

Report to Cheshire East Council

by Mike Hayden BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Cheshire East Local Plan Site Allocations and Development Policies Document

The Plan was submitted for examination on 29 April 2021

The Examination Hearing was held between 12 October and 4 November 2021

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Abbreviations used in this report

AA	Appropriate Assessment
AMR	Annual Monitoring Report
CBLP	Congleton Borough Local Plan First Review (2005)
CNLP	Borough of Crewe and Nantwich Local Plan (2005)
dpa	dwellings per annum
dph	dwellings per hectare
DtC	Duty to Co-operate
EA	Environment Agency
GB	Green Belt
GTTSAA	Gypsy, Traveller & Travelling Showpeople Accommodation Assessment
ha	hectares
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
KSC	Key Service Centre
LC	Local Centre
LDS	Local Development Scheme
LGG	Local Green Gap
LHN	Local Housing Need
LLD	Local Landscape Designation
LOAEL	Lowest Observed Adverse Effect Level
LPA	Local Planning Authority
LPS	Local Plan Strategy
LSC	Local Service Centre
LUC	Local Urban Centre
MBLP	Macclesfield Borough Local Plan (2004)
MM	Main Modification
MPA	Minerals Planning Authority
MRA	Mineral Resource Assessment
MWDPD	Minerals and Waste Development Plan Document
NCGB	North Cheshire Green Belt
NDSS	Nationally Defined Space Standards
NE	Natural England
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework, July 2021
NPS	Neighbourhood Parade of Shops
OSA	Open Spaces Assessment
OSRA	Other Settlements and Rural Areas
PDNP	Peak District National Park
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites 2015
PSA	Primary Shopping Area
PT	Principal Town
PTC	Principal Town Centre
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SACBH	Self and Custom Build Housing
SADPD	Site Allocations and Development Policies Document
SCI	Statement of Community Involvement

SEA	Strategic Environmental Assessment
SGG	Strategic Green Gap
SL	Safeguarded Land
SoCG	Statement of Common Ground
SOAEL	Significant Observed Adverse Effect Level
SPD	Supplementary Planning Document
SSM	Site Selection Methodology
SSSI	Site of Special Scientific Interest
SuDS	Sustainable Drainage System
TC	Town Centre
UCO	Use Classes Order
VA	Viability Assessment
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the Cheshire East Local Plan Site Allocations and Development Policies Document (the SADPD) provides an appropriate basis for the planning of the Borough, provided that a number of Main Modifications [MMs] are made to it. Cheshire East Council has specifically requested that I recommend any MMs necessary to enable the SADPD to be adopted.

Following the hearings, the Council prepared a schedule of the proposed MMs and, where necessary, carried out Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) of them. The MMs were subject to public consultation over a six-week period. In some cases I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering the SA and HRA and all the representations made in response to consultation on them.

The MMs can be summarised as follows:

- Revisions to Policy PG 9 to clarify the relationship between settlement boundaries defined in the SADPD and neighbourhood plans;
- Alterations to the policies for housing allocations at Middlewich, Site MID 2, and Poynton, Sites PYT 3 and PYT 4, to ensure the measures to improve walking and cycling routes and mitigate the loss of playing fields, respectively, are justified, effective and consistent with national policy;
- Changes to Policies HOU 5a and HOU 5c to ensure the SADPD is positively prepared, justified, effective and consistent with national policy in providing for the accommodation needs of Gypsies, Travellers and Travelling Showpeople in Cheshire East;
- A number of amendments to the other Housing policies in the SADPD, amongst other things, to ensure the provision of specialist housing for older people, self and custom build dwellings, and accessible and adaptable housing in the Borough is justified, effective and consistent with national policy;
- Modifications to policies for employment allocations, to ensure they are effective, justified and consistent with national policy in mitigating the impacts of the development on mineral resources, heritage assets, biodiversity, drainage, and sustainable transport;
- Alterations to the policies for retail and town centre development, amongst other things, to ensure that the application of the sequential and impact tests is consistent with national policy; restrictions on the hours of opening of hot food takeaways near to schools and colleges on health grounds are limited to Crewe, where it is justified by evidence; and that the SADPD effectively supports the vitality and viability town centres in the Borough and safeguards planned investment in new local centres;
- Modifications to policies on the natural environment, climate change and resources, including those for the enhancement of the ecological network (ENV 1), the definition of local landscape designations (ENV 3), the protection and provision of trees in development (ENV 6), the identification of suitable areas for wind energy development (ENV 9), and the mitigation of aircraft noise in development (ENV 13), to ensure they are justified, effective and consistent with national policy;

- Amendments to policies for the historic environment to ensure they are effective and consistent with national policy, including Policy HER 9 for the protection of the outstanding universal value of the Jodrell Bank Observatory World Heritage Site;
- Revisions to the suite of policies for Rural Areas to ensure they are positively prepared, justified, effective and consistent with national policy in supporting LPS Policy PG 6 in managing development in the Open Countryside;
- Alterations to Policies REC 1, REC 2 and REC 3 to ensure the designation and protection of open space, and the provision of new indoor sports facilities and open space to support development are justified, effective and consistent with national policy;
- Redrafting of Policy GEN 1 on Design to ensure it is consistent with national policy on design and to avoid duplication of the Local Plan Strategy (LPS);
- Changes to Policy GEN 4 and its supporting text to incorporate the mechanism for calculating contributions to forward funded infrastructure schemes, and identify the schemes and costs to be funded;
- Amendments to Policies GEN 5 and GEN 6 to enable aerodrome safeguarding zones and airport public safety zones to be designated on the Policies Map;
- Alterations to policies for transport and infrastructure, including the deletion of the requirement for electric vehicle charging points in new development in Policy INF 3, which is now in national policy, and to ensure the effects of operational development at Manchester Airport on surrounding communities are minimised and mitigated in Policy INF 4;
- Changes to the monitoring framework to include it within the SADPD, and ensure it is effective and consistent with the LPS.

Introduction

1. This Report contains my assessment of the Cheshire East Local Plan Site Allocations and Development Policies Document (the SADPD) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the SADPD's preparation has complied with the duty to co-operate (DtC). It then considers whether the SADPD is compliant with the other legal requirements and whether it is sound. Paragraph 35 of the National Planning Policy Framework 2021 (NPPF) makes it clear that in order to be sound, a local plan should be positively prepared, justified, effective and consistent with national policy.
2. The NPPF was updated in July 2021, after the SADPD was submitted for examination. This included changes to national policies on sustainable development, the tests of soundness for local plans, design, flood risk and biodiversity. These changes applied with immediate effect for the purposes of examining the SADPD and, accordingly, I have taken them into account in preparing this Report. Unless stated otherwise, references in this Report are to the 2021 revised version of the NPPF.
3. The starting point for the Examination is the assumption that the local planning authority (LPA) has submitted what it considers to be a sound and legally compliant plan. The Revised Publication Draft of the Cheshire East Local Plan SADPD, dated September 2020 and submitted in April 2021, is the basis for my Examination. It is the same document as was published for consultation in October 2020.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the SADPD unsound and/or not legally compliant and thus incapable of being adopted. My Report explains why the recommended MMs are necessary. The MMs are referenced in bold in the Report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
5. Following the Examination Hearing, the Council prepared a Schedule of Proposed MMs to the SADPD and, where necessary, carried out Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) of them. The MMs Schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this Report. I have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. Where necessary I have highlighted these amendments in the Report. None of the amendments significantly alters the substance of the MMs as published for consultation nor undermines the participatory processes nor the SA and HRA that have been undertaken on them.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted plan. In this case, the submission Policies Map comprises the set of plans identified as the Cheshire East Local Plan Draft Adopted Policies Map (Revised Publication Draft SADPD Version), September 2020, including both online interactive and booklet versions¹.
7. The Policies Map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, a number of the published MMs to the SADPD's policies require further corresponding changes to be made to the Policies Map. In addition, there are some instances where the geographic illustration of policies on the submission Policies Map is not justified and changes to it are needed to ensure that the relevant policies are effective.
8. These further changes to the Policies Map were published for consultation alongside the MMs in the Schedule of Proposed Modifications to the Draft Policies Map, April 2022. In this Report I identify any amendments that are needed to those further changes in the light of the consultation responses.
9. When the SADPD is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted Policies Map to include all the changes proposed in the Cheshire East Local Plan Draft Adopted Policies Map (Revised Publication Draft SADPD Version), September 2020 and the further changes published alongside the MMs, incorporating any necessary amendments identified in this Report.

Context of the Plan

10. Cheshire East is a large and diverse Borough, covering one half of the former county of Cheshire. It is bounded to the north by Greater Manchester, encompasses the western fringe of the Peak District National Park (PDNP) on its eastern side, and extends across the Cheshire Plain to the Staffordshire conurbation of Stoke-on-Trent and Newcastle-under-Lyme in the south-east, and almost to the border of Wales to the south-west. The Local Plan area covers the Borough, with the exception of the area of the PDNP that lies within its boundary, for which the PDNP Authority is the local planning authority.
11. There is significant pressure for both housing and employment growth in Cheshire East. In part this is due to the quality of its environment and access to the Peak District, but also the strength of its economy, availability of skilled employment and excellent transport connections. The driving forces for economic growth in the area include its proximity and easy access to Manchester city centre; the presence of Manchester airport on its doorstep; a significant concentration of knowledge economy

¹ Core Documents ED 02a and 02b

jobs and businesses, with nationally important research establishments, such as Jodrell Bank, and key employers in chemical, pharmaceutical and financial services sectors, located in the north of the Borough; and strategic rail and automotive engineering facilities in Crewe. All of these factors serve to make Cheshire East attractive as a location for business and hence as a place to live and work.

