, to promote sustainable access for walkers and cyclists and encourage their use for commuting, leisure and recreation and to generally maximise the health and well-being benefits of walking and cycling for the wider community. The support in the Local Plan Strategy extends to identifying opportunities through new developments to improve the overall connectivity of the walking and cycling network within the Borough, which is explicitly acknowledged to include the canal towpath.

In this context, we consider that the towpath in the vicinity of the application site needs to be upgraded in order to fulfil the role identified for it by the policies of the Local Plan

(as referenced above). This would enable all future occupants of the development to be able to utilise the towpath for leisure, recreation and commuting and the associated health and wellbeing benefits.'

Extract: 29 November 2021

'Our previous response outlined that there is widespread support through the adopted Cheshire East Local Plan Strategy to seek to utilise and improve existing links, such as the canal towpath, to promote access to green infrastructure for walkers and cyclists and encourage its use for commuting, leisure and recreation and to maximise the health and well-being benefits of walking and cycling for the wider community. The support in the Local Plan Strategy extends to identifying opportunities through new developments to improve the overall connectivity of the walking and cycling network within the Borough, which is explicitly acknowledged to include the canal towpath. In addition to our previous comments, we also note the proposed modification in the emerging SADPD in Policy MID 2 (Land East and West of Croxton Lane) outlines that development proposal for the site must provide canal towpath improvements where they meet the required tests for planning obligations. If the Council supports our request for a financial contribution to upgrade the towpath in the vicinity of the site, the Trust would be happy to work with the Council in identifying a suitable amount of towpath works proportionate to the scale of the development.'

Extract: 17 May 2022

In addition to the above comments, the Council's Public Rights of Way (PROW) Officer has also supported the requirement for improvements to the towpath in their consultation response dated 12 September 2021:

'Support would be given to the request from the Canal and River Trust for financial contribution towards the improvement of the towpath in the area in order to accommodate the increased usage as a result of the development'

At this stage, neither the Canal and River Trust nor the PROW Officer has provided any justification that the improvements are necessary to make the development acceptable in planning terms or substantiated the assertion that additional people who might be living at the subject site as a result of the proposed development, would directly result in a need to improve the towpath alongside the canal. Indeed, there is nothing in either of the consultation responses which indicate the surface of the towpath is substandard at present, and it would be impossible to determine what the effect of the development on the towpath would be.

Given this, we remain firm of the view that there is no justification for Policy MID 2 of the SADPD to require planning applications to include proposed improvements to the canal towpath because:

A financial contribution would not be directly related to the development as the improvement to the towpath is for the benefit of the wider community and tourists and the improvement works would not arise directly as a result of this development; and

A financial contribution would not be fairly and reasonably related in scale and kind to the development because there is no evidence setting out what is wrong with the existing towpath. Additionally, it is not clear which stretch of towpath is being referred to, what works are required and what are the associated costs and what proportion of the costs the proposed development is expected to fund. In practice it would be impossible to determine what effect the development would have on the towpath.

In summary Criterion 4 of Policy MID 2 as originally drafted and as proposed to be modified is simply not sound because it is not consistent with national policy in particular Paragraph 56 of the Framework (2021) for the reasons outlined above.

Q3 Changes necessary:	Amendments Sought to Main Modifications Anwyl' s objection would be addressed if Criterion 4 of Policy MID 2 was deleted for the reasons discussed above.
Link to supporting information (attachments):	1094384 Anwyl Land Rep.pdf

MM70 (Site PYT 3 'Land at Poynton High School')

Representation reference:	MOD25
Representor ID:	1311465
Representor first name:	Kate
Representor surname:	McDowell
Representor organisation:	Poynton Town Council
Representation regarding:	MM70 (Site PYT 3 'Land at Poynton High School')
Q2 Representation details:	<p>Site allocations at the KSC (Key Service Centres including Poynton)</p> <p>The Town Council supports the outcome of the SADPD regarding the four sites in Poynton (numbered in the SADPD as PYT1, PYT2, PYT3 and PYT4) which have been justified and are based on the evidence provided which aligns with relevant Borough (and Town Council) policies.</p>

MM71 (Site PYT 4 ‘Former Vernon Infants School’)

Representation reference:	MOD26
Representor ID:	1311465
Representor first name:	Kate
Representor surname:	McDowell
Representor organisation:	Poynton Town Council
Representation regarding:	MM71 (Site PYT 4 ‘Former Vernon Infants School’)
Q2 Representation details:	<p>Site allocations at the KSC (Key Service Centres including Poynton)</p> <p>The Town Council supports the outcome of the SADPD regarding the four sites in Poynton (numbered in the SADPD as PYT1, PYT2, PYT3 and PYT4) which have been justified and are based on the evidence provided which aligns with relevant Borough (and Town Council) policies.</p>
Representation reference:	MOD238
Representor ID:	1310526
Representor first name:	Robert
Representor surname:	Wilding
Representor organisation:	Gladman Developments Ltd
Representation regarding:	MM71 (Site PYT 4 ‘Former Vernon Infants School’)
Q2 Representation details:	<p>This submission is provided by Gladman Developments Ltd (hereafter referred to as Gladman) to the Proposed Main Modifications to the Cheshire East Local Plan Site Allocations and Development Policies Document (SADPD). This submission is made following all previous representations and Gladman’s involvement in the SADPD Examination in Public. For brevity these arguments have not been repeated in full in response to the current consultation, however summaries of areas of support and also concerns have been provided. Gladman’s previous representations should be read in conjunction with this current submission.</p> <p>Main Modification 71 – Site PYT4 ‘Former Vernon Infants School’</p> <p>Gladman support the main modification to Policy PYT 4 as it now ensures that in order to mitigate the loss of the playing field for new residential development, a replacement playing field must be provided which is of equivalent or better quality in a suitable and sustainable location. This ensures that the allocation is justified in respect of mitigation for the loss of the playing field at the site.</p>
Representation reference:	MOD239
Representor ID:	985318
Representor first name:	Matthew
Representor surname:	Symons
Representor organisation:	Hollins Strategic Land
Representation regarding:	MM71 (Site PYT 4 ‘Former Vernon Infants School’)
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	<p>Introduction</p> <p>Hollins Strategic Land (HSL) submitted Representations during each consultation stage of the emerging Site Allocations and Development Policies Document (SADPD) and participated in the Hearing sessions on Matter 2.</p> <p>This Main Modifications Statement (MMS) does not seek to repeat the points HSL has previously made. Rather, it responds to Main Modification 71, providing updated information where relevant.</p>

1.3 It is demonstrated that MM71 is not sufficient to provide the certainty required to rely upon site PYT4 to deliver housing in the plan period and this is because of the slippage in the delivery of sites PYT1 and PYT2.

Main Modification 71

MM71: Site PYT 4 'Former Vernon Infants School'

MM71 is as follows: [see attachment]

The Council's reason for the MM is "to ensure the allocation is justified in respect of mitigation for the loss of playing field at the site" (page 89, Schedule of Main Modifications). However, the MM offers little certainty that the site will come forward for development, alongside the other allocations in Poynton, during the plan period.

The Poynton Sports Mitigation Strategy (PSMS) confirms that the delivery of site PYT4 is entirely reliant upon the delivery of site PYT1 and in turn, PYT2. It states that "housing development commencement at these two sites [PYT3 and PYT4] would still have to wait until the initial physical provision of the pitches at Glastonbury Drive had been completed but could go ahead once the subsequent establishment and maintenance stage associated with bringing them into use had commenced" (para. 4.62).

The 'Hearing Position Statement by Tetra Tech Planning on behalf of Jones Homes' (document HPS/M2/24) set out an indicative programme for the delivery of sites PYT 1 and PYT2, in an attempt to demonstrate delivery within the plan period. This is extracted below for convenience: [see attachment]

The programme stated that an application would be submitted to the LPA on 04/04/2022. An application has not been submitted and so there has been 2 months slippage already. If the application were submitted on 04/06/2022 and the indicative delivery rates are deemed reasonable, the last completion would not take place until 12/12/2029, only three and a half months before the end of the plan period. There is very little room for further slippage.

However, HSL understands that the LPA, Parish Council and Sport England do not know when an application will be submitted. It appears they have not been given an updated programme by Jones Homes.

During the Hearing sessions, Jones Homes' representative told the Inspector that it was not their intention to await adoption of the SADPD before submitting an application. The Neighbourhood Plan was referred to as it supported the proposals and so Jones Homes did not need the comfort of an adopted SADPD to submit an application. However, it can be reasonably concluded that there has either been a change of strategy and Jones Homes is now awaiting adoption, or there are other matters at play which are causing the delay to delivery of PYT1, PYT2, PYT3 and PYT4.

HSL contacted Poynton Sports Club (PSC) this month. It was noted that the PSC Chairman's Report (November 2020) [Appendix 1: Chairman's Report 2020] stated the following:

In terms of the club's relocation project, I reported last year that negotiations were underway to amend the current option agreement the club has with Jones Homes. This agreement, as it stands, works for neither party and it was therefore agreed to amend this to enable the next stages of the project to take place. These negotiations have proved to be both difficult and protracted due to an unwillingness of the Development Committee to relinquish control of certain important aspects of the design and development process to Jones Homes that were felt to place the club in a potentially vulnerable position. Covid-19 restrictions have also not helped this process with the unavailability of key people at key times and there has also recently been a change in personnel at Jones Homes in relation to our main contact there. We have picked-up with our new contact the areas of concern the club has over these main contractual points and are assured that these are accepted, taken onboard and will be reflected in updated agreements going forward. We remain confident and hopeful that this is the case and that a revisit to design plans and layouts for section members is not too distant a dream!