12. At the same time, the opportunities for development in Cheshire East are constrained by its natural and built environmental assets, which are important both for their intrinsic value and their contribution to the Borough's quality of life. They include the landscape of the Peak District to the east, historic parks and gardens such as Tatton Park to the north-west of Knutsford, and the Jodrell Bank World Heritage Site (WHS) and buffer zone covering a broad arc of land in the centre of the Borough, as well as locally important landscapes and protected habitat sites dispersed across the Borough. The northern half of the Borough also lies within the Greater Manchester Green Belt and a swathe of land between Congleton and Alsager along the south-eastern boundary forms part of the Green Belt north of the Stoke-on-Trent and Newcastle-under-Lyme conurbation, wherein national policies of development restraint apply.
13. The challenge for the Local Plan is to manage these competing pressures for growth and restraint in a way that sustains the economy, environment and quality of life in Cheshire East. The SADPD forms the second part of the Local Plan, alongside the Cheshire East Local Plan Strategy (LPS), which was adopted in 2017. The LPS sets out the vision, spatial strategy and strategic policies for Cheshire East for the period 2010-2030, including the development requirements and their spatial distribution across the settlement hierarchy. It provides for significant housing and employment requirements over the plan period, including at least 36,000 new homes and 380 hectares (ha) of employment land, focused mainly at the principal towns of Crewe and Macclesfield and a number of Key Service Centres (KSCs), which are the largest settlements in the hierarchy. The LPS allocates over 50 strategic sites for development in and around the principal towns and KSCs, and sets strategic policies to protect landscape, countryside and environmental assets.
14. The purpose of the SADPD is to set out non-strategic policies to guide planning decisions. This includes allocating any non-strategic sites needed to meet the remaining housing and employment requirements of the Borough identified in the LPS, particularly at the Local Service Centres (LSCs) and Other Settlements and Rural Areas (OSRAs), which are the lower tier settlements in the hierarchy. The SADPD also defines detailed boundaries for settlements and village infilling to support LPS policies to protect the countryside, as well as providing a raft of more detailed criteria-based policies to implement the strategic development management policies in the LPS. On adoption, the SADPD is intended to replace all of the saved policies from the Congleton Borough Local Plan First Review (2005) (CBLP), the Borough of Crewe and Nantwich Local Plan (2005) (CNLP) and the Macclesfield Borough Local Plan (2004) (MBLP). Hereinafter, I refer collectively to these plans as the three legacy local plans.

15. It is not the role of the SADPD to reconsider the strategic matters and issues which were established through the examination and adoption of the LPS. Although the standard method for calculating local housing need (LHN) has been introduced into national policy since the LPS was adopted, any change to the Borough's development requirements as a result will be a matter for the future review of the LPS.
16. Since the close of the consultation on the MMs, the Council has confirmed its intention to update the LPS following a review of its policies. This may result in alterations to the development requirements of the Borough to 2030 and beyond, in the light of the above mentioned changes to national policy, but also changing economic circumstances and other factors. However, the review of the LPS is at a very early stage, with no firm evidence yet available on whether development requirements are likely to increase or decrease following consultation and examination. Therefore, the LPS review currently has no bearing on the soundness or legal compliance of the SADPD, and it would not be expedient to delay the Examination in order to take it into account. The strategic policies of the adopted LPS remain part of the development plan until replaced by an updated plan. It is a legal requirement for the policies in the SADPD to be consistent with the development plan².

Public Sector Equality Duty

17. Throughout the Examination, I have had due regard to the equality impacts of the SADPD in accordance with the Public Sector Equality Duty, contained in Section 149 of the Equality Act 2010. Amongst other matters, this sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
18. The SADPD contains specific policies which seek to advance equality of opportunity and should directly benefit those with protected characteristics. These include policies which provide for: accommodation for Gypsies and Travellers (Policies HOU 5a-5c, and Sites G&T 1-5, G&T 8 and TS 1-3); specialist housing provision for older people and others in need of supported accommodation (Policy HOU 2); a proportion of housing to be built to accessible and wheelchair adaptable standards (Policy HOU 6); and the design of development and spaces so they can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances (Policy GEN 1).
19. Subject to the recommended MMs to some of these policies, there is no compelling evidence that the SADPD as a whole would bear disproportionately or negatively on people who share protected characteristics. Indeed, the Council submitted an Equality Impact Assessment as part of the SA³, which demonstrates that the policies of the SADPD would not have a negative impact on people with protected characteristics.

² Regulation 8(4) of the Town and Country Planning (Local Planning) (England) Regulations 2012

³ Appendix G to Core Document ED 03

Assessment of Duty to Co-operate (DtC)

20. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
21. The Council submitted a DtC Statement of Common Ground (SoCG)⁴. This confirms that the key strategic matters in the Local Plan were addressed by the adopted LPS, through which it was also established that Cheshire East does not form part of a shared functional economic area and that the Borough is comprised of a single housing market area. The SoCG explains that the SADPD has been prepared as a 'daughter' document of the adopted LPS, and that there are no additional strategic cross boundary issues that flow from the policies and proposals contained in the SADPD. Appendices 1 and 2 to the SoCG confirm the agreement of all of the local authorities surrounding Cheshire East and the bodies prescribed under Regulation 4⁵ to this position.
22. Concerns were expressed in representations to the Hearing about the potential implications for Cheshire East of the future housing requirements of Stockport, following the withdrawal of Stockport Metropolitan Borough Council from the Greater Manchester Spatial Framework. However, for the purposes of the Local Plan to 2030, the housing requirement for Cheshire East has been established in the adopted LPS. Any implications for the Borough's housing requirement beyond 2030, arising from the unmet needs of neighbouring LPAs or any other factors, is a matter for the review of the LPS and not for the SADPD as the non-strategic part of the Local Plan. The Greater Manchester Combined Authority is a signatory to the DtC SoCG and has not raised any objections on this matter.
23. The SoCG also outlines the ongoing engagement and joint work taking place on strategic cross-boundary matters related to the LPS. These include work with: Stockport MBC in relation to development and transport issues for North Cheshire Growth Village at Handforth, addressed through LPS; the Constellation Partnership⁶ on the land use consequences of HS2 where it passes through the Borough and on a new station hub planned at Crewe; Cheshire West & Chester Council in respect of housing and employment land at Middlewich and the delivery of the Middlewich Eastern by-pass; Staffordshire County, Stoke-on-Trent and Newcastle-under-Lyme Councils on transport and education provision to meet growth in Alsager and the Stoke-on-Trent/Newcastle-under-Lyme area; and Highways England to monitor the impact of growth on the strategic road network over the lifetime of Local Plan. There are no concerns arising from the representations suggesting a failure of the DtC in respect of the preparation of the SADPD.

⁴ Core Document ED 51

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

⁶ Comprising Cheshire and Warrington Local Enterprise Partnership (LEP), Stoke-on-Trent & Staffordshire LEP, Cheshire East Council, Cheshire West & Chester Council, Stafford BC, Staffordshire Moorlands DC, Newcastle-under-Lyme BC, City of Stoke-on-Trent, and Staffordshire CC.

24. Overall, therefore, based on the non-strategic status of the SADPD's policies and the evidence of joint working on strategic matters related to the LPS, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the SADPD and that the DtC has been met.

Assessment of Other Aspects of Legal Compliance

Local Development Scheme

25. Section 19(1) of the 2004 Act requires development plan documents to be prepared in accordance with the Local Development Scheme (LDS). The purpose and scope of the SADPD is consistent with the LDS published in February 2021⁷ and the publication and submission stages in line with the timetable in its schedule.
26. Representations made at both the Initial and Revised Publication Draft stages of the SADPD maintain that it should include policies to safeguard mineral resources and allocate sites for the extraction of minerals, based on the expectations of Policy SE 10 of the LPS. This is primarily a soundness issue, in terms of whether the SADPD is consistent with national policy and the LPS in the safeguarding of mineral resources, which I assess below.
27. However, to comply with section 19(1) of the Act, the SADPD must have been prepared in accordance with the LDS. The current version of the LDS identifies that policies for minerals and waste will be set out in a separate Minerals and Waste Development Plan Document (MWDPD) and not the SADPD. The 2016-18 version of the LDS⁸, which was in place at the time of the LPS examination, also states that a separate MWDPD will be prepared to deal with minerals, including sites. As explained by the Council, the inconsistency between the LDS and Policy SE 10 is because the LDS was updated part way through the LPS examination to remove minerals matters from the SADPD and add it to the Waste DPD, but Policy SE 10 was not amended via an MM to replace reference to the SADPD with the MWDPD.
28. Nevertheless, in respect of legal compliance, the evidence shows that the SADPD has been prepared in accordance with the Council's LDS.

Consultation

29. Development plans must be prepared in accordance with the statutory requirements for consultation, which are set out in the 2004 Act and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations). The Council's Regulation 22 Consultation Statement⁹ provides a comprehensive record of the consultation undertaken at the various stages of preparation of the SADPD.
30. It shows the Council invited representations from the bodies and persons specified in Regulation 18(2) and in accordance with the digital, written and face to face consultation methods specified in the adopted Statement of Community

⁷ Core Document BD 02

⁸ Core Document CEC/04

⁹ Core Documents ED 56 and ED 56a

Involvement (SCI)¹⁰, as required by Section 19(3) of the 2004 Act. Some representations have stated that the consultation processes were accessible only on-line, and were too short and too complicated. However, from the evidence in the Consultation Statement it is clear that the Council made it possible for interested parties to inspect hard copies of the SADPD and consultation documents and to submit representations by post, and provided guidance on how to do this. The length of the consultations also complied with the statutory requirements.

31. The schedules to the Consultation Statement provide summaries of the main issues raised by representations to the First Draft SADPD under Regulation 18 and to the Publication Draft under Regulation 20. They also explain how the representations made under Regulation 18 were taken into account in preparing the Publication Draft of the SADPD. Whilst I recognise that the SADPD as submitted may not have satisfied the objections of all interested parties, it is clear from the evidence provided that the Council took those representations into account, in accordance with Regulation 18(3).
32. At the Hearing it also became apparent that the on-line link to the 2012 Open Spaces Assessment (OSA) in the Green Space Strategy Update (GSSU)¹¹ did not work. However, the Council provided evidence¹² that access to the 2012 OSA was available at all times during the Regulation 18 and 19 consultations, with the exception of the first 2 weeks of the consultation period on the Revised Publication Draft SADPD. But the link to the 2012 OSA was available for the remaining 6 weeks of that consultation period. Based on the evidence provided, I am satisfied that the procedural requirements to make supporting evidence available at Regulation 18 and 19 stages in the preparation of the SADPD were met.
33. Overall, therefore, I conclude that the consultation on the SADPD was carried out in accordance with the Council's adopted SCI and the Regulations.

Sustainability Appraisal

34. The 2004 Act and 2012 Regulations¹³ require LPAs to carry out an appraisal of the sustainability of a local plan, prepare a report of its findings, consult on it alongside the publication plan and submit this with the plan for Examination. The Council submitted a report on the SA of the SADPD¹⁴, from which it is evident these legal requirements have been met.
35. Paragraph 32 of the NPPF also requires that plans should be informed throughout their preparation by an SA that meets the relevant legal requirements, including the Strategic Environmental Assessment (SEA) Regulations¹⁵. The SA report for the SADPD is comprehensive and details the work undertaken at each stage of its preparation, starting with a Scoping Report of Issues in 2017 and concluding with the appraisal of the Revised Publication Draft of the SADPD.

¹⁰ Core Document BD 03

¹¹ Core Document ED 18

¹² Examination document CEC/36

¹³ Sections 19(5) and 20(3) of the 2004 Act and Regulations 17, 19 & 22 of 2012 Regulations

¹⁴ Core Document ED 03

¹⁵ The Environmental Assessment of Plans and Programmes Regulations 2004

36. In terms of the SEA Regulations, the SA report contains appropriate baseline information about the environmental, social and economic characteristics of the Borough and an outline of other relevant plans, policies and programmes. It also identifies the key sustainability issues for the Borough from which the SA objectives were evolved. It uses a framework of twenty-five SA objectives, which cover the issues set out in the SEA Regulations, and against which the policies and site allocations of the SADPD have been appraised and likely significant effects evaluated. Reasonable alternatives to policies and site allocations have been appraised on an equal basis to selected options, and reasons given for rejecting those alternatives. A Non-Technical Summary report was also submitted alongside the main SA¹⁶.
37. The SA tested eight alternatives for the disaggregation of the indicative levels of housing and employment growth identified for the Local Service Centres (LSCs) in Policy PG 7 of the LPS. Whilst Option 7 (Hybrid approach) performed better than Option 8 (Application-led approach) against the SA objectives, the reasons for basing the disaggregation for the LSCs on Option 8 rather than Option 7 are explained in the SA¹⁷. Likewise, out of the eight alternatives assessed for the distribution of Safeguarded Land (SL) at the LSCs, under Policy PG12, the decision to progress Option 8 (Hybrid approach), even though it performed less well than Option 4 (Services and Facilities-led approach) is explained in the SA¹⁸, as are the reasons for selecting the approach to redistributing Mobberley's unmet SL requirement. Ultimately, the SA is one part of the evidence base informing the preparation of the SADPD and the policy choices made. The question of whether the approaches to the disaggregation of development and distribution of SL at the LSCs are justified as appropriate strategies is a soundness matter, which I consider below.
38. With regard to site allocations and the choice of sites to be designated as SL at the LSCs, the Council used a detailed site selection process for the appraisal of site options, in order to identify candidate sites on a settlement-by-settlement basis. The process described in the Site Selection Methodology (SSM) Report¹⁹ shows that SA was integrated within the traffic light assessment carried out at Stage 4 of the site selection process, by using criteria which were in line with the SA framework and objectives.
39. The results of the site assessments and SA, and the reasons for the selection of sites included in the SADPD for both development and SL, are set out in each of the Settlement Reports and in the SA Report²⁰. The question as to whether the Council appraised reasonable alternatives to the sites allocated in the SADPD was raised in representations and discussed at the Hearing, especially in respect of Poynton, although the point applies to other settlements as well. It is evident from the Settlement Reports that a significant number of sites were considered by the Council, including those which are subject to Green Belt and other constraints. Whilst not all sites put forward and considered by the Council were subject to SA, the LPA is not under an obligation to appraise sites that are not reasonable

¹⁶ Core Document ED 03a

¹⁷ Table 3.8 of ED 03

¹⁸ Table 3.12 of ED 03

¹⁹ Core Document ED 07

²⁰ Tables E.2-E.17 of ED 03

alternatives. The final list of sites that were judged by the Council to be reasonable alternatives, and which were therefore subjected to SA, were those assessed as being in general conformity with the LPS Vision and Strategic Priorities. Ultimately, the LPA has substantial discretion in deciding what is a reasonable alternative for the purposes of SA, provided the alternatives chosen are realistic. There is no compelling evidence to indicate that the SA has not considered reasonable alternatives in respect of site allocations and SL options. Likewise I am satisfied, based on the evidence that an equal and comparative assessment of reasonable alternatives has been carried out.

40. For the remaining policies in the SADPD, Appendix D of the SA considers each policy theme in turn and explains that there were no reasonable alternatives to consider, because most are either derived from strategic policies in the LPS, or relate to national policy. Given this and that the policies in the LPS, which they were prepared in the context of, have already been subject to SA, it is reasonable to conclude that a formal appraisal of alternatives for each detailed development management policy in the SADPD would not be proportionate. Commentary on the appraisal of the SADPD only discusses policies and allocations where there are likely positive or negative effects on particular topics. However, this is also a proportionate approach, given the SEA Regulations require the evaluation of significant effects. Therefore, there is no requirement to refer to every single allocation and policy in the appraisal narrative. Overall, I find the approach to the selection and assessment of alternatives in the SA to be adequately explained and justified.
41. It was argued in representations that the approach to mineral resources in the SA risks sterilisation of nationally significant mineral resources. However, the SA was informed by baseline data about the potential for the extraction of mineral resources across the Borough, which forms part of the evidence base for the emerging MWDPD and is held by the Council as Minerals Planning Authority (MPA). The SA assessed the effect of the SADPD on mineral resources as one of the SA objectives and one of the traffic light criteria for site allocations. It records that a number of proposed site allocations are located within or close to a mineral resource area, and, therefore, may have a 'significant negative effect' on mineral resources. In response, the SADPD was amended at Revised Draft stage to require a Mineral Resource Assessment (MRA) to be undertaken and submitted with applications for the relevant sites, to establish whether minerals can be extracted prior to development. On this basis, I am satisfied that the SA has appropriately assessed the effects of the SADPD on mineral resources and that this has led to the inclusion of mitigation measures within the SADPD intended to avoid any significant adverse impacts on the sterilisation of mineral resources.
42. The SA was updated to take into account the changes to the SADPD introduced by the proposed MMs. The results are set out in an SA Addendum, which was published for consultation alongside the MMs. Overall, it concluded that the MMs enhance the positive effects of policies and site allocations previously identified and strengthen the implementation of mitigation measures to deal with negative effects, improving the overall sustainability of the SADPD.

43. On this basis, I find that robust and proportionate SA has been carried out, which has assessed the likely environmental, social and economic effects of the SADPD and incorporates the requirements for SEA. It is evident that the SA has influenced the policies and allocations in the SADPD, and the mitigation measures proposed. Accordingly, I conclude that the SA work undertaken on the SADPD is adequate.

Habitats Regulations Assessment

44. A Habitats Regulations Assessment (HRA) of the submitted SADPD was undertaken²¹, including an Appropriate Assessment (AA), in line with the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). The screening assessment was undertaken without consideration of protective, avoidance or mitigation measures in line with case law²². It identified two SACs, one SPA and three Ramsar sites within Cheshire East, and a further eight SACs, three SPAs and three Ramsar sites located adjacent to Cheshire East, all of which were deemed to be within the influence of the SADPD.
45. No likely significant effects were identified for the majority of these European sites from proposals in the SADPD, either alone or in-combination. However, the potential for significant adverse effects on the River Dee and Lake Bala Special Area of Conservation (SAC) was identified, due to the effect of increased demand for water and abstraction on the River Dee, arising from development in Cheshire East. Accordingly, AA was undertaken for the SAC, including the potential effects of the SADPD proposals, both alone and in-combination, on its riverine habitats and running waters and the protected plant, fish and mammal species they support. The AA concludes that the existing management plans and policies of Natural Resources Wales, the Environment Agency (EA) and United Utilities, will ensure that the SADPD will have no adverse impact on the integrity of this European site. No objections were raised by Natural England (NE) to this conclusion.
46. An HRA was undertaken of the MMs, dated April 2022, which concluded that they would not result in any significant effects on European sites not already identified and assessed in the HRA of the SADPD. Due to its timing, this part of the HRA process was able to take into account the changes in approach to the assessment of development proposals in river catchments where protected water bodies are in unfavourable condition due to nutrient pollution, which was set out in the Written Ministerial Statement (WMS) published on 16 March 2022 by the Secretary of State for Environment Food and Rural Affairs.
47. In advice issued by NE alongside the WMS, the following protected sites within or close to Cheshire East were identified as being in unfavourable condition due to excessive levels of Nitrogen and Phosphorus: the Rostherne Mere Ramsar and the catchments of Abbots Moss and Wybunbury Moss Sites of Special Scientific Interest (SSSIs) within the West Midlands Mosses SAC in Cheshire East and the Oak Mere SAC in Cheshire West and Chester. The HRA of the MMs was able to assess the potential effects of the SADPD proposals on these sites and concluded that no sites being proposed for allocation in the SADPD fall within the Nutrient

²¹ Core Document ED 04, dated August 2020

²² People over Wind, Peter Sweetman v Coillte Teoranta [2018] EUECJ C-323/17

Neutrality catchments for these European sites, as identified by NE. Accordingly, NE has confirmed that the necessary steps have been taken to review the HRA in the light of the WMS, and that it has no outstanding concerns relating to nutrient impacts arising from the SADPD proposals on these European sites²³.

48. Therefore, I find that the potential likely significant effects of proposals in the SADPD have been appropriately considered through the HRA, and that the Plan is legally compliant with respect to the Habitats Regulations.

Other Legal Requirements

49. Sections 19(1B) and 19(1C) of the 2004 Act require development plans, taken as a whole, to include policies to address the strategic priorities for the development and use of land in the LPA's area. The introduction to the plan makes clear that policies and allocations to address the strategic priorities of Cheshire East are contained in the adopted LPS, supplemented by non-strategic policies and site allocations in the SADPD. Taken together, the LPS and the SADPD, once adopted will meet the legal requirements of the Act in this respect.
50. Section 19(1A) of the 2004 Act requires that development plan documents must, taken as a whole, include policies designed to ensure that the development and use of land in the LPA's area contribute to the mitigation of, and adaptation to, climate change. The SADPD includes a range of policies that will support the LPS in ensuring this. They include: Policies ENV 1-6, which seek to protect the natural environment comprising its ecology, landscape, river corridors, trees and woodlands; Policies ENV 7-11, which require development to incorporate measures to adapt to climate change and mitigate its impacts, minimise CO₂ emissions and increase the production and use of renewable and low carbon energy; Policy ENV 12, which aims to minimise the negative effects of development on air quality; Policies ENV 16-17, which seek to reduce the risk of flooding, ensure development is flood resilient and protect water resources; Policy INF 1 which aims to increase the use of sustainable transport as a means of reducing polluting emissions; and policies REC 1 and REC 3, which require the protection of existing open space and the provision of new open space within developments. I address the soundness of these policies below, but, taken as a whole, I confirm that the SADPD meets the statutory requirement of section 19(1A).
51. Paragraph 1.3 of the SADPD confirms that it will replace all of the saved policies from the three legacy local plans covering Cheshire East, namely the CBLP, CNLP and MBLP. Although there is not a separate list of the superseded policies from these plans, it is clear that all of their saved policies will be superseded. Accordingly, this meets the requirements of Regulation 8(5).
52. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

²³ In Core Document CEC/38a

Assessment of Soundness

Main Issues

53. Taking account of all the representations, the written evidence, the discussions that took place at the Examination Hearing, and the context of the plan, I have identified fourteen main issues upon which the soundness of the SADPD depends. These are considered below. The report does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the SADPD, but those on which I have had soundness concerns.