HSL asked PSC for the latest AGM Report or an update on the Option Agreement. No response was received. It could be assumed that matters were resolved given

Jones Homes' engagement in the Hearing sessions. However, it may be the case that there remain unresolved matters between the parties which would further delay the delivery of the site.

Alternatively, it may be that the next step referred to at para. 7.3 of the PSMS is taking a significant amount of time:

the next step will be to further investigate the sites and the work that will be required, particular at Glastonbury Drive and in relation to its Green Belt status. This is to better understand the timescales involved and the full cost implications, not just for the delivery of the proposals but also for the ongoing maintenance and running costs. As part of this, the findings will also need to be discussed with Jones Homes and subsequently other developers that may take an interest in the other proposed allocated sites so that they fully understand what requirements will fall upon them in taking forward their development schemes (para. 7.3)

The Council will be able to advise on how much progress has been made on this next step and whether it is likely to delay the delivery of PYT1, PYT2, PYT3 and PYT4.

It is considered that this matter should be explored further before the Council relies on the delivery of PYT1, PYT2, PYT3 and PYT4 during the plan period. If it becomes apparent that there will be further slippage to the programme for sites PYT1 and PYT2, further main modifications will be required in the form of additional allocation of land for residential development. Alternatively, land could be safeguarded and released for development in the event of an early partial review demonstrating that sites PYT1 – 4 are not progressing as intended and that it will not be possible to deliver all of the much needed housing within the plan period.

HSL has promoted land at the Glastonbury Triangle as a site that can deliver housing early in the remainder of the plan period. Its development was deemed appropriate by the Poynton Neighbourhood Plan Steering Group and could be delivered by Hollins Homes, the SME housebuilder that is sister company to HSL.

Link to supporting information (attachments):

[985318 Hollins Strategic Land Representation and Appendix.pdf](#)

MM72 (Chapter 13: Monitoring and implementation)

Representation reference:	MOD23
Representor ID:	1311253
Representor first name:	Valerie
Representor surname:	Herbert
Representor organisation:	Prestbury Parish Council
Representation regarding:	MM72 (Chapter 13: Monitoring and implementation)
Q2 Representation details:	<p>This section is crucially important and contains a long list of indicators in Table 13.1 which need to be considered on an annual basis to monitor how successful development is taking place in implementing the policies in the Local Plan.</p> <p>The Council's Annual Monitoring Report should appear as soon as possible after the end of the financial year in April, but in practice has been significantly delayed before it has been published. This can be a problem when monitoring housing land availability, which is of major importance in terms of the Local Plan.</p> <p>The indicators in Table 13.1 have to be read in conjunction with the monitoring framework contained in Table 16.1 of the Local Plan Strategy (2017).</p> <p>Reference is made to the need to consider a review of the Local Plan every five years, but the chapter appears not to address this, although the five-year period in terms of the Local Plan Strategy runs out in three months' time (July 2022).</p>
Q3 Changes necessary:	<p>Prestbury Parish Council recommends that Cheshire East Council's Annual Monitoring Report should be completed and approved by the Council within six months from the end of the financial year, so that it can effectively monitor the key indicators in the Local Plan.</p> <p>Prestbury Parish Council also recommends that Cheshire East Council makes a statement as to how and when it is to undertake a review of the Local Plan.</p>
Representation reference:	MOD40
Representor ID:	1255389
Representor first name:	John
Representor surname:	Winstanley
Representor organisation:	Story Homes
Agent ID:	1311680
Agent first name:	Rebecca
Agent surname:	Caines
Agent organisation:	Lichfields
Representation regarding:	MM72 (Chapter 13: Monitoring and implementation)
Q2 Representation details:	<p>Story support the principle of the amends made to Chapter 13 to be consistent with the adopted Local Plan Monitoring Framework in the LPS as it provides further clarity. However, the new footnote to Table 3.1 is unclear. Does it refer to all elements under the heading 'Trigger'? The use of the word 'persistent' should be amended as it is based on the Council relying on sustained patterns of delivery for 5 years. This is not always the case as delivery rates can be inconsistent and still point at an under supply or there can be challenges to delivery.</p> <p>A standard approach to the trigger being 5 years needs to be reviewed. More imminent timescales and specific triggers which are measurable should be identified for each element to enable Safeguarded sites in particular to come forward within the plan period.</p>
Representation reference:	MOD127
Representor ID:	1187395

Representor organisation:	IM Land
Agent ID:	1250606
Agent first name:	Paul
Agent surname:	Hill
Agent organisation:	RPS
Representation regarding:	MM72 (Chapter 13: Monitoring and implementation)
Q2 Representation details:	<p>As the Inspector will recall RPS made representations on behalf of IM Land and appeared at the Hearing Session along with Barton Willmore dealing with the Strategic Green Gap (SGG) last year. We note the observations of the Inspector in his Post Hearing comments dated January 2022. As the Inspector will recall our interests are very specific in relation to IM Lands interests at Gresty Lane and we presented evidence through IM Lands Regulation 19 representations and summarised in the associated Examination Hearing Statement (Matter 2) prepared by Barton Willmore.</p> <p>We therefore observe the Inspector's comments at paragraph 5 where he confirmed he was satisfied that the SGG follow logical features on the ground, fulfil one or more of the purposes of the SGGs and are justified as appropriate based on proportionate evidence. We also observe his comments that indicated his role was only to consider the detailed boundaries of the SGG:</p> <p>I have considered whether the SADPD should have undertaken a more fundamental review of the extent of the SGGs.....It follows that the task for the SADPD was not to reconsider the extent of the SGGs, but to delineate their detailed boundaries.</p> <p>Whilst we and others present at the Hearing Sessions firmly remain of the view and the principal complaint still stands that between the LPS and the SADPD there simply hasn't been the appropriate assessment in the form of the SGG evidence presented by Barton Willmore in their appraisal on the use and function of the land around Gresty Lane within the SGG that should have taken place. The LPS simply considered the SGG at a high level and the SADPD only considered their detailed boundaries. The SADPD Inspector considers his hand are effectively tied by virtue of the LPA policy direction on this matter. As presented in our Matter 2 Hearing Statement at paragraph 2.4:</p> <p>It is therefore clear that the SBR exercise did not attempt to consider the function or purposes of SGGs and how the structural features of the landscape contribute to them. The SBR and SGGBDR have simply looked at potential boundary features, not at how the land in the SGG fulfils the role of the SGG.</p> <p>We observe that given the scale of existing housing commitments, the SADPD does not consider the need for additional housing land in the SADPD Plan period¹. The SADPD does not therefore and neither does Inspector Hayden's role address the need for new housing and therefore the balance to be struck between development/removal of less sensitive SGG parcels and the need for housing to be provided in the most sustainable and accessible locations around Crewe. That will be the role of the future Local Plan Review (LPR).</p> <p>We therefore observe with interest the MM made on the LPR provided at footnote 29 as replicated below, which confirms the requirements for the Local Plan Review process to take place at least within 5 years.</p> <p>The NPPF (2021) paragraph 33 states 'Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.</p>
Q3 Changes necessary:	<p>We agree with this general approach in MM72. However, given the above, we request an amendment to MM72 is made or at least through the Inspector's final report clarifies firstly that his consideration on the SGG was made in the context of there being no</p>

	<p>requirement for him to consider any strategic scale housing growth in the SADPD and that secondly the future Local Plan Review should as part of its evidence base process undertake an assessment of the function, and in detail what role the land in SGG performs having regard to landform and features on the ground along with the potential for mitigation over the full extent of the SGGs.</p> <p>Should there be a requirement for clarification on any of the above, please don't hesitate to contact me.</p>
Representation reference:	MOD163
Representor ID:	1187009
Representor organisation:	PH Property Holdings Ltd
Agent ID:	1272265
Agent first name:	Jon
Agent surname:	Suckley
Agent organisation:	Asteer Planning
Representation regarding:	MM72 (Chapter 13: Monitoring and implementation)
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>PH is pleased and supportive of the introduction of the monitoring framework as part of the SADPD rather than a separate document. This accords with their representations made at the Examination Hearings and the Inspector's Post Hearing Comments.</p> <p>In the new "Table 13.1 SADPD monitoring framework indicators", Indicator MF26 housing completions states the Proposed Action for target not being met as "Consider as part of five-year review".</p> <p>For all of the reasons set out in our Hearing Statement to Matter 11: Monitoring, we strongly consider that the Proposed Action to housing delivery targets being met must be the release of Safeguarded Land, and that this should be expressly indicated in the monitoring framework.</p>
Q3 Changes necessary:	<p>The proposed action to indicator MF26 should be revised to <u>review the early release of safeguarded land should delivery fail to deliver the housing numbers and spatial strategy.</u></p> <p>Alternatively, the indicator could expressly state the requirement to consider the early release of safeguarded land as part of the five-year plan review with the following text: <u>Consider as part of five-year plan review which will include a review of the land allocated as safeguarded for release for development.</u></p>
Representation reference:	MOD231
Representor ID:	1187474
Representor organisation:	Tatton Group
Agent ID:	701344
Agent first name:	Sebastian
Agent surname:	Tibenham
Agent organisation:	Pegasus Group
Representation regarding:	MM72 (Chapter 13: Monitoring and implementation)
Q2 Representation details:	<p>Support and comment on two of the Monitoring Requirements</p> <p>We support the addition of the monitoring framework within the plan itself. However, we have put forward two changes to the employment land and retail development monitoring targets. For the employment land target, we consider this needs to be monitored on a settlement by settlement basis (albeit with a focus on the Principal Towns and Key Service Centres) given these represent the largest settlements, there is some distance between them all and they will generate their own employment and</p>