Issue 1 – Are the provisions of the SADPD for housing, employment development and safeguarded land at the Local Service Centres (LSCs) consistent with the Local Plan Strategy (LPS) and are they positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development?

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

54. Policy PG 7 of the LPS sets indicative levels of development for each settlement or tier in the settlement hierarchy. The LSCs are expected to accommodate 'in the order of' 7 ha of employment land and 3,500 new homes over the plan period 2010-2030. In terms of the spatial distribution of this growth across the LSCs, paragraph 8.77 of the LPS confirms that the figures for the LSCs will be further disaggregated in the SADPD and/or Neighbourhood Plans (NPs). However, rather than defining a policy-led distribution, Policy PG 8 of the SADPD proposes an application-led approach to meeting the development needs of the LSCs. It seeks to rely on windfall sites going forward to provide for the indicative level of new homes apportioned to the LSCs in Policy PG 7, and the combination of a single site allocation at Holmes Chapel and windfall to meet their employment land need.
55. The justification for this approach is set out in 'The provision of housing and employment land and the approach to spatial distribution' report²⁴. In terms of housing development, it is principally due to the number of new dwellings which have already been completed or permitted at the LSCs over the first 10 years of the plan period. The report shows that 91% (3,210 dwellings) of the indicative figure of 3,500 dwellings for the LSCs has been met through completions and planning permissions on windfall sites between 2010 and 2020.
56. It is the case that a significant proportion of this was granted in the period up to March 2016, when the Council was unable to demonstrate a 5 year housing land supply and sites outside of settlement boundaries were permitted. However, evidence shows that sufficient new housing has been permitted on windfall sites at the LSCs since the adoption of the LPS, to suggest windfalls would be a reliable source of supply to meet the remaining part of Policy PG 7 apportionment for the LSCs going forward.

²⁴ Core document ED 05

57. Analysis of windfall data shows that at least 178 additional new homes were permitted on windfall sites at the LSCs in the 2 years and 8 months between the adoption of the LPS at the end of July 2017 and the end of March 2020²⁵. This amounts to an average of 67 dwellings per annum (dpa) on windfall sites at the LSCs under the current adopted policy framework. Discounting small windfall sites (less than 10 dwellings) at an average of 27 dpa²⁶, because going forward these are already accounted for in the 125 dpa small sites windfall allowance built into the housing supply²⁷, this amounts to an average of 40 dpa from larger windfall sites at the LSCs, in the period between the adoption of the LPS and the end of March 2020.
58. Whilst the SADPD introduces new development management policies for housing, these largely replace, consolidate and update the saved policies contained in the three legacy local plans. Likewise, the settlement boundaries for the LSCs proposed in the submission Policies Map largely follow the boundaries defined in the three legacy local plans. Therefore, subject to the MMs discussed below, the policy framework in the submitted SADPD should not constrain windfall housing development from coming forward at the LSCs to any significantly greater extent than has been the case since the adoption of the LPS.
59. Accordingly, it would be reasonable to conclude that over the remainder of the plan period, additional housing supply should come forward from large windfall sites at the LSCs, at a rate of around 40 dpa. In addition to the existing supply of 3,210 dwellings, as at March 2020, this would be sufficient to deliver in the order of 3,500 new homes by the end of the plan period, as required by Policy PG 7.
60. The Inspector's Report on the LPS supports this approach, concluding that since some development had occurred at the LSCs in the past (between 2010 and 2016), it was the balance of development that should be identified in the SADPD. At the time the LPS was adopted this was 1,125 dwellings²⁸, since when the housing supply at the LSCs has increased and the balance of development required has reduced, to a figure in the order of 290 dwellings at March 2020.
61. The Inspector's Report also made clear that the apportionment of the total should be informed by potential site options²⁹. The Council considered a range of options for disaggregation of the LSCs' indicative level of housing, with two reasonable alternatives appraised in preparing the Revised Publication Draft of the SADPD. Option 7, a Hybrid approach, would disaggregate the 3,500 figure across the LSCs, but require the alteration of Green Belt boundaries to allocate sites to meet the apportionments at the LSCs within the North Cheshire Green Belt (NCGB). Option 8, an Application-led approach, disaggregates the lower figure of 3,210 dwellings in line with existing completions and commitments, relying on further windfall to make up the 290 balance. It is this approach that provides the basis for the spatial distribution of housing development at the LSCs in Policy PG 8.

²⁵ Table 1 of Examination document CEC/14

²⁶ Based on monitoring data for small site windfall at the LSCs for 2010-2020 in Table 15 of Core Document ED 05

²⁷ Table A1.5 of Appendix 1 to ED 05

²⁸ Paragraph 88 of BD 05 and Table A.3 of Appendix A of the LPS

²⁹ Paragraph 90 of Background Document BD 05

62. With regard to Option 7, paragraph 140 of the NPPF requires that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified. Although exceptional circumstances for the alteration of Green Belt boundaries in north Cheshire were established in the LPS³⁰, given the growth in the housing land supply since the LPS was adopted, it is necessary to determine whether those exceptional circumstances remain to justify further alterations to the Green Belt boundaries at the LSCs through the SADPD. Before concluding whether exceptional circumstances exist, national policy requires that all other reasonable options for meeting needs must be examined first³¹.
63. Based on the housing monitoring figures to March 2020, it is evident that supply has come forward from windfall sites, which already goes some way to meeting the needs of the LSCs in the north of the Borough³². It is true that a greater share of that supply has been completed or permitted in the LSCs outside of the NCGB (67.9%), with 32.1% at the LSCs within the NCGB³³. However, this is consistent with the Non-Green Belt/Green Belt split for the Principal Towns and Key Service Centres (KSCs) established in Policy PG 7³⁴, on the basis of which the LPS was found sound.
64. The evidence of windfall permissions since the LPS was adopted and of sites considered in the Settlement Reports, suggests that there is scope for further housing provision to come forward to meet the needs of the LSCs in the NCGB up to 2030, without the need to alter Green Belt boundaries. This includes Mobberley, at which a very limited amount of housing has been delivered since the beginning of the plan period. However, site MOB 1, which is located within the settlement boundary of Mobberley, is likely to be capable of being brought forward as a windfall site for a mix of uses including housing, through the development management process, subject to a design and layout that mitigates aircraft noise in line with the requirements of Policy ENV 13.
65. Therefore, I find that exceptional circumstances do not now exist to justify the further alteration of Green Belt boundaries in the SADPD to ensure the housing needs of the LSCs up to 2030 are met. As such Option 7 is not an appropriate strategy for determining the distribution of housing at the LSCs. On the basis that the remaining part of the indicative housing figure for the LSCs in Policy PG 7 can be addressed through windfalls, without the need to alter Green Belt boundaries or allocate further sites, an Application-led approach to providing for this, as set out in Policy PG 8, is justified as an appropriate strategy for the LSCs.
66. With regard to employment land, the take-up and commitments of employment land at the LSCs since the start of the plan period amount to 4.54 ha³⁵, which is 65% of the 7 ha apportioned to the LSCs in LPS Policy PG 7. Rather than seek to disaggregate the remaining balance of just 2.46 ha across the LSCs, which would result in a number of small employment sites that may not be deliverable, the SADPD proposes a single site allocation of 5.99 ha at Holmes Chapel (Site HCH 1)

³⁰ Paragraph 8.48 of the LPS

³¹ Paragraph 141 of the NPPF

³² Table 11 of Core document ED 05

³³ Table 17 of Core document ED 05

³⁴ 69.7%/30.3% in Table 16 of Core document ED 05

³⁵ Paragraph 6.44 and Table A2.3 of Core Document ED 05

to meet the remaining balance. Although this would lead to a surplus in the supply of employment land at the LSCs of around 3.53 ha (around a 50% over supply), it is justified as an appropriate strategy on the following basis.

67. Holmes Chapel will see the largest level of housing development of all of the LSCs, at 871 dwellings, and a larger employment allocation would help to balance the growth in jobs and housing, thereby enabling the delivery of sustainable development. The site is also adjacent to Recipharm, a major pharmaceutical employer in the Borough, and would provide an opportunity for its expansion as well as for growth in related pharmaceutical businesses and jobs.
68. Whilst the development of Site HCH 1 would result in the loss of greenfield, agricultural land, which currently forms part of the open countryside to the south east of Holmes Chapel, the evidence base demonstrates a lack of available new employment sites elsewhere in the LSCs, other than as part of residential-led schemes. However, further residential allocations are not required to meet the housing needs of the LSCs, and, therefore, to do so in order to deliver their apportionment of employment land would not be a reasonable alternative strategy.
69. Site HCH 1 is subject to a number of constraints, including fluvial flood risk from the River Croco, which runs through the site, the potential for protected species, the presence of sand and gravel mineral resources beneath the site, and the impact of development on the surrounding landscape. However, a series of measures are included in the site allocation policy to ensure any adverse effects are mitigated. This includes the requirement for an MRA to be undertaken and submitted as part of any planning application for development, to avoid the unnecessary sterilisation of mineral resources of local and national significance, in line with paragraph 210 of the NPPF. With these controls in place, I am satisfied that Site HCH 1 is justified as an appropriate allocation to meet the residual employment needs of the LSCs and that the policy wording is consistent with national policy and the LPS.
70. Overall, because the indicative level of employment land for the LSCs can be met through take-up since 2010, existing commitments and a single site allocation at Holmes Chapel, it is not necessary for soundness to disaggregate the 7 ha apportionment to individual LSCs in Policy PG 8. Accordingly, I am satisfied that Policy PG 8 and Site HCH 1 make appropriate provision for housing and employment development at the LSCs in a way that is consistent with the LPS and is positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development.

Safeguarded Land at Local Service Centres (Policy PG 12)

71. Policy PG 12 designates eight sites at the LSCs in the North Cheshire Green Belt (NCGB) as Safeguarded Land (SL), to meet the longer-term development needs of the LSCs beyond the plan period, if required. Criterion 3 of the policy states that LPS Policy PG 4 will apply to areas of SL, which in turn makes clear that SL is not allocated for development at the present time, and prohibits its development for anything other than uses appropriate in the open countryside, unless a review of the Local Plan has taken place which proposes its allocation for development. This is consistent with the purposes of SL in the NPPF.