	<p>needs. To simply monitor this at a boroughwide level could result in unsustainable travel patterns occurring to accommodate employment growth if local business are unable to find land for expansion purposes close to where they are already established and close to their existing workforce/employees. With regard to monitoring the development of retail floorspace, the target should directly refer to the convenience retail floorspace needs expressed in Table 9.2 of the Plan, particularly given these are not being formally addressed through additional site allocations in this plan. The NPPF clearly stipulated such needs should be met.</p> <p>We have no comments on the other Monitoring targets listed in the Council's table</p>
Q3 Changes necessary:	<p>MF19 Target: "Maintain continuous supply <u>of available employment land</u> to support growth of the local economy <u>in each Principal Town and Key Service Centre</u>"</p> <p>MF20 Target: "<u>Achieve the convenience retail floorspace requirements set out in Table 9.2 and</u> M<u>majority of completions to be located in town centres</u>"</p>
Link to supporting information (attachments):	<p>1187474 Tatton Estate Reps.pdf</p>

PM01 (Village Infill Boundaries)

Representation reference:	MOD115
Representor ID:	805680
Representor organisation:	Seddon Homes Ltd
Agent ID:	496248
Agent first name:	Daniel
Agent surname:	Jackson
Agent organisation:	WSP
Representation regarding:	PM01 (Village Infill Boundaries)
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	<p>LAND TO THE REAR OF CREWE ROAD / NEWTONS LANE, WINTERLEY, SANDBACH</p> <p>We write in relation to the above consultation on behalf of Seddon Homes Limited (SHL).</p> <p>WSP act on behalf of SHL, a major house builder developing sites across Cheshire East in addition to promoting sustainable, deliverable sites in the area. Several representations have been submitted to the Council for the various consultation stages for the SADPD in support of SHL developing various sites for housing to assist in meeting the housing needs across Cheshire East.</p> <p>This representation considers the specific Main Modifications, particularly in the context of housing development in Winterley. Previous representations submitted for the Publication Draft Version consultation in both October 2018, September 2019 and December 2020 still stand.</p> <p>For instance, SHL is still of the opinion that the proposed Winterley settlement boundary is too restrictive (as set out in its previous representations). Winterley is a sustainable settlement close to Crewe which has significant potential to meet future housing need in Cheshire East.</p> <p>A red line plan for the Crewe Road Winterley site is enclosed.</p> <p>The representation below reviews the Main Modifications, commenting specifically on the legal compliance and soundness of the SADPD.</p> <p>Representation</p> <p>SHL is of the view that proposed modification PM01 'Policy PG10' is not sound. This is because this modification is not positively prepared or justified.</p> <p>The Schedule of Proposed Modifications to the Draft Policies Map 'include amendments to the Hankelow and Winterley village infill boundaries, to align them with village boundaries defined in made neighbourhood plans and to incorporate recently committed development proposals within or on the edge of the proposed boundaries.'</p> <p>Winterley does not have a made neighbourhood plan, so the changes made (according to Cheshire East) incorporate recently committed development.</p> <p>Unfortunately, the scale and resolution of the 'Winterley as proposed' plan within this document makes it impossible to read the extent of the proposed Winterley settlement boundary.</p> <p>SHL request that Cheshire East publish an GIS base draft Policies Map so the proposed boundary can be understood. SHL also request that Cheshire East publish a list of the committed development it has taken into account when amending the Winterley settlement boundary. Until such a time, PM01 is not sound.</p> <p>In any event, even if the boundary proposed only incorporates land with planning consents, this does not account for potential future growth. This also makes proposed change PM01 not sound.</p>

	<p>As set out within National Planning Policy (NPPF), plans should be sufficiently flexible to adapt to rapid change (paragraph 11a). As drafted, the Plan does not provide this flexibility through limiting housing numbers within infill settlements and so the settlement boundary should be revised to allow for additional deliverable sites.</p> <p>Seddon's site at Crewe Road Winterley is enclosed. SHL request that the settlement boundary be extended to incorporate its site at Crewe Road (site location plan enclosed) to make PM01 and thus Policy PG10 sound.</p> <p>Furthermore, the settlement boundary should as a minimum, logically include the curtilages of all properties on the edge of Winterley.</p> <p>Summary</p> <p>The Main Modifications to the SADPD are still not considered sound as currently drafted. We request that the comments made within this representation are considered to ensure a sound plan is produced to aid sustainable development across Cheshire East.</p> <p>We look forward to hearing from you in due course and request that we are kept informed of any further progress on the Local Plan.</p>
Q3 Changes necessary:	Seddon's site at Crewe Road Winterley is enclosed. SHL request that the settlement boundary be extended to incorporate its site at Crewe Road (site location plan enclosed) to make PM01 and thus Policy PG10 sound.
Link to supporting information (attachments):	805680 Seddon Homes Site Plan.pdf
Representation reference:	MOD129
Representor ID:	459608
Representor first name:	Philip
Representor surname:	Garner
Representor organisation:	Garner Town Planning
Representation regarding:	PM01 (Village Infill Boundaries)
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	No
Q2 Representation details:	The list utilised to define and annotate 'Infill Villages' is selective and omits numerous villages throughout Cheshire East. Examples of this include Chorley, Dean Row, Disley, Peckforton and Spurstow, with these being simple examples that immediately spring to mind. For the Council to seek to hand pick 35 villages and effectively name them as the only places where infill proposals will be acceptable is incorrect and unsound. The neighbourhood plan for Disley repeatedly describes the settlement as a 'village', and the other examples quoted all have local facilities such as village halls, shops, churches, pubs, etc, so must be considered as villages.
Q3 Changes necessary:	It is suggested that Policy PG10 is modified to remove an exact 'list' list of villages, and with the annotations on the proposals map omitted.

PM03 (Airport Public Safety Zones)

Representation reference:	MOD264
Representor ID:	763340
Representor first name:	Natalie
Representor surname:	Belford
Representor organisation:	Manchester Airports Group
Representation regarding:	PM03 (Airport Public Safety Zones)
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	Yes
Q2 Representation details:	As stated in the main modification to Policy GEN 6, public safety zones consist of an outer Public Safety Controlled Zone and an inner Public Safety Restricted Zone. These zones should therefore be labelled as such on the policies map.
Q3 Changes necessary:	We therefore recommend that the top layer of the legend is amended to: Airport public safety <u>controlled</u> zone

PM05 (Local Landscape Designation Areas)

Representation reference:	MOD24
Representor ID:	901332
Representor first name:	Sarah
Representor surname:	Giller
Representor organisation:	Sutton Parish Council
Representation regarding:	PM05 (Local Landscape Designation Areas)
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	Yes
Q2 Representation details:	Sutton Parish Council welcomes and strongly supports the modification PM05 which incorporates the land east of the A523, and north of Lyme Green in the Peak District National Park Fringe Local Landscape Designation Area.
Representation reference:	MOD105
Representor ID:	1227334
Representor first name:	Jackie
Representor surname:	Copley
Representor organisation:	CPRE Cheshire
Representation regarding:	PM05 (Local Landscape Designation Areas)
Q2 Representation details:	24. Policy ENV 3 'Landscape character' area amendments of PM05 to the Local Landscape Designation Area, Peak District National Park Fringe, and Areas of sensitivity to wind energy development are welcomed, to include land east of Macclesfield and north of Lyme Green in the Local Landscape Designation Area.

PM11 (Protected Open Space)

Representation reference:	MOD28
Representor ID:	1311465
Representor first name:	Kate
Representor surname:	McDowell
Representor organisation:	Poynton Town Council
Representation regarding:	PM11 (Protected Open Space)
Q2 Representation details:	<p>Assessment and designation of open spaces: Land to the rear of 43 London Road North, Poynton</p> <p>The Town Council is very disappointed that the Planning Inspector has not followed the documents and evidence submitted by Cheshire East Council and Poynton Town Council regarding this site. The original Cheshire East Open Space Assessment combined existing data sources from previous surveys and carried out comprehensive survey of all the sites within the main 24 settlements (including Poynton) listed in the Borough Council's Determining the Settlement Hierarchy study. All the sites are contained within a database with corresponding digital mapping. The Introductory Report explained the structure and content of each open space summary report. A total of 11 open space summary reports and associated maps cover the Key Service Centres including Poynton. There is in addition a report covering the 13 Local Service Centres making a total of 24 reports. The Town Council would also refer to the status of the summary reports which are to be regarded as 'living documents.' It is further to be noted that addendum are produced regularly with any corrections, new information and new sites. The Town Council has also noted the extremely small number of other such sites across the Borough which have been deleted as open space. The evidence contained in the summary reports is intended to inform the final Local Plan document.</p>
Q3 Changes necessary:	The Town Council maintains the view that the site at 43 London Road North Poynton should be retained as an area of protected open space in accordance with the evidence submitted to the examination.
Representation reference:	MOD75
Representor ID:	989662
Representor organisation:	Emery Planning
Agent ID:	891970
Agent first name:	Caroline
Agent surname:	Payne
Agent organisation:	Emery Planning Partnership
Representation regarding:	PM11 (Protected Open Space)
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	Yes
Q2 Representation details:	23.1 We support the removal of the open space designations at Land at Waterworks House, Dingle Lane, Sandbach and Land off Spring Gardens, Macclesfield which accord with the Inspector's Post Hearing comments.
Representation reference:	MOD79
Representor ID:	1255743
Representor first name:	Matthew
Representor surname:	Taylor
Agent ID:	990371
Agent first name:	Stuart

Agent surname:	Booth
Agent organisation:	JWPC Ltd
Representation regarding:	PM11 (Protected Open Space)
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	Yes
Q2 Representation details:	The findings from the planning inspectorate have come with enormous relief to my family and I. Like the inspector said during the examination process, we also always struggled to understand how Cheshire East could take a seemingly random approach in allocating peoples private back gardens as protected Open Space. It is a welcomed decision that the inspector identified that the councils methodoly had no basis for mine and my neighbours gardens having the label of protected Open Space. My garden and my neighbours garden cannot be seen or enjoyed from any public vantage point on Mobberley Road, Hollow Lane or Brooke Street. The triangle should never have been put in the Macclesfield's 1995 Development Plan or earlier plans as Cheshire East clearly had no methodology for doing so.
Representation reference:	MOD80
Representor ID:	1311744
Representor first name:	Kenneth
Representor surname:	Gates
Representation regarding:	PM11 (Protected Open Space)
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	Yes
Q2 Representation details:	We are deeply relieved that the inspector has removed the open space allocation on the land bound by Brook Street, Hollow Lane and Mobberley Road Knutsford. Our private garden is included in this area and has been in the family for approximately 70 years. We were never made aware that the allocation had been placed or shown any methodology on how it fitted the rules for the allocation. We came across the allocation purely by chance having never been approached for a site assessment or notified of any change of use. It isn't even noted as such in the Knutsford Neighbourhood Plan. It makes us wonder if there are any other allocations have been made in a similar fashion. We also noted similar concerns raised by the Inspector during the meeting. Just to be clear, we fully support the removal of the allocation as it appears to have had no basis in the first place.
Representation reference:	MOD89
Representor ID:	1311806
Representor first name:	Patricia
Representor surname:	Ikin
Representation regarding:	PM11 (Protected Open Space)
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	Yes
Q2 Representation details:	We strongly support the removal of the protected open space designation from the rear private garden space of our neighbours and ourselves on Mobberley Road, Knutsford. Frankly it has been very distressing to have to go through this process as the garden land has been in our family since the 1950's. At no point has anyone informed us of any process that has gone on to make the designation. It cannot be right that the council can simply grab a piece of land like this and apply rules without telling anyone. There was no methodology applied that we can see. The inspector has actually visited the site and has made the decision to delete the allocation. We completely agree with the inspector, as stated in the review meeting, that it is a concern how this allocation has happened.
Representation reference:	MOD90

Representor ID:	1255655
Representor first name:	Ken Gates, Matthew Taylor,
Representor surname:	Darragh Lenihan and Patricia Ikin
Agent ID:	990371
Agent first name:	Stuart
Agent surname:	Booth
Agent organisation:	JWPC Ltd
Representation regarding:	PM11 (Protected Open Space)
Q1(1) Legally compliant?	Yes
Q1(2) Sound?	Yes
Q2 Representation details:	<p>These comments are submitted on behalf of local residents who were seeking the removal of an open space designation from the rear gardens of their properties on Mobberley Road, Knutsford. We represented them at the Examination Hearing with regard to policy REC1 and understand the Inspector visited the site as part of the examination and provided their opinion in the Post Hearing Comments letter to the Council, which informed the proposed main modifications.</p> <p>This has resulted in Main Modification PM11 - Policy REC 1 'Open space protection', specifically for the Land bound by Brook Street, Hollow Lane and Mobberley Road, Knutsford. We fully support this modification to delete the protected open space designation from this land, confirmed by the maps on page 16 of the Schedule of Proposed Modification to the Draft Policies Map. Based on this amendment, we consider the plan to be sound.</p>
Representation reference:	MOD162
Representor ID:	1187009
Representor organisation:	PH Property Holdings Ltd
Agent ID:	1272265
Agent first name:	Jon
Agent surname:	Suckley
Agent organisation:	Asteer Planning
Representation regarding:	PM11 (Protected Open Space)
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	PH support the alteration to the Policies Map to delete 'Land to the rear of 43 London Road, Poynton' as protected open space.
Q3 Changes necessary:	No change.
Representation reference:	MOD166
Representor ID:	1311934
Representor first name:	Bob
Representor surname:	Allen
Representor organisation:	Knutsford Town Council
Representation regarding:	PM11 (Protected Open Space)
Q2 Representation details:	<p>Knutsford Town Council OBJECTS to PM11 of the Proposals Map Modification: Brook Street Triangle Open Space, for the following reasons;</p> <p>The Inspector's justification for the implementation of PM11 is that the site's designation as open space is not appropriate because it is:</p> <p>private residential gardens and not open land</p>

inconsistent with the Authority's Open Spaces Assessment (OSA)
inconsistent with the National Planning Policy Framework (NPPF)
adequately protected by other policies

PM11 should be rescinded because it:

is based on errors of fact

discounts recent judgements by the Planning Inspectorate on curtilage, public access, and the importance of this area of open space

ignores the ecological role of the site

PRIVATE RESIDENTIAL GARDENS AND THE OPENNESS OF THE SITE

This site, 18KOW in the OSA is not "private garden land to a number of houses". The wrongful attribution of the land's use as several gardens implies subdivision of 18KOW. In fact, it is a single parcel of land of 0.42ha with a long history as an entity. As such, it is a key component of the historic development of Cross Town and constitutes a non-designated heritage asset in the Cross Town Conservation Area.

This triangular area of open space is a recurring feature of the maps of Knutsford from the first. As the base of a Saxon Cross was found in the vicinity, the likelihood is that the manorial market of Cross Town was held here. In the 17th and 18th Centuries, the land was part of the Legh's Booths Hall estate and tenanted as horticultural land. When the Booths Hall Estate was broken up and sold in 1876, the tenants of the site, Caldwell's Nursery, acquired the land. In the 20th Century, following its sale by Caldwell's and further transfers of ownership, the open site, covenanted to prevent building, was acquired in 2015 by a resident of Mobberley Road whose property was adjacent to the open space. 18KOW has always been open land. It has never been part of the curtilage of any of the properties on the west side Mobberley Road as determined by a Planning Inspector in 2021.

The assertion that 18KOW is part of the garden of the property with which it is now associated was not accepted by the Planning Inspectorate in 2021. In Planning Application 20/5298M for a Certificate of Lawful Development on 18KOW, the applicant argued that the proposed building would be permitted development as it was 'garden' within the curtilage of the property. The dismissal of the subsequent Appeal for Non-determination (APP/R0660/X/21/3269604) established that the land was not within the curtilage of the host dwelling. The open space was so substantial when compared with the dwelling, its original garden and that of neighbours, it could not be accepted as part of the curtilage. Permitted development was denied.

Moreover, the openness of 18KOW was confirmed by the Planning Inspectorate in another Appeal in 2021 (APP/R0660/W/21/3267957 in relation to 20/1795M for two detached dwellings). The Appeal established that the space had been designated as open space in the 2004 Macclesfield Local Plan (MLP), carrying forward an earlier designation from the 1997 version of that plan. It went on to say that such open spaces as this are valued for the contribution they make to the character of the townscape. Cheshire East Local Plan Strategy (CELPS) Policy SE6 Green Infrastructure confirms that protection is justified where a site contributes to the "visual quality and attractiveness of the Borough" (¶13.58).

18KOW is currently protected from development by Saved MLP Policy RT1 Open Space. The implementation of PM11 will remove 18KOW from the SADPD Policies Map associated with Policy REC1 Open Space. Rather than preventing "the loss of green/open space [which] includes existing areas of green/open space which has recreational or amenity value, its removal will promote loss.

INSPECTOR'S SUGGESTED INCONSISTENCY WITH THE OPEN SPACES ASSESSMENT

PM11 asserts that 18KOW does not fit the OSA's classification of Knutsford's open space as Type 2, which is defined in Planning Policy Guidance (PPG17) as "Natural and Semi-Natural Urban Greenspaces, including woodlands, urban forestry, scrub, grasslands - for example downlands, commons and meadows - wetlands, open and running water, wastelands and derelict open land and rock areas - for example cliffs, quarries and pits". Indeed, it does not.

It does, however, fit with Type 5 defined as “Type 5 Amenity Greenspace - most commonly, but not exclusively in housing areas, including informal recreation spaces, greenspaces in and around housing, domestic gardens and village greens”. This typology error renders PM11 unsound.

18KOW not only meets the Type 5 definition it also conforms to CELPS Policy SE6 which describes open space as “multi-functional..... capable of delivering a wide range of environmental and quality of life benefits for local communities”. The policy sets out to “protect and enhance existing open spaces”. and accords extra protection to areas of open space because they contribute to “Cheshire East’s green infrastructure network”. (Policy SE6 intro and ¶4.i). Yet, PM11 would remove protection.

Lest it is argued that all open spaces require public access, the Inspectorate’s Appeal Decision confirming refusal of 20/1795M emphasised that “none of these matters is dependent on the public having access onto a site....nor does the policy distinguish between public or private, and accessible or closed, sites”. It also stressed that the Council “considers its value as open space is principally derived from its visual amenity value”. Circumstances have not changed in the past 18 months. SADPD Policy REC1 and MM64 maintain these material considerations. 18KOW’s removal from the protected open space sites is at variance with policy and is unsound. It should be reinstated.