72. As SL is located between the urban area and the inner boundary of the Green Belt (GB), the eight sites are proposed to be removed from the GB to enable their designation. In line with national policy³⁶, exceptional circumstances to justify the alteration of GB boundaries to designate SL to meet the longer term development needs of settlements in the NCGB were established through the LPS. In summary these are: to avoid unsustainable patterns of development in the future, by ensuring the development needs of settlements in the NCGB can be met at those settlements, rather than channelling it to settlements beyond the GB in the south of the Borough; and to give sufficient confidence that GB boundaries will not need to be altered again at the end of the plan period. A total of 200 ha of SL was identified as necessary across the NCGB, justified by evidence which was tested as part of the LPS examination³⁷. Policy PG 4 of the LPS identified sites totalling 186.4 ha of SL at the Principal Towns and KSCs, leaving 13.6 ha of SL to be identified at the LSCs through the SADPD, if required.
73. Whilst exceptional circumstances for the alteration of GB boundaries to designate 200 ha of SL have already been demonstrated at a strategic level through the LPS, the wording of Policy PG 4 and the Inspector's Report on the LPS³⁸, requires the SADPD to consider whether it is necessary for additional non-strategic areas of SL to be designated at the LSCs. Accordingly, I have reviewed the evidence on which the 200 ha SL requirement was based, in the light of any changes in circumstances since the LPS was adopted. My conclusions on this are as follows.
74. Although the overall supply of housing and employment land has increased since 2017, a potential surplus of land supply at the end of the plan period was taken into account in calculating the SL requirement. The 200 ha figure also assumed that the amount of urban potential from the recycling of brownfield land within the settlements in the NCGB would increase beyond 2030 as some sites currently in use are vacated. Whilst the reduction in the rate of housing supply from windfall sites since the adoption of the LPS is sufficient to rely on for the remaining housing provision at the LSCs within the plan period, it does not provide evidence to support any increase in supply from this source beyond 2030.
75. It is likely that the annual housing requirement for Cheshire East will change post 2030, following the introduction of the standard method for calculating LHN into national policy since the adoption of the LPS. However, the LHN figure on which the local plan housing requirement for the period post-2030 will be based is unknown. Although the current standard method LHN figure for Cheshire East is lower than the annual housing requirement in Policy PG 1 of the LPS, this could change as a result of new evidence that may become available while the LPS is being updated, including the household projections which form the starting point for LHN and future affordability ratios. On this basis, I am satisfied that the current housing requirement in the LPS provides the only reliable basis for determining the amount of SL to be allocated in the SADPD.

³⁶ Paragraph 140 of the NPPF

³⁷ Safeguarded Land Technical Annex 2015, Examination document CEC/05a

³⁸ Paragraph 102 of Background document BD 05

76. As such, I find that the available evidence continues to justify the need for 200 ha of SL and that exceptional circumstances remain for the alteration of Green Belt boundaries to identify land for the residual requirement of 13.6 ha at the LSCs in the NCGB.
77. Turning to the selection and distribution of sites for SL at the LSCs, Policy PG 12 designates a total of 14.48 ha of SL land across 8 sites. Whilst this exceeds the residual requirement of 13.6 ha for the LSCs, it is a result of the site selection process, which I have assessed below and found to be robust. The overall need for 200 ha is the midpoint in a range of figures which were assessed in determining the total requirement. Therefore, the small surplus in Policy PG 12 is reasonable.
78. The evidence explaining the selection and distribution of the proposed SL sites at the LSCs is set out in the Site Selection Methodology Report (SSMR)³⁹, the LSC Safeguarded Land Distribution Report⁴⁰ and the individual Settlement Reports for the LSCs⁴¹. This is a refinement of the approach to selecting strategic SL sites in the LPS, which was tested by the Inspector at Examination and found sound.
79. In preparing the SADPD, the Council considered 8 options for the distribution of the 13.6 ha of SL across the settlements. A hybrid approach (Option 8) was chosen as the preferred option, combining several other options, taking account of the extent of services and facilities, constraints, opportunities and impacts on the GB. Applying the site selection process, suitable sites were identified at each of the LSCs, with areas broadly matching the apportionment of SL for each settlement under the hybrid distribution. The exceptions to this were Mobberley, where no suitable sites were identified, due in particular to the constraints of aircraft noise from Manchester Airport, and Chelford, where the suitable sites were too large for Chelford's apportionment of SL.
80. This led to the decision to redistribute Mobberley's unmet need for SL to Chelford, following a further appraisal of options. It results in Chelford accommodating a much larger share of SL (4.71 ha) than its apportionment under the hybrid distribution (2.55 ha). However, this ensures the overall SL requirement is met and provides for Mobberley's unmet need at the most suitable site available on land at Chelford railway station (site CFD 2), where there are fewer constraints than at the other LSCs in the NCGB. It would also enable Chelford to meet its own long term needs, if required, at a scale where development could be comprehensively planned to incorporate a range of community benefits. Overall, I find the distribution of SL across the LSCs, including the redistribution of Mobberley's apportionment to Chelford, to be justified as an appropriate strategy against reasonable alternatives, based on a robust methodology and proportionate evidence.
81. With regard to site selection, the Settlement Reports contain a detailed and thorough evaluation of the proposed sites and a significant number of alternatives. Sites have been assessed on an equal basis against relevant criteria, including:

³⁹ Core document ED 07

⁴⁰ Core document ED 53

⁴¹ Core documents ED 21 (Alderley Edge), ED 23 (Bollington), ED 26 (Chelford), ED 29 (Disley), ED 37 (Mobberley), and ED 40 (Prestbury)

their contribution to the GB; impacts on ecology, heritage, landscape, highways, flood risk and settlement character; and a range of other factors used to determine their suitability and achievability. The analysis is thorough, equitable and robust, and the reasons for the choice of sites selected are clearly explained and justified.

82. Although future development of some of the proposed SL sites may have adverse impacts on matters such as landscape and highway safety, these would be localised and are considerations to be taken into account by the Council in making any future decisions about their release for development beyond the current plan period. These factors do not undermine the conclusions of the SL site selection process. Ultimately, designating a site as SL does not mean it will be developed in the future, but offers the potential for development to be considered in future reviews of the Local Plan, without needing to alter Green Belt boundaries further. The amount and location of development that would be needed on SL would be based on an assessment of needs at that time.
83. Within the Settlement Reports the exceptional circumstances to justify removing each site from the GB are set out, including whether there are any other sites that make a lesser contribution to the purposes of the GB. In most cases, the sites proposed benefit from strong boundaries, which are clearly defined by physical features that are recognisable and likely to be permanent, such as existing development, roads and railway lines, or woodland and mature hedgerows that can be protected as a condition of development. In the few situations where boundaries are not clearly defined, I am satisfied that this could be mitigated by landscaping. Therefore, I conclude that, whilst the development of the SL sites would compromise GB openness, each is contained and none would undermine the wider function of the GB. Overall, the analysis of each site, in combination with the continued need at a strategic level to designate SL at the LSCs, is sufficient to fully evidence and justify the exceptional circumstances for altering GB boundaries in respect of the 8 sites listed in Policy PG 12.
84. Accordingly, I consider that the proposals for the designation of SL in Policy PG 12 are positively prepared, justified, and consistent with the LPS and national policy.

Conclusion on Issue 1

85. For the reasons given above, I conclude that the provisions of the SADPD for housing, employment development and safeguarded land at the LSCs are consistent with the LPS, and are positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development.

Issue 2 – Are the proposals in the SADPD for further housing sites at the Key Service Centres (KSCs) consistent with the LPS and are they positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development?

LPS context

86. Policy PG 7 of the LPS expects the KSCs to accommodate a total of 17,600 additional dwellings over the plan period. A series of strategic allocations were

made in the LPS to address this, with around 695 dwellings to be found on non-strategic sites identified in the SADPD⁴². However, monitoring evidence, at 31 March 2020 now shows a surplus in provision, with an overall housing land supply at the KSCs of 19,617 dwellings⁴³, of which 7,770 dwellings (40%) are built and a further 8,992 dwellings (46%) have planning permission. Therefore, there is no need to identify non-strategic housing sites to ensure the housing land supply at the KSCs is consistent with the LPS in quantitative terms.

87. However, the spatial distribution of this supply across the KSCs reveals that there are shortfalls at Handforth, Middlewich and Poynton against the indicative levels of housing identified for these settlements Policy PG 7⁴⁴. The SADPD proposes a number of non-strategic site allocations for housing in Middlewich and Poynton to address the shortfalls at these settlements, which I consider below.
88. The Council does not propose further allocations at Handforth, due to a shortfall of just 65 dwellings against its LPS figure of 'in the order of' 2,200 dwellings, and because of the extent of the overall surplus in housing provision at Macclesfield and the other KSCs in the northern part of the Borough. I agree that the supply of 2,135 dwellings at Handforth is 'in the order of' its LPS figure and, therefore, is consistent with the wording of Policy PG 7. It is also reasonable to conclude that the excess housing provision in the northern part of the Borough, which includes a 196 dwelling surplus at nearby Wilmslow, can help to address needs in Handforth. Accordingly, there is no requirement to allocate any non-strategic sites for further housing at Handforth either to ensure an adequate housing land supply to the end of the plan period or consistency with the spatial distribution of development in the LPS.

Middlewich housing site allocations

89. Monitoring evidence shows the housing land supply in Middlewich at March 2020 stood at 1,797 dwellings; a shortfall of 153 dwellings against its Policy PG 7 figure of 'in the order of' 1,950 dwellings. The SADPD proposes the allocation of two sites to provide an additional 125 dwellings: Site MID 2 at East and West of Croxton Lane for around 50 dwellings; and Site MID 3 at Centurion Way for around 75 dwellings. This would increase the supply to 1,922 dwellings, which would be 'in the order of' 1,950 dwellings. The resulting shortfall would also be compensated for by a 544 dwelling surplus in the housing land supply at Sandbach.
90. Sites MID 2 and MID 3 were chosen following a thorough site selection process, which considered a range of reasonable alternatives. The reasons for selecting the proposed sites and rejecting others have been adequately explained and justified in the Middlewich Settlement Report⁴⁵ and in the SA of site options⁴⁶.
91. Site MID 2 is located on the northern edge of Middlewich adjacent to the Trent and Mersey Canal. The policy criteria provide a number of safeguards to ensure any development preserves and enhances the canal environment. Criterion 4 requires

⁴² Table A.2 of Core Document BD 01

⁴³ Table 10 of Core document ED 05

⁴⁴ As shown in Table 10 of ED 05

⁴⁵ Core document ED 36

⁴⁶ Appendix E of Core Document A3

development proposals to provide for improvements to the surface of the canal towpath to encourage its use by future residents of the site as a pedestrian and cycle route to and from the town centre. Whilst in principle this would be consistent with national policy in offering a genuine choice of transport options, the justification for any improvements to the surface of the towpath for this purpose would need to be demonstrated at the planning application stage against the tests for planning obligations in paragraph 57 of the NPPF and Regulation 122 of the CIL Regulations 2010. The policy and supporting text do not currently make the requirement subject to these tests. Therefore, **MM69** is necessary to ensure the Site MID 2 allocation is consistent with national policy.