INSPECTOR’S SUGGESTED INCONSISTENCY WITH NATIONAL PLANNING POLICY FRAMEWORK

Open Space 18 KOW is entirely consistent with the NPPF. Alongside areas of land and water, the NPPF Glossary defines open spaces as “places of public value”, including those which “can act as a visual amenity”; public access is not a defining factor. “The designation of land as open space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them”. (NPPF ¶101). Moreover, the site meets NPPF criteria for designation. The space is: “a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance.....and c) is local in character and is not an extensive tract of land”. (NPPF ¶102 and CELPS ¶13.57)

18KOW was not included in the Knutsford Neighbourhood Plan (KNP), adopted 2019, because it was already Protected Open Space in the CELPS (2017) and was to be carried forward into the SADPD.

PM11 is inconsistent with NPPF (¶99) because no “assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements”.

UNDERESTIMATED ECOLOGICAL ROLE

Insufficient weight has been given to 18KOW’s environmental role. Its potential loss through PM11 would be unsound. CELPS Policy SE6 emphasises the important role green infrastructure plays in “mitigating the impacts of extreme weather events, particularly extended heat waves. In addition, [it] helps support biodiversity and makes an important contribution to the quality of the environment” (CELPS ¶13.45). Far from Policy SE6’s ‘protecting and enhancing’ this area of green infrastructure, PM11 will remove an important additional layer of protection from 18KOW.

Ecologically, 18KOW is an important stepping-stone in KNP Green Corridor C006 linking the open country to the south of the Town to Sanctuary Moor, The Barncroft and The Moor with Tatton Park to the north. It also lies within the Risk Zone for Tatton Meres and Mosses SSSI. As open space, it contributes to “Cheshire East’s green infrastructure network”. Building on 18KOW would seriously disrupt this major ecological pathway. Implementing PM11 would not be sound in relation to the Authority’s environmental policies.

PM11 asserts that Tree Protection Orders (TPOs) around the site protect its visual amenity. At the time of the Cross Town Conservation Area Appraisal (2006), the site was described as “having extensive tree coverage forming a strong landscape backdrop” for the five properties to the east of 18KOW. It remained so until the centre of the site was cleared of trees in 2017 (17/2233T). The remaining TPO trees may mask the site on two sides but not from Mobberley Road. Moreover, the trees are

deciduous and the bare branches in winter would not mask any built form created on this open space.

ASSUMED SUFFICIENCY OF PROTECTION

The protection said to be afforded by 18KOW's position in a conservation area is not watertight. Development Management varies in its interpretation of the conservation area's management guidance and applicable policies. Sometimes other planning priorities have taken precedence even over CELPS Policy SE7 Historic Environment and saved MLP policies, with many examples of exceptions made for building in gardens, division of plots, backland development and harm to settings of designated and non-designated heritage assets. Conservation Area status does not guarantee openness.

However, the NPPF requirement that "policies for managing development within a Local Green Space should be consistent with those for Green Belts" (NPPF ¶103) has given 18KOW the strength to resist built development. After clearance of trees from the site in 2017, the Planning Inspectorate's dismissal on Appeal of two recent applications (one for two detached dwellings and one for permitted development of an ancillary building) justifies continuation of 'open space' protection for the site.

CONCLUSION

Knutsford Town Council politely asks the Authority and the Planning Inspector to re-examine the evidence and rescind PM11 in the light of the facts. The site is not a garden; it does not require public access; it has high visual and environmental value; its long history of openness gives it heritage significance; it is consistent with OSA typology and NPPF requirements. Its designation as open space has been upheld by Planning Inspectors within the past two years.

Representation reference:	MOD257
Representor ID:	1254720
Representor first name:	Brian
Representor surname:	Chaplin
Representor organisation:	South Knutsford Residents Group
Representation regarding:	PM11 (Protected Open Space)
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	<p>PM11 Modification to Knutsford Open Space linked to MM64 Policy REC1 Open Space Protection</p> <p>(Legal N Sound N) this submission seeks the cancellation of PM11.</p> <p>SKRG members OBJECT to the removal of open space protection from Land bound by Brook Street, Hollow Lane and Mobberley Road, Knutsford on the following grounds:</p> <p>The Inspector is in error: the currently protected open space is not "gardens": it is a single parcel of land without buildings, previously mainly tree covered but currently now on the periphery along Hollow Lane and Brook St. The area is in one ownership attached to a property on Mobberley Rd. It is not part of its curtilage of that house as decided by the Planning Inspectorate's 2021 Appeal Decision (21/3269604) determining Planning Application 20/5298 for a CLD for gym/exercise building on the site.</p> <p>Its protected status as a single parcel of land was further confirmed by the Planning Inspectorate in another Planning Appeal decision (21/3267957) in 2021 determining Planning Application 20/1795 for two detached houses on the open space.</p> <p>The Open Space is a non-designated heritage asset within Cross Town Conservation Area</p> <p>The base of a Saxon Cross was found within the area which strongly suggests that this was the centre of the original manorial settlement of Cross Town and the site of its market. The open space was put to agricultural or horticultural use from the 17th century until the last quarter of the 19th century. It was part of the Legh's Booths Hall</p>

estate until it was broken up and the land sold to continue as a nursery. Sold several times in the 20th and 21st centuries, it has nonetheless always remained open and is integral to the historic housing and the development of Cross Town at this point along Mobberley Rd.

PM11 reverses long-standing Strategic Planning protection without assessment of its value

The Open Space has had protected status since at least the 1990s within various Macclesfield Borough Local Plans and UDC protection before it. It is currently protected by specific MBLP 'saved' policies. Its amenity value and its heritage significance were assessed in the Cross Town Conservation Area (CTCA) Appraisal 2006. Now, PM11 proposes to remove its protection with no other justification than it 'looks like gardens from the outside' without apparently checking. No open space assessment has been undertaken of the site to establish what has so radically changed as to require the removal of the protection it has had from building development. Its value lies in its visual amenity and its contribution to the historic development of the CTCA.

The Open Space has environmental significance

It is a stepping-stone in Green Corridor CO06 in the Knutsford Neighbourhood Plan (2019) Policy Environment Policy E2 Green and Blue Corridors. No evaluation has been made of its role in connecting wildlife, particularly birds, from Green Belt open country to south of the Town to the Meres and Mosses SSSIs in Tatton Park and Rostherne to the north. The twice-yearly passage of migrating birds relies on the trees and habitats of this site as one of three stepping-stones (The Moor; The Barncroft; this site 18KOW; and Sanctuary Moor) for rest, food sources and habitat.

Removal of protection is based on faulty data in the OSA

The OSA failed to evaluate 18KOW as a Type 5 site in the PPG17 typology. In categorising this open space as type 2, it failed to assess adequately its specific role in the taxonomy of environmental, heritage and amenity sites. The protection does not prevent the owner from making use of the amenity land, except that any built form to be placed on the open space would require 'exceptional circumstances' to be shown in any planning application. At present, the open space has the same status as Green Belt land.

Removal of open space protection is illogical in relation to other SADPD policies

SADPD's recurrent theme in its environmental, housing, recreation policies is the importance of combatting climate change and contributing to the health and well-being of communities. It therefore seems contradictory that it then acts to remove protection of an open space in a relatively densely populated urban area that fits all the objectives the SADPD espouses.

Q3 Changes necessary:

SKRG therefore requests that the evidence and policy basis for PM11 are re-examined and, unless conclusively justified in data published for public scrutiny, this Main Modification be withdrawn.

Responses regarding other matters or general issues

Representation reference:	MOD2
Representor ID:	1158346
Representor organisation:	Marine Management Organisation
Representation regarding:	Response regarding other matters or general issues
Q2 Representation details:	<p>Marine Management Organisation Functions</p> <p>The MMO is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are: marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing grants.</p> <p>Marine Planning and Local Plan development</p> <p>Under delegation from the Secretary of State for Environment, Food and Rural Affairs (the marine planning authority), the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the Mean High Water Springs (MHWS) mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of MHWS, there will be an overlap with terrestrial plans, which generally extend to the Mean Low Water Springs (MLWS) mark. To work together in this overlap, the Department of Environment, Food and Rural Affairs (Defra) created the Coastal Concordat. This is a framework enabling decision-makers to co-ordinate processes for coastal development consents. It is designed to streamline the process where multiple consents are required from numerous decision-makers, thereby saving time and resources. Defra encourage coastal authorities to sign up as it provides a road map to simplify the process of consenting a development, which may require both a terrestrial planning consent and a marine licence. Furthermore, marine plans inform and guide decision-makers on development in marine and coastal areas.</p> <p>Under Section 58(3) of Marine and Coastal Access Act (MCAA) 2009 all public authorities making decisions capable of affecting the UK marine area (but which are not for authorisation or enforcement) must have regard to the relevant marine plan and the UK Marine Policy Statement. This includes local authorities developing planning documents for areas with a coastal influence. We advise that all marine plan objectives and policies are taken into consideration by local planning authorities when plan-making. It is important to note that individual marine plan policies do not work in isolation, and decision-makers should consider a whole-plan approach. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service: soundness self-assessment checklist. We have also produced a guidance note aimed at local authorities who wish to consider how local plans could have regard to marine plans. For any other information please contact your local marine planning officer. You can find their details on our gov.uk page.</p> <p>See this map on our website to locate the marine plan areas in England. For further information on how to apply the marine plans and the subsequent policies, please visit our Explore Marine Plans online digital service.</p> <p>The adoption of the North East, North West, South East, and South West Marine Plans in 2021 follows the adoption of the East Marine Plans in 2014 and the South Marine Plans in 2018. All marine plans for English waters are a material consideration for public authorities with decision-making functions and provide a framework for integrated plan-led management.</p>
Representation reference:	MOD4
Representor ID:	1141586
Representor first name:	Nicola
Representor surname:	Clarke
Representor organisation:	Alsager Town Council
Representation regarding:	Response regarding other matters or general issues