92. Site MID 3 is located on the eastern edge of Middlewich. The supporting text to the policy indicates that the site is likely to contain sand and gravel mineral resources, which are considered to be of local and national importance. However, to avoid the unnecessary sterilisation of these resources, criterion 4 of the policy requires an MRA to be submitted with any planning application, which should enable the Council, as the MPA, to assess the risks of development leading to the sterilisation of mineral resources and to control this through the use of conditions, if necessary. With this control in place, I am satisfied that the allocation of Site MID 3 for housing would be consistent with national policy and Policy SE 10 of the LPS.

Poynton housing site allocations

93. Monitoring evidence shows the housing land supply in Poynton, at 31 March 2020, stood at 562 dwellings; a shortfall of 88 dwellings against its Policy PG 7 figure of 'in the order of' 650 dwellings. The SADPD proposes the allocation of three sites to provide an additional 150 dwellings, which would meet and exceed the Policy PG 7 apportionment. They are: Site PYT 1 at Poynton Sports Club for around 80 dwellings; Site PYT 3 at Poynton High School for around 20 dwellings; and Site PYT 4 at the former Vernon Infants School site for around 50 dwellings. In addition, Site PYT 2 on land north of Glastonbury Drive is allocated for sports and leisure development to provide replacement playing fields, sports pitches and associated facilities for those lost as a result of the development of Sites PYT 1, PYT 3 and PYT 4.
94. The sites were chosen following a thorough site selection and assessment process, which considered a wide range of alternative sites put forward at different stages in the preparation of the SADPD. The reasons for their selection and the rejection of alternatives has been explained and justified in the Poynton Settlement Report⁴⁷, the SSM Report and in the SA of site options. Many of the sites considered as part of this process are located within the Green Belt, outside of the settlement boundary of Poynton. All three of the proposed housing allocations are located within the settlement boundary and would not require the alteration of Green Belt boundaries. Given that sufficient suitable non-Green Belt sites were identified to meet the shortfall against the indicative level of new homes in Poynton, as explained in the SSM Report⁴⁸, it was not necessary to consider Green Belt sites further. This approach is consistent with the expectation in national policy that

⁴⁷ Core document ED 39

⁴⁸ Stage 5: Evaluation and initial recommendations, paragraphs 2.27-2.29 of Core Document ED 07

Green Belt boundaries should only be altered in exceptional circumstances and that all other reasonable options for meeting the need for development should be examined fully before concluding whether exceptional circumstances exist⁴⁹.

95. Some representors contend that additional sites should be identified due to slow progress in the delivery of the strategic sites at Poynton allocated in the LPS. However, the Council confirmed at the Hearing that sites LPS 49 and 50 at Poynton are under construction and site LPS 48 has full planning permission, which is supported by published housing monitoring evidence for 2020-21. The NPPF expects that such sites should be considered deliverable unless there is clear evidence that homes will not be delivered within five years. I have seen no evidence which would lead me to conclude otherwise.
96. Concerns have also been raised in representations on the MMs about new information which shows that Sites PYT 1 and PYT 2 may be at higher risk of sewer discharge and public sewer flooding, which may limit their development capacity. However, these are matters which can be addressed at the planning application stage through the design of suitable layouts and site levels, in liaison with the relevant utility provider. LPS Policy SE 13 and Policy ENV 16 of the SADPD, together with relevant criteria for Sites PYT 1 and 2, provide appropriate policy safeguards to deal with flood risk and drainage matters.
97. The key issue with the delivery of housing on Sites PYT 1, PYT 3 and PYT 4 is adequacy of the proposed replacement sports facilities to mitigate the loss of sports pitches. However, the Sports Mitigation Strategy for Poynton⁵⁰ prepared by the Council in consultation with Sport England, demonstrates that the combination of the replacement sports facilities at Site PYT 2 and improvements to the remaining playing pitches at Sites PYT 3 and PYT 4, would fully mitigate the loss of provision at the existing Poynton Sports Club on Site PYT 1 and the small losses of playing field space at Sites PYT 3 and PYT 4. Sport England has confirmed its agreement with the Sports Mitigation Strategy, that it is robust and provides the strategic framework to support the principle of the three housing allocations⁵¹. The package of proposals set out in the Strategy would also address shortfalls in the provision of sports pitches across Poynton identified in the Playing Pitch Strategy⁵², thereby helping to meet some of the existing needs for additional playing pitch provision in the area.
98. The measures proposed to mitigate for the loss of playing fields on Sites PYT 3 and PYT 4, set out in the supporting text of the SADPD, are not consistent with the provisions in the Sports Mitigation Strategy, which reflects the updated agreed position between the LPA and Sport England. The site area for Site PYT 4 is also incorrect. Accordingly, **MM70** and **MM71** are necessary to ensure the mitigation measures are justified and that the policies will be effective in enabling the delivery of housing development over the plan period.

⁴⁹ Paragraphs 140 and 141 of the NPPF

⁵⁰ Examination document CEC/02a

⁵¹ Examination document CEC/16

⁵² Core document ED 19a

99. In terms of the timescale for delivery, the policy criteria for Site PYT 1 require that the replacement sports facility at Site PYT 2 is brought fully into use before the loss of the existing facilities. The Council's Hearing Statement on this issue⁵³ sets out an indicative development programme for Sites PYT 1 and PYT 2, which shows that this would be feasible, enabling the completion of housing development by the end of the plan period. This programme is supported by the promoter of Site PYT 1⁵⁴. It is also clear from the evidence submitted to the Hearing that steps are being taken to secure the necessary consents from the Department for Education for the disposal of the relevant tracts of school playing field land at Sites PYT 3 and 4 to enable housing development to come forward as and when the new grass pitches have been constructed on Site PYT 2.
100. The land comprising Site PYT 2 is located within the Green Belt (GB). However, paragraph 149 of the NPPF defines the provision of 'appropriate facilities' in connection with the use of land for outdoor sport, as an exception to the presumption against new buildings in the GB. The policy criteria for Site PYT 2 require development proposals to ensure buildings are 'appropriate facilities', as well as to minimise their impact on the GB and preserve its openness. These provide the necessary development management safeguards for the LPA to ensure at the planning application stage that any clubhouse, changing room, fencing or other structures proposed on the site would be consistent with national policy on the GB. As such the location of the site for the replacement sports facilities within the GB should not hinder the delivery of housing at Sites PYT 1, 3 and 4.
101. Paragraph 12.66a of the supporting text in the SADPD indicates that Site PYT 2 is likely to contain sand and gravel resources. Given that buildings on this site would be limited to appropriate facilities for sport and recreation, development at this limited scale would be unlikely to sterilise mineral resources to any significant extent. Nevertheless, policy criterion 8 to Site PYT 2 includes a requirement for an MRA to be submitted with any planning application, which should enable the Council, as the MPA, to assess the impact of proposals on the sterilisation of mineral resources and to control this through the site layout and use of conditions as necessary.

Conclusion

102. Subject to the MMs identified above, I conclude that the proposals in the SADPD for further housing development at the KSCs are consistent with the LPS and are positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development.

⁵³ Document HPS/M2/09

⁵⁴ Paragraph 2.18 of Hearing Position Statement HPS/M2/24

Issue 3 – Are the proposals in the SADPD for settlement boundaries, infill villages and village infill boundaries consistent with the LPS and are they positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development?

Settlement Boundaries (Policy PG 9)

103. The LPS establishes the strategic policy framework for, and purpose of, settlement boundaries. Firstly, to assist in directing built development towards the most sustainable locations in the Borough, in line with the settlement hierarchy in LPS Policy PG 2 and the spatial distribution in LPS Policy PG 7. Secondly, to define the spatial extent of the Open Countryside to which the policy of development restraint in LPS Policy PG 6 applies. The supporting text to Policies PG 6 and PG 7⁵⁵ makes clear that the settlement boundaries are defined in the saved policies of the three legacy plans, as amended by sites allocated in the LPS, until detailed boundaries are established in the SADPD and/or Neighbourhood Plans (NPs).
104. Therefore, although some representations sought alternatives to settlement boundaries as a means of managing development in urban fringe and rural areas, the principle of settlement boundaries and the strategic policy to be applied to development outside of those boundaries have already been found sound, following the Examination of the LPS. As such, these matters are not in scope for review as part of the SADPD. Rather, the task delegated to the SADPD in the supporting text to LPS Policies PG 6 and PG 7, is to review the existing settlement boundaries and establish detailed boundaries going forward.
105. In preparing the SADPD, the Council undertook a review of settlement boundaries, the results of which are set out in the Settlement and Infill Boundaries Review (SIBR)⁵⁶ and the respective Settlement Reports⁵⁷. The three legacy plans and made NPs define boundaries for 62 settlements across the Borough, listed in Table 8.3 of the LPS. This reveals a variation in approach between the respective legacy plans and NPs, particularly for villages in the lowest OSRAs tier of the settlement hierarchy, some of which are defined by a settlement boundary and others with an infill boundary.
106. The SIBR formulates a more consistent approach to settlement boundaries, which provides the basis for Policies PG 9 and PG 10 in the SADPD. It establishes that settlement boundaries should be defined for the Principal Towns and KSCs, to provide certainty over where development is acceptable, given that they are the primary locations for new development in the settlement hierarchy. It also reasons that settlement boundaries need to be defined for the LSCs, to assist in determining suitable locations for windfall development, which Policy PG 8 expects them to accommodate to meet the overall indicative levels of development expected at the LSCs.