Q2 Representation details:	Concern that sentences have been removed which previously explain or clarify reasoning.
Representation reference:	MOD6
Representor ID:	1311253
Representor first name:	Valerie
Representor surname:	Herbert
Representor organisation:	Prestbury Parish Council
Representation regarding:	Response regarding other matters or general issues
Q2 Representation details:	<p>Introduction</p> <p>The Main Modifications are changes that have arisen through the examination process and are those changes the Inspector considers to be necessary for the Site Allocations and Development Policies Document (SADPD) to be found sound, legally compliant, and capable of adoption.</p> <p>Public consultation is being undertaken on these between April 19th and May 31st 2022.</p> <p>Background .</p> <p>This stage of the Cheshire East Local Plan process (Parts 1 & 2) represents the final step of a process which started 13 years ago. During this long period of the preparation of the Local Plan, Prestbury Parish Council has been fully involved in the process. It has responded to all public consultations and it has been represented at all examination hearings on a range of matters. Part 1 of the Local Plan was adopted in July 2017 and Part 2 of the Local Plan, which contains detailed policies and small site development allocations, was submitted to the Planning Inspectorate in April 2021. Hearings into the representations on the submitted Plan took place in October and November 2021.</p> <p>Prestbury Parish Council was one of the few Parish Councils that made representations at the most recent hearings and we did so on the following matters:</p> <p>Housing Policies in Local Service Centres (Policy PG8)</p> <p>Safeguarded Land (Policy PG12)</p> <p>Housing Density (Policy HOU12)</p> <p>Design Principles (Policy GEN1)</p> <p>SAFEGUARDED LAND</p> <p>On the question of whether Green Belt boundaries required alteration in order to meet the needs of Local Service Centres (LSCs) – including Prestbury – up to 2030, the Inspector agreed with the Parish Council that this was not necessary. The figures clearly demonstrated that the housing requirements could be met from existing housing commitments and windfall sites. He also agreed that there was no need to disaggregate the overall figure of 3,500 houses for the period between 2010 and 2030 to each of the 13 LSCs.</p> <p>On the subject of Safeguarded Land, the Inspector considered that exceptional circumstances remain for altering the Green Belt for Safeguarded Land post 2030. However, he acknowledged that some of the Safeguarded Land sites may have adverse impacts on matters such as landscape and highway safety and the decision about the release of these sites will have to take these factors into account.</p> <p>In relation to the two Safeguarded Land sites in Prestbury, the site off Heybridge Lane has protection resulting from it being part of the Bollin Valley Local Landscape Designation Area, and could have other constraints, including highways and ecology. The site off Prestbury Lane has significant highway safety issues as well as possible ecology and landscape constraints.</p> <p>The Inspector makes the statement that identifying Safeguarded Land does not mean that it will be developed in the future, but offers the potential to be considered for development as part of a review of the Local Plan.</p>

Q3 Changes necessary:	As a result of the Inspector's consideration of the representations he decided that there is no need to alter the SADPD in relation to Policies PG8 & PG12.
Representation reference:	MOD29
Representor ID:	1311465
Representor first name:	Kate
Representor surname:	McDowell
Representor organisation:	Poynton Town Council
Representation regarding:	Response regarding other matters or general issues
Q2 Representation details:	Housing and employment allocations The Town Council supports the outcome of the SADPD confirming that exceptional circumstances no longer exist to justify any alteration of Green Belt boundaries within the Poynton area. The SADPD aims to ensure the housing needs of Poynton as a Key Service Centre are met during the plan period.
Representation reference:	MOD31
Representor ID:	1274735
Representor first name:	Julie
Representor surname:	Mason
Representor organisation:	Bollington Town Council
Representation regarding:	Response regarding other matters or general issues
Q2 Representation details:	FAO Cheshire East , As you know the SADPD has been examined and has now been declared fundamentally 'legal and sound'. This is good news because an end is in sight and, in effect, Bollington as one of the 13 Local Service Centres considered in the Plan will have a solid legal framework within which to make its comments on any planning applications. There are 115 pages of suggested Modifications to consider, some of them are major rewrites and some are mere corrections where a word has been left out. We are strongly supportive of the modifications. Inspector Mike Hayden and his team have done a meticulous job in my view with the aims of; Clarifying the text when there was any ambiguity which we know developers love. Strengthening connections wherever possible between the SADPD and other Cheshire East Policy documents wherever possible. Ensuring the text is in line with National Policy. (vital to avoid a legal challenge to decisions where the deep pockets of developers can outbid the legal expertise of cash strapped local authorities) Straightforward corrections where errors have been found. We note the main modifications, which have been examined locally and are considered to add clarity, and conformity with the NPPF 2021 and that we wish them to be accepted .
Representation reference:	MOD32
Representor ID:	1255389
Representor first name:	John
Representor surname:	Winstanley
Representor organisation:	Story Homes
Agent ID:	1311680
Agent first name:	Rebecca

Agent surname:	Caines
Agent organisation:	Lichfields
Representation regarding:	Response regarding other matters or general issues
Q2 Representation details:	See separate Note attached.
Link to supporting information (attachments):	1255389 Story Homes Reprs.pdf
Representation reference:	MOD81
Representor ID:	687198
Representor first name:	Andrew
Representor surname:	Taylor
Representor organisation:	David Wilson Homes North West
Agent ID:	1255717
Agent first name:	Paul
Agent surname:	Forshaw
Agent organisation:	Turley
Representation regarding:	Response regarding other matters or general issues
Q2 Representation details:	<p>DWH has previously made representations at various stages of the SADPD plan-making process and attended the examination hearing sessions on Matter 2 (Local Service Centres and Safeguarded Land) and Matter 3 (Housing). DWH's representations have generally supported housing development and growth at Chelford, including supporting the allocation of Safeguarded Land at Land East of Chelford Railway Station (ref: CFD2), and commenting on the level of development distributed to Local Service Centres.</p> <p>It is noted that no Main Modifications are proposed to the housing requirement, the distribution of the housing requirement to Local Service Centres or the proposed allocation of Safeguarded Land at Chelford. However, a number of Main Modifications are proposed to other policies, some of which DWH has commented on in previous representations.</p>
Representation reference:	MOD94
Representor ID:	1227334
Representor first name:	Jackie
Representor surname:	Copley
Representor organisation:	CPRE Cheshire
Representation regarding:	Response regarding other matters or general issues
Q2 Representation details:	<p>We are CPRE, the countryside charity. We work with communities, businesses, and government to ensure that our countryside and green spaces can thrive.</p> <p>We're working for a countryside that's rich in nature, accessible to everyone and playing a crucial role in responding to the climate emergency. As the local CPRE group for Cheshire, we're part of a national movement advocating the kind of countryside we all aspire to: one with sustainable, healthy communities and available to more people than ever, including those who haven't benefited before.</p> <p>We stand for a countryside that enriches all of our lives, nourishing our wellbeing, and that we in turn nourish, protect, and celebrate. We've worked for almost a century to support and promote the countryside, and we'll be doing this for generations to come. That's why we call ourselves 'the countryside charity'.</p> <p>As the only environmental organisation to attend and participate in the examination hearing in Autumn 2021, CPRE Cheshire is keen to ensure the local plan with improved policies and allocations for protecting rural Cheshire East is adopted without delay to better steer sustainable development. During the emerging Local Plan process, we have repeatedly questioned the housing requirement based on Government's growth</p>

	<p>agenda, and at the local level, what appears to be overly optimistic claims for economic growth, the distribution of housing, the release of Green Belt and non-designated countryside and the housing density policy and we have also commented on issues such as design and landscape character.</p> <p>5. CPRE has repeatedly called on the Government to justify its claimed 300,000 homes per year. No one understands where the very high figure stems from. It is not grounded in population data of the Office of National Statistics. Furthermore, CPRE is very critical of the Government's Standard Method as the assumptions on affordability are utterly flawed. Combined with the mandatory use of ONS 2014 base data, which is against the Government's own best practice of using the latest data to form future household projections to inform housing evidence bases, every council is being forced to plan for more houses than is actually necessary. This is causing unnecessary loss of our farmland, with harm to biodiversity, including to land in the protected Green Belt, irrespective of Government's promises to protect it. The soon to be released CENSUS data will show the extent to which the Government is wrong on housing need numbers.</p>
Representation reference:	MOD116
Representor ID:	1140423
Representor first name:	Joanne
Representor surname:	Harding
Representor organisation:	Home Builders Federation
Representation regarding:	Response regarding other matters or general issues
Q2 Representation details:	<p>Thank you for consulting with the Home Builders Federation (HBF) on the Draft Site Allocations and Development Policies Document Main Modifications consultation.</p> <p>The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small, local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing.</p> <p>Future Engagement</p> <p>I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.</p> <p>The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.</p>
Representation reference:	MOD133
Representor ID:	459479
Representor first name:	Melanie
Representor surname:	Lindsley
Representor organisation:	The Coal Authority
Representation regarding:	Response regarding other matters or general issues
Q2 Representation details:	<p>The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.</p> <p>Our records indicate that within the Cheshire East area there are recorded coal mining features present at surface and shallow depth including; mine entries, shallow coal workings and past surface mining activity. These features pose a potential risk to surface stability and public safety.</p> <p>The Coal Authority's also records indicate that surface coal resource is present in the area, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. As you will</p>