⁵⁵ Paragraphs 8.69 and 8.76 of the LPS

⁵⁶ Core document ED 06

⁵⁷ Core documents ED21-44

107. For the OSRAs, the SIBR concludes that settlement boundaries are not required, because their indicative levels of development under LPS Policy PG 7 have already been met by completions and commitments⁵⁸. Therefore, the OSRAs are included within the Open Countryside area covered by Policy PG 6 of the LPS, which allows for limited infilling in villages. Policy PG 10 defines a list of infill villages, with village infill boundaries, to provide clarity on where development may be appropriate within the OSRAs in line with LPS Policy PG 6. I consider Policy PG 10 and the evidence for the definition of infill villages and village infill boundaries in the next sub-section.
108. But, overall, I find the basis for defining settlement boundaries to the Principal Towns, KSCs and LSCs and village infill boundaries for the OSRAs and the distinction between them is justified, based on proportionate and robust evidence set out in the SIBR. It is also consistent with the overall strategy for the pattern and scale of development in the LPS, in terms of the different roles of settlement types within the settlement hierarchy in Policy PG 2 and the spatial distribution of development in Policy PG 7.
109. With regard to the definition of detailed settlement boundaries, the SIBR sets out the methodology used by the Council to review the existing adopted boundaries⁵⁹. The methodology followed a stepped process, using clearly explained criteria to ensure a consistent approach. Adjustments to boundaries have been made to incorporate site allocations and extant planning permissions where these adjoin or are contiguous with a settlement boundary. Exceptions include where sites remain within the Green Belt and exceptional circumstances have not been demonstrated for the alteration of boundaries, or where development was permitted outside of the settlement boundary due to unique circumstances, such as a rural exception site or rural occupancy condition. The relationship of boundaries to the built-up area of settlements and to physical features on the ground were also considered as part of the review. The results of the review and the explanation of changes to boundaries are set out in the Settlement Reports.
110. In a number of locations, the proposed boundaries were questioned in representations, some of which were discussed at the Hearing. I have reviewed the evidence for these and for those referred to in written representations. They included sites on the edge of Alsager, Audlem, Bollington, Chelford, Congleton, Holmes Chapel, Knutsford, Macclesfield, Prestbury, Sandbach, Shavington, Wilmslow and Wrenbury. I am satisfied that in these and all other cases, the criteria and the judgements used to inform the choice of settlement boundaries have been fairly and consistently applied. I have seen little evidence to indicate that the boundaries proposed are not justified on the basis of the evidence provided.
111. In preparing this Report, I have found one anomaly at Prestbury, which was not raised in representations or discussed at the Hearing. The settlement boundary to Prestbury in the Draft Adopted Policies Map⁶⁰ has been drawn to include site PRE 2, which is designated as SL under Policy PG 12. However, this is contrary to the recommendations of the settlement boundary review in the Prestbury

⁵⁸ As at 31 March 2020 recorded in Tables A1.4 and A2.4 in ED 05

⁵⁹ Section 4 Part A of ED 06

⁶⁰ Page 46 of ED 02

Settlement Report⁶¹, which shows the boundary following the existing settlement boundary and excluding PRE 2. It is also inconsistent with paragraph 2.18a of the submitted SADPD, which states that SL remains in the open countryside, and with the geographic illustration of all other land designated as SL in the LPS and SADPD. Retaining the SL site within the settlement boundary would mean criterion 3 of Policy PG 9 would apply, which supports development within settlement boundaries that is in keeping with the scale, role and function of that settlement. But the LPS⁶² establishes that LPS Policy PG 6 applies to SL, restricting development to uses appropriate to the Open Countryside. As such, the development management policy for site PRE 2 would be ambiguous and it would not be evident how a decision maker should react to development proposals on the site, contrary to paragraph 16 of the NPPF.

112. As the Policies Map is not defined as a development plan document, I do not have the power to recommend MMs to it. As such, the alteration of this boundary will be a matter for the Council to address before adoption. However, this is an instance the geographic illustration of Policy PG 9 on the submission Policies Map is not justified and a change to it is needed to ensure that the SADPD is clear, effective and consistent with national policy. Other than this, I conclude that the Settlement Boundaries defined on the submitted Policies Map are positively prepared, justified and effective.
113. Policy PG 9 establishes that settlement boundaries can also be defined in NPs. This creates the potential for inconsistency between NPs and the SADPD if two different settlement boundaries are defined. Footnote 2 in the submitted SADPD seeks to clarify this by stipulating that the most recent settlement boundary will be applied. This is consistent with national policy on non-strategic policies⁶³, but, for effectiveness, the footnote should form part of the policy.
114. Criterion 2 of Policy PG 9 also allows NPs to define settlement boundaries for settlements in the OSRAs. Given that the policies of a made NP take precedence over existing non-strategic policies in a local plan⁶⁴, where an OSRA settlement is defined as an infill village in Policy PG 10, to ensure consistency between the local plan and NPs, the policy should make clear that the village infill boundary defined on the adopted Policies Map should be the starting point for determining a settlement boundary in the NP.
115. **MM1** amends the wording of Policy PG 9 to include these changes. This is necessary for effectiveness, to make clear the relationship between the SADPD and Neighbourhood Plans in the definition of settlement boundaries. For clarity and effectiveness, it also amends Footnote 3 to the policy to highlight the status of Brereton Green as an infill village with a village infill boundary in Policy PG 10, given that the footnote states that the settlement boundary identified for it in the Brereton Neighbourhood Plan is not to be maintained under Policy PG 9.

⁶¹ Table Prestbury 38 and Appendix 7 and of ED 40

⁶² Criterion 4 of Policy PG 4 and paragraph 8.70

⁶³ In paragraph 30 of the NPPF

⁶⁴ Paragraph 30 of the NPPF

Infill Villages and Village Infill Boundaries (Policy PG 10)

116. LPS Policy PG 6 restricts development in the Open Countryside to that which is appropriate to a rural area, with a number of exceptions, which include where it constitutes an opportunity for 'limited infilling in villages'. Policy PG 10 defines which of the settlements within the OSRAs tier are 'infill villages' (criterion 1), and establishes that 'limited infilling' will be supported within the 'village infill boundaries' (criterion 3).
117. Criterion 3 defines 'limited infilling' as 'the development of a relatively small gap between existing buildings'. This is necessary to clarify how the exception in Policy PG 6 is to be understood and applied to development proposals in infill villages. Whilst there is no definition of the phrase in national policy, its explanation in criterion 3 is both reasonable and unambiguous. The additional criteria requiring proposals to be in keeping with the scale, character and appearance of the surroundings, and avoiding the loss of undeveloped land that makes a positive contribution to the character of an area, should also help to make it clear to decision makers how to determine what does and does not constitute 'a relatively small gap between existing buildings' in the context of the village in question. As such, I find the definition of 'limited infilling' in Policy PG 10 is effectively worded and consistent with national policy. It is also consistent with LPS Policy PG 2, which states that investment in this tier of settlement 'should be confined to proportionate development at a scale commensurate with the function and character of the settlement and confined to locations well related to the existing built-up extent of the settlement'.
118. The evidence to support the selection of 'infill villages' and the designation of 'village infill boundaries' is set out in the SIBR. An initial list of 117 villages were considered against three factors relating to their function and sustainability: the level of services and facilities provided; the availability of public transport; and whether or not the settlement has a coherent spatial form. Settlements meeting all 3 factors have been classified as villages, those meeting 2 out of 3 were regarded as borderline, and those meeting only 1 or none of the factors were not considered to be villages. Borderline settlements with a population of at least 500 people were also considered as villages.
119. A total of 35 villages are identified as 'infill villages' in Policy PG 10, based on the SIBR assessment. These are justified based on the evidence and the methodology employed, which I consider to be robust and consistently applied. A number of other settlements were suggested as 'infill villages' in representations, all of which I have considered and concluded that the Council's assessment of them is justified and that, based on the evidence, they do not warrant inclusion as such. However, they are not precluded from development, since Policy PG 6 permits other exceptions in the Open Countryside, including the infilling of small gaps in otherwise built up frontages, rural exception sites and the expansion of existing rural businesses, all of which would help to sustain rural communities.

120. On the question of whether certain OSRA villages in the NCGB should remain washed-over or be inset, paragraph 140 of the NPPF is clear that the need for changes to GB boundaries should be established through strategic policies. LPS Policy PG 4 declares that the extent of the existing GB in Cheshire East remains unchanged, apart from the removal of land for strategic allocations and areas of SL, and any additional non-strategic sites identified in the SADPD, for which exceptional circumstances have been demonstrated. I have considered the exceptional circumstances for altering GB boundaries for non-strategic allocations for housing, employment and SL above. Exceptional circumstances for the alteration of GB boundaries to inset washed-over OSRA villages have not been established by the LPS or otherwise evidenced and justified as part of this Examination. Moreover, the indicative levels of development for the OSRAs set out in LPS Policy PG 7 have already been met and exceeded by completions and existing commitments, without the need to change GB boundaries.
121. The evidence to support the definition of 'village infill boundaries' is also set out in the SIBR. The same stepped approach as was used to define settlement boundaries was applied to the infill villages, considering allocated sites and extant permissions, and the relationship of land to the built form of the settlement and to physical features. The considerations for boundary alignments at individual villages are explained in Table 10 of the SIBR and the recommended boundaries presented on maps in Appendix E of the document. The evidence is robust and proportionate for the task, the considerations applied were consistent and the boundary alignment decisions are justified as appropriate.
122. In a number of locations the proposed boundaries were discussed at the Hearing. I have reviewed the evidence for those and for the others referred to in written representations. The amendments to the village infill boundaries at Hankelow and Winterley, which were agreed at the Hearing and consulted upon alongside the MMs⁶⁵, should be included as changes to the Policies Map prior to adoption, to ensure these are consistent with the Hankelow Neighbourhood Plan and the extant permission in Winterley. Other than this, I am not persuaded that any further changes to the village infill boundaries are necessary to make the SADPD sound.
123. With regard to the Albion Works and Lock site, to the north west of Sandbach, in the light of the evidence submitted following the Hearing⁶⁶, including the views of Moston Parish Council and the landowner, I conclude that defining the site as an infill village at this stage in its redevelopment would not be justified. Neither would a site allocation be necessary to make the SADPD sound or to bring the site forward, given that it is under construction with a number of planning permissions still to be implemented. Policies EG 3 and PG 6 of the LPS provide a suitable framework to guide applications for the remaining industrial complex at the northern end of the site.

⁶⁵ PM01 in the Schedule of Proposed Modifications to the Draft Policies Map

⁶⁶ Examination document CEC/17

124. Some representations maintain that Policy PG 10 is not consistent with national policy because it represents a blanket policy restricting housing development in some types of rural settlement. However, the PPG allows for such an approach, provided it is supported by robust evidence of its appropriateness⁶⁷. The evidence to support the selection of some, but not all, rural settlements as infill villages set out in the SIBR is robust. The list of 35 infill villages identified in Policy PG 10 comprises a wide range of rural settlements, with coherent settlement forms, services and facilities, and public transport provision, all of which can play a role in delivering sustainable development in the rural areas of the Borough.
125. It has also been asserted that the use of infill boundaries and the restriction of development to limited infilling of small gaps between existing buildings in Policy PG 10 is not consistent national policy, which expects planning policies to identify opportunities for villages to grow and thrive⁶⁸. However, whilst infill boundaries have generally been drawn tightly, it is evident that there are opportunities for small scale infill development, which would help to support rural services and maintain the vitality of rural communities, in a way which is consistent with their role in the settlement hierarchy in LPS Policy PG 2.
126. Ultimately, the LPS does not require the indicative levels of development for the OSRAs to be disaggregated to individual settlements nor for sites to be allocated for developments of a particular size and scale in this tier of settlements. Policy SC 6 of the LPS provides for rural exceptions housing to meet local needs, including an element of market housing where this would be required to enable affordable housing. This strategic policy framework, combined with the surplus in the supply of both housing and employment land which already exists at the OSRAs, by only half way through the plan period⁶⁹, means it is not imperative to adopt a more flexible approach to meeting the needs of rural settlements.
127. On this basis, the approach to limited infilling in villages in Policy PG 10 is justified and achieves a reasonable balance between supporting sustainable development in rural areas, whilst protecting the character of the countryside.