	<p>be aware those authorities with responsibility for minerals planning and safeguarding will have identified where they consider minerals of national importance are present in your area and related policy considerations. As part of the planning process consideration should be given to such advice in respect of the indicated surface coal resource.</p> <p>I have reviewed the Main Modifications proposed and can confirm that the Planning team at the Coal Authority have no specific comments to make.</p>
Representation reference:	MOD135
Representor ID:	560026
Representor organisation:	Bourne Leisure Ltd
Agent ID:	1311923
Agent first name:	Helen
Agent surname:	Ashby-Ridgway
Agent organisation:	Lichfields
Representation regarding:	Response regarding other matters or general issues
Q2 Representation details:	<p>On behalf of our client, Bourne Leisure Ltd (“Bourne Leisure”), we set out below comments on the Cheshire East Local Plan: Site Allocations and Development Policies Document: Main Modifications, published for consultation on 19 April 2022 (“SADPD”). The consultation runs until 31 May 2022.</p> <p>We have previously submitted comments in response to a number of documents which have informed the emerging plan, namely, the consultation on the SADPD Publication Draft (September 2019), SADPD First Draft (August 2018), the SADPD Issue Paper (Feb 2017) and the SADPD Revised Publication Draft (December 2020) on behalf of Bourne Leisure. The response presented here reinforces and expands upon those previous representations.</p> <p>As set out in more detail in our previous representations, Bourne Leisure operates more than 50 holiday sites in the form of holiday parks, family entertainment resorts and hotels in Great Britain and is therefore a significant contributor to the national tourist economy, as well as local visitor economies. In Cheshire East, Bourne Leisure operates Alvaston Hall Hotel, Middlewich Road, Nantwich under the Warner Leisure Hotels brand.</p> <p>The Company needs to regularly invest in Alvaston Hall to continue to attract new and repeat visitors to the local area. Such investment supports the local economy directly and indirectly through the provision of jobs and spending. The need to be able to upgrade the property and invest in the site/estate underpins the comments on the draft policies.</p> <p>The consultation asks respondents to relate any comments to the tests of soundness. The National Planning Policy Framework [Paragraph 35] states that, to be sound, a plan must meet the following tests:</p> <p>Positively Prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;</p> <p>Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence; Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and</p> <p>Consistent with National Policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.</p> <p>We trust the inspector has properly considered all responses contained from earlier stages and that this letter will be given appropriate consideration; should you require any clarification or additional information, please let us know. We would be grateful if</p>

	you would keep us informed of the progress of the Local Plan and any other policy or guidance documents that are being prepared by the Local Planning Authority.
Representation reference:	MOD145
Representor ID:	641527
Representor organisation:	Barratt & David Wilson Homes
Agent ID:	1272265
Agent first name:	Jon
Agent surname:	Suckley
Agent organisation:	Asteer Planning
Representation regarding:	Response regarding other matters or general issues
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	Please refer to supporting covering letter
Q3 Changes necessary:	Please refer to supporting covering letter
Link to supporting information (attachments):	641527 Barratt and David Wilson Homes Reps
Representation reference:	MOD153
Representor ID:	1187009
Representor organisation:	PH Property Holdings Ltd
Agent ID:	1272265
Agent first name:	Jon
Agent surname:	Suckley
Agent organisation:	Asteer Planning
Representation regarding:	Response regarding other matters or general issues
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	Please refer to supporting letter.
Link to supporting information (attachments):	1187009 PH Property Holdings.pdf
Representation reference:	MOD169
Representor ID:	586279
Representor first name:	Michael
Representor surname:	Kingsley
Representor organisation:	The Estate of Marques Kingsley Deceased
Agent ID:	806400
Agent first name:	Jonathan
Agent surname:	Vose
Agent organisation:	Walsingham Planning
Representation regarding:	Response regarding other matters or general issues
Q1(1) Legally compliant?	No
Q1(2) Sound?	No
Q2 Representation details:	Unsoundness of Overall Strategy and Need for Resulting Further Modifications and Allocations

	<p>The proposed Main Modifications principally pick up fairly minor points and add/delete words and sentences as a result. Such an approach fundamentally fails to address numerous clear deficiencies in the approach of the SADPD, resulting in an unsound document that is not fit for purpose or capable of withstanding challenge.</p>
<p>Q3 Changes necessary:</p>	<p>As a fundamental point of relevance, it should be noted that there is a commitment within the Cheshire East Local Plan Strategy (CELPS) to allocate land for 3,335 dwellings. Table 8.2 of the CELPS (page 55) states that the: “contribution to be made through the Site Allocations and Development Policies Document” is 3,335 dwellings. Paragraph E.6 of the CELPS (page 445) also explains that the SADPD “will allocate a further 3,335 [dwellings] over the plan period”. In only allocating 665 dwellings, the SADPD is not consistent with the CELPS in this regard.</p> <p>The CELPS only considered the allocation of sites which were 5ha or 150 dwellings or more. Smaller sites were automatically discounted on the basis of their size as they did not meet the threshold (stage 3 of the site selection methodology). Smaller sites were to be assessed and allocated through the SADPD. Various parties at the Examination of the CELPS, my client included, identified that the application of the 150 dwelling / 5ha threshold meant that reasonable alternatives (i.e. smaller sites) were not considered. However, the Inspector examining the CELPS accepted the Council’s approach on the basis that smaller sites would be considered through the SADPD. Paragraph 162 of the Inspector’s Report states:</p> <p>“Developers and landowners will have the opportunity to put forward smaller “non-strategic” sites when the SADPDPD is prepared. Proposed site allocations account for over 50% of overall housing provision, but along with existing completions and commitments, the CELPS-PC provides for over 90% of the currently identified development requirements up to 2030. This leaves a balance of some 3,300 dw and 15ha of employment land to be identified in subsequent plans, including the SADPDPD and Neighbourhood Plans, providing sufficient flexibility and choice”.</p> <p>There was therefore a clear expectation from the Inspector that smaller sites amounting to at least 3,335 dwellings and 15ha of employment land would be considered and allocated through the SADPD, allowing them to be properly considered, and furthermore that the allocation of this quantum of smaller sites would provide flexibility and choice to the housing land supply. Had the Cheshire East Local Plan Inspector understood that the Council would actually allocate significantly less land for development than set out through the CELPS, he may have drawn very different conclusions on the issues of housing land supply and whether reasonable alternatives had been properly considered.</p> <p>In allocating just 665 dwellings, the SADPD is clearly inconsistent with CELPS and on this basis alone should be considered unsound. The SADPD places a huge emphasis on windfall housing coming forward, this despite large areas of the Borough, particularly in its north, being heavily restricted by land use designations, most notably the Green Belt. In respect of Poynton, it is questionable whether there is any capacity within the town to provide the level of windfall to make up the shortfall, in the absence of further site allocations, since the windfall sites have largely been developed due to the absence of land release over the last thirty years. In addition, the Inspector specifically indicated that the provision of the further 200 houses required for Poynton should be allocated in addition and without regard to windfall or any housing contribution arising from Higher Poynton. The SADPD is the only medium through which to assess and direct where additional housing can and should be accommodated, but mistakenly, this opportunity is being missed</p> <p>The Council’s own figures within ‘The Provision of Housing and Employment Land and the approach to Spatial Distribution’ report show that of the completions reported from 1 April 2010 to 31 March 2020 only 23% are in the north of the Borough with 77% being in the south. This demonstrates that the northern areas are not experiencing the same level of housing development as other well performing areas in the south. While it is true that the CELPS adopted a broad 70 / 30 split in terms of housing allocations with the larger portion going to the southern, non-Green Belt areas and 30% going to the settlements in the north, there is also an under delivery against these targets.</p> <p>While in the first 10 years of the plan period 10,843 homes were delivered in the southern areas, equating to 32% of allocations and commitments and supply, only 3,155 homes were delivered in the northern settlements. This marked just 24% of the identified commitments and supply. It is clear therefore that the northern area is lagging</p>

behind the south in terms of housing delivery and addressing the current housing crisis, and it would be inappropriate to suggest that the provision of housing in the south satisfies the need for housing in the north.

The North Cheshire Growth Village in Handforth was proposed as a key remedy to housing supply and delivery in the north of the Borough, however, approaching five years since the adoption of the Cheshire East Local Plan and with just eight years of its plan period remaining, not a single dwelling of the proposed 1,500 allocated at the North Cheshire Growth Village in Handforth (Site LPS 33) has been delivered, nor is the site even the subject of any implementable residential planning permissions.

The above clearly demonstrates that the SADPD should be identifying a significantly greater scale of sites for housing allocation than is currently proposed and that a clear focus should be adopted in ensuring that a sufficient proportion of these sites is directed to the north of the Borough.

In response to the above fundamental shortcomings and failings of the SADPD, inclusive of the Main Modifications subject of the current consultation exercise, there is a clear and evidenced requirement to allocate additional sites within Cheshire East and specifically within the north of the Borough.

As my client has repeatedly outlined, the following sites represent suitable, available and viable locations to delivery additional and wholly required residential allocations: Land at Woodleigh, Poynton – 2.06 hectares – 20-40 dwellings (indicative capacity); Lostock Hall Farmyard, Poynton – 2.69 hectares – 20-40 dwellings (indicative capacity); Lostock Hall Farm, Poynton – 5.17 hectares – 100-120 dwellings (indicative capacity); and Clay Lane, Handforth – 2.01 hectares – 65 dwellings (indicative capacity).

My client has previously outlined why proposed allocations PYT1 and PYT2 hold various limitations that restrain their scope for allocation (please see enclosed letter dated 06/04/22 in this regard), compared to the sites noted above, and it is in this context that we again note a fundamental view that sites i, ii (and/or iii, as necessary) above should certainly be allocated in place of PYT1 and PYT2.

In addition, we would draw your attention to our previous representation in respect of the policies map and its accuracy and interpretation, and would confirm that this, along with all of the Estate's previous representations, should continue to be taken fully into account.

We would be grateful for the above comments to be given full and formal consideration as part of your ongoing assessment of the proposed soundness of the SADPD. As you will note, it is our view that the proposed modifications do very little to move the Plan towards being considered a robust or sound document; a substantially more comprehensive reassessment of the Plan is therefore required, inclusive of a fundamental revisit as to the scale of housing allocations this document is to deliver, if it is to hold any consistency with the adopted Cheshire East Local Plan Strategy.

We look forward to contributing to further consultation phases of the Plan in due course, including attending any resumption of the Inquiry

Link to supporting information (attachments):	568279 The Estate of Marques Kingsley Deceased Follow-up email and letters.pdf
Representation reference:	MOD170
Representor ID:	586279
Representor first name:	Michael
Representor surname:	Kingsley
Representor organisation:	The Estate of Marques Kingsley Deceased
Agent ID:	806400
Agent first name:	Jonathan
Agent surname:	Vose
Agent organisation:	Walsingham Planning
Representation regarding:	Response regarding other matters or general issues

Q2 Representation details:

Cheshire East Local Plan Site Allocations and Development Management Policies Document Examination – Matters Regarding Potential Allocations PYT 1 and PYT 2 –

Submission on behalf of the Estate of the Marques of Kingsley Deceased (ID 586279)

Walsingham Planning is instructed by the Estate of the Marques of Kingsley Deceased (herein referred to as 'The Estate') to address a specific matter of detail that is of direct relevance to your ongoing Examination of the Cheshire East Local Plan Site Allocations and Development Management Policies Document.

The Estate has made numerous other representations in relation to the Examination, we request that these enclosed comments be read alongside these, noting that they add context and detail to a matter of fact my client has been seeking to raise to you since the beginning of the Examination process.

Draft Policy PYT 1 allocates the Poynton Sports Club on London Road for around 80 new homes. The Policy is implicit in noting that the site can only be released for development once replacement sports facilities, also including enhancements over and above the existing facilities at Poynton Sports Club, have been brought fully into use.

The proposed site for the replacement Sports Club is allocated separately under Draft Policy PYT 2 – Land North of Glastonbury Drive and would see land in existing Green Belt designation developed to deliver replacement sporting facilities displaced from the PYT 1 site, plus additional enhancements.

Paragraph 149 of the National Planning Policy Framework states that :

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

On this basis, The Estate accepts that the relocation of Poynton Sports Club to Site PYT 2 could be considered to be in accordance with national planning policy, but only if it can be categorically demonstrated and accepted that the resultant facilities and structures 'preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'.

Noting that Draft Policies PYT 1 and PYT 2 are wholly predicated on the relocated Sports Club being delivered at PYT 2 without causing conflict with the purposes of including land within the Green Belt, it is of vital importance and relevance to draw your attention to how Cheshire East Council has interpreted and determined applications for two other Outdoor Sport and Recreation applications in recent years, both of which that would have delivered facilities of a far lesser scale and massing than is proposed at PYT 2.

Land at Chelford Road/Alderley Road, Nether Alderley, Cheshire

Cheshire Lakes CIC submitted two applications at a former Sand and Gravel Quarry in Nether Alderley seeking the delivery of a Watersports and Outdoor Activity Centre (Planning Application Refs: 16/1353M and 17/0510M).

Compared to the site's area (21.6 ha) only a very small area of built development was sought (850 sq m inclusive of large areas of decking and a service yard).

The Council refused both of the initial applications, including the following reason for refusal:

"The proposed use of the site and the associated built development are inappropriate by definition, the use is not listed as an exception and the building impacts on openness, therefore very special circumstances are required to outweigh the significant harm. In this case it is not considered that very special circumstances exist to outweigh the harm by inappropriateness or the harm to the openness of the Green Belt, contrary to policy GC1 of the Macclesfield Borough Local Plan and paragraph 89 of the NPPF".

Construction of an Adventure Golf Course, Adlington Road, Adlington, Cheshire

Applications submitted on behalf of Adlington Golf Centre have been submitted seeking an 'Adventure Golf' facility to sit alongside an existing 9-Hole Golf Course in Adlington (Planning Application Refs: 20/2925M and 21/2589M).

Cheshire East Council has refused both applications including the following reason for refusal:

"The site lies within the North Cheshire Green Belt. The proposed development, whilst not inappropriate development by definition, would lead to a loss of openness and encroachment in the Green Belt. The various structures, features and associated means of enclosure would have a material impact on openness and cause encroachment into the countryside thereby undermining the purposes of including land within the Green Belt. By reason of the harm to openness, the proposed development

Poynton Sports Club

Submissions made on behalf of Jones Homes by Tetra Tech Planning confirm that the replacement provisions at PYT 2 will include a Clubhouse building with a footprint of 794 sq m, within a 10 hectare site and at least 1 3G Sports Pitch, one would assume encompassing floodlight towers and fencing/netting surrounds.

The Cheshire Lakes proposal sought a Clubhouse with a footprint of 850 sq m, however, it must be noted that this included a very large external decking/viewing area and was also set in the context of a site of 21.6 hectares.

The Adlington Adventure Golf site proposed a very substantially lower scale of built development than is sought at PYT 2, however, as with Cheshire Lakes, these proposals have been repeatedly refused by Cheshire East Council, principally on the basis of the impacts the proposals will have on the openness of Green Belt, despite being proposed for outdoor sport and recreation uses.

The planning history of the above two sites very clearly demonstrates that very substantial doubt must be placed on the likelihood of Cheshire East Council supporting a facility of the scale proposed at PYT 2.

The Council's abundantly clear track record is that it is highly likely to resist the required scale of built structures within the Green Belt proposed at PYT 2, thus preventing the proposed scale of housing delivery suggested at PYT 2.

On this basis, PYT 1 can in no way be relied upon as a location to meet any element of Poynton's housing need, the site's delivery is wholly predicated on a process of events that have limited planning prospects, based on the Council's own approach to similar – but much smaller scale – sport and recreation proposals elsewhere in the North Cheshire Green Belt.

It remains The Estate's position that Poynton's housing needs would be much more appropriately met on land within its ownership and control at Woodleigh (Poynton Settlement Report Ref: CFS560), Lostock Hall Farmyard (Poynton Settlement Report Ref: CFS563) and/or Lostock Hall Farm (Poynton Settlement Report Ref: CFS562).

We would be most grateful if the enclosed information could be added to your consideration of the soundness of the Cheshire East Local Plan Site Allocations and Development Management Policies Document, with specific relevance to the point that Sites PYT 1 and PYT 2 cannot be relied upon as sound elements of Poynton's housing delivery strategy.

We look forward to discussing these matters further within subsequent stages of the Local Plan Examination, where possible.

Link to supporting information (attachments):	568279 The Estate of Marques Kinglsey Deceased Follow-up email and letters.pdf
Representation reference:	MOD243
Representor ID:	1187414
Representor first name:	Andrew
Representor surname:	Leyssens
Representor organisation:	United Utilities Water Ltd

Representation regarding:	Response regarding other matters or general issues
Q2 Representation details:	<p data-bbox="475 163 730 192">Additional Comments</p> <p data-bbox="475 208 1471 584">Notwithstanding the nature of this consultation, we wish to note that as a result of the availability of new information, we wish to inform you that the following sites include existing public sewers where modelling has identified a higher risk of sewer surcharge. Therefore there is a higher risk of public sewer flooding. The existence of any flood risk from the public sewer may limit the capacity of the development site. It may be necessary to apply the sequential approach as outlined in national planning policy, subject to the detail of the proposal that is brought forward. We request that the applicant liaises with United Utilities to understand the nature of this flood risk and the impact upon the proposed development. Applicants must engage with United Utilities prior to any masterplanning process to ensure development is not located in an area at risk of sewer flooding. Applicants will need to demonstrate that any flood risk is safely managed and that flood risk is not increased elsewhere.</p> <p data-bbox="475 600 1471 853">Applicants will need to carefully consider site topography and any exceedance flow paths. Resultant layouts and levels should take account of such existing circumstances to ensure the most flood resilient solution is achieved. Given the existence of sewer flood risk, applicants should not assume that changes in levels or any proposed diversion of the public sewerage system will be acceptable as such proposals could increase flood risk. In the event that a diversion of the public sewerage system is proposed this will need to be modelled to determine the impact of flood risk both on and off site. This will need to be undertaken prior to the approval of a site layout.</p> <p data-bbox="475 869 935 898">The sites in question are set out below.</p> <p data-bbox="475 909 807 938">PYT 1 Poynton Sports Club</p> <p data-bbox="475 949 938 978">PYT 2 Land north of Glastonbury Drive</p> <p data-bbox="475 990 1066 1019">EMP2.6 Land Rear of Handforth Dean Retail Park</p> <p data-bbox="475 1030 919 1059">PRE 2 Land South of Prestbury Lane</p> <p data-bbox="475 1070 1062 1099">ALD 3 Land at Ryleys Farm, West of Sutton Road</p> <p data-bbox="475 1111 592 1140">Summary</p> <p data-bbox="475 1151 1471 1279">Moving forward, we respectfully request that the council continues to consult with United Utilities for all future planning documents. In the meantime, if you have any queries or would like to discuss this representation, please do not hesitate to contact me.</p>