Conclusion

128. Overall, subject to the MMs discussed above, I conclude that the proposals for settlement boundaries, infill villages and village infill boundaries set out in the SADPD are consistent with the spatial strategy and policies in the LPS, and that they are positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development.

⁶⁷ PPG Paragraph: 009 Reference ID: 67-009-20190722

⁶⁸ Paragraph 79 of the NPPF

⁶⁹ As at 31 March 2020 recorded in Tables A1.4 and A2.4 in ED 05

Issue 4 – Are the policies and proposals in the SADPD for Strategic Green Gap boundaries and for Local Green Gaps consistent with the LPS and are they positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development?

Strategic Green Gap Boundaries (Policy PG 13)

129. Crewe is identified in the LPS as a spatial priority for growth. It is located close to the market town of Nantwich to the west and a number of smaller settlements to the west, east and south, including Willaston, Haslington, Shavington and Weston, separated from them by relatively narrow stretches of open countryside. Past growth at Crewe has resulted in its coalescence with some former fringe settlements. In order to prevent this in the future and maintain the separate identities of Nantwich and the other nearby settlements, the LPS established a series of Strategic Green Gaps (SGGs) around Crewe.
130. Policy PG 5 of the LPS defines the general extent of the SGGs, which are mapped in Figure 8.3 of the supporting text to the policy. It sets out the purposes of SGGs to prevent coalescence, protect the setting and separate identity of settlements and to retain the existing settlement pattern by maintaining the openness of land. Notably, Policy PG 5 does not apply a moratorium on development within the SGGs, but establishes guidelines to manage development within them in line with their purposes and LPS Policy PG 6 for the Open Countryside.
131. This closely reflects saved Policy NE.4 of the Borough of Crewe and Nantwich Replacement Local Plan (CNBLP), which identifies these areas as Green Gaps in the open countryside. Policy PG 5 makes clear that the detailed boundaries of the SGGs are to be determined through the SADPD, until when the boundaries defined in saved Policy NE.4 remain in force.
132. In preparing the SADPD, the Council undertook a Strategic Green Gap Boundary Review (SGGBR). This involved a five-stage approach starting with the boundaries on the CNBLP Proposals Map under Policy NE.4 and making adjustments to take account of developments built and planning permissions granted since, LPS allocations, and settlement boundaries identified through the SIBR and Settlements Reports, and to follow identifiable physical features on the ground, such as built development, transport infrastructure and landscape features. The SGGBR also considered at stage 5, whether any adjustments should be made to avoid including land within the SGG that did not serve one of the SGG purposes.
133. Some representations suggested that a more fundamental review of the extent of the SGGs should have been undertaken in preparing the SADPD. However, it is clear from the supporting text to Policy PG 5 and the LPS Inspector's Report⁷⁰, that the general extent of the SGGs has already been established in the LPS. They refer to evidence in the New Green Belt and Strategic Open Gap Study (2013)⁷¹,

⁷⁰ Paragraph 108 of Core Document BD 05

⁷¹ Examination documents CEC/06 and CEC/06a

which was examined by the LPS Inspector and confirms there is a strategic need to maintain the 'existing gaps' between Crewe and Nantwich, and other settlements, in order to prevent coalescence.

134. Therefore, it follows that the task for the SADPD was not to reconsider the general extent of the SGGs, but to delineate their detailed boundaries. Any consideration of the extent of the gaps, referred to in the LPS Inspector's Report, would be in the context of the definition of the detailed boundaries of the SGGs rather than of their broad extent. The methodology used in the SGGBR has followed this approach. It is clear from the analysis set out under stage 5 that the boundaries have been reviewed and adjusted where appropriate to ensure that the land within the SGGs fulfils a green gap purpose. As such I am satisfied that the SGGBR fulfils the expectations of the LPS in this regard.
135. I have considered the boundaries and extent of the SGGs in the light of this evidence, which is robust and proportionate. I have also reviewed those locations discussed at the Hearing and raised in written representations. Overall, and in each case, I find that the proposed boundaries follow identifiable and logical physical features on the ground, and that the land included within them continues to fulfil one or more of the purposes of the SGGs. As such they are justified and effective. Policy PG 13 makes clear that development proposals will be determined in accordance with Policy PG 5 and is therefore consistent with the LPS.

Local Green Gaps (Policy PG 14)

136. Paragraph 8.64 of the supporting text to LPS Policy PG 5 states that the SADPD will consider whether there are further, more localised gaps that require additional policy protection through a Local Green Gaps (LGGs) policy. Policy PG 14 of the SADPD defines the generic purposes of LGGs to protect the character and form of settlements, prevent coalescence and provide access to the countryside, and it establishes the criteria for considering development within them in line with those purposes and LPS Policy PG 6. Rather than identifying individual LGGs, however, Policy PG 14 supports the designation of them in NPs, recognising that a number of made NPs in Cheshire East already have local green gap policies.
137. Some have argued that Policy PG 14 does not serve a clear purpose as any LGGs designated in NPs would be protected through the relevant NPs policies. However, Policy PG 14 is clear and unambiguous and serves a useful purpose in providing a consistent approach to the management of development within LGGs, whilst ensuring communities retain the power and local choice to designate them. As such Policy PG 14 is effective and consistent with national policy.

Conclusion

138. On the above basis, I find that policies and proposals in the SADPD for SGGs and LGGs are consistent with the LPS and are positively prepared, justified, effective and consistent with national policy in enabling the delivery of sustainable development.

Issue 5 – Is the SADPD positively prepared, justified, effective and consistent with national policy and the LPS in respect of its provision for the accommodation needs of Gypsies, Travellers and Travelling Showpeople?

139. LPS Policy SC 7 and its supporting text provide the strategic policy framework for the provision of sites to meet the needs of Gypsies, Travellers and Travelling Showpeople, stating that sites will be allocated in the SADPD.
140. The latest Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTTSAA) covering Cheshire East was published in 2018⁷² and applies to the period 2017-2030. It identifies a need for 32 permanent pitches for Gypsies and Travellers who meet the definition in Annex 1 of the Planning Policy for Traveller Sites (PPTS). In addition, because it was not possible to determine the travelling status of all of the households surveyed when conducting the GTTSAA, a need for 2 pitches is identified for households where it was unknown whether they met the Annex 1 definition. The report also quantifies the following additional needs: 3 pitches for those who do not meet the Annex 1 definition, but need culturally appropriate accommodation; a public transit site for 5-10 pitches to address the increasing numbers of roadside encampments; and 5 plots for Travelling Showpeople.
141. With regard to the need for permanent pitches for Gypsies and Travellers, Policy HOU 5a allocates five sites⁷³, providing a total of 45 permanent pitches. However, as explained in the Council's evidence⁷⁴, Site G&T 4, which is allocated for 24 permanent pitches as an extension to the existing site at Booth Lane in Middlewich, does not form part of the new additional supply to meet the identified need, because it replaces a lapsed planning permission which is already counted in the supply of sites within the GTTSAA. Therefore, there are 21 additional permanent pitches allocated in Policy HOU 5a, which, taken together with commitments for 19 permanent pitches on sites that were granted planning permission between 2017 and 2020⁷⁵, amounts to a total supply of 40 pitches, sufficient to meet the identified need for permanent pitches for Gypsies and Travellers the period 2017-2030.
142. Representations⁷⁶ contended that the 2018 GTTSAA underestimates the need for permanent pitches, for a number of reasons, including a low interview rate and a low allowance for in-migration. These and other points were discussed at the Hearing and subsequently clarified by the Council in a written statement⁷⁷, which was submitted post-Hearing and published prior to the consultation on the MMs.
143. Having reviewed the evidence on both sides of this debate, I am satisfied that the 2018 GTTSAA provides a sufficiently robust and up to date assessment of need in

⁷² Cheshire East, Cheshire West and Chester, Halton and Warrington GTTSAA, August 2018 (ED 13)

⁷³ Sites G&T 1, G&T 2, G&T 3, G&T 4 and G&T 8

⁷⁴ Appendix 1 to the Council's responses to Inspector's initial questions (Examination document CEC/01)

⁷⁵ Also at Appendix 1 to Examination document CEC/01

⁷⁶ From Heine Planning

⁷⁷ Examination document CEC/19

Cheshire East for the period 2017-2030. Whilst there is some uncertainty about the extent of future needs arising from households on Gypsy and Traveller sites where their status under the PPTS definition was unknown (now referred to as undetermined households), the estimate of 22 further permanent pitches in the GTTSAA is based on a reasonable assumption for new household formation arising from undetermined households.

144. However, paragraph 9 of the PPTS is clear that LPAs should set pitch targets for Gypsies and Travellers as defined in Annex 1. Therefore, it would be unreasonable to require the SADPD to allocate land to meet the future needs arising from undetermined households in full, given that they may not all meet the PPTS definition. Instead, the approach set out in the SADPD of providing through commitments and allocations for the identified need for households meeting the PPTS definition in full and a proportion of undetermined households who might be expected to meet the PPTS definition, together with criteria based policies to address any further needs which may come forward over the remainder of the plan period, is justified and consistent with national policy.
145. Currently, the GTTSAA identifies a need for 2 pitches for undetermined households, based on the previous survey evidence of the authors of the GTTSAA that on average 10% of households surveyed across the Gypsy and Traveller community meet the PPTS definition⁷⁸. However, the Council's post-Hearing response acknowledges that based on over 5,000 interviews now undertaken by the authors of the GTTSAA across the country, approximately 30% of households interviewed meet the PPTS definition⁷⁹. Therefore, it would be reasonable to assume 30% of the 22 undetermined households would meet the PPTS definition, which amounts to an additional need for 7 rather than 2 permanent pitches for needs arising from undetermined households⁸⁰.
146. Turning to the supply, the overall total of 40 permanent pitches for the period 2017-2030 would be sufficient to meet the need for 32 permanent pitches for families who will meet the PPTS definition, and 7 pitches for undetermined households who are likely to do so.
147. In terms of the deliverability and developability of the supply, paragraph 10 of the PPTS expects LPAs to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets, and a supply of developable sites for years 6-15 of the plan. Based on a need for 39⁸¹ permanent pitches for the period 2017-2030, the annualised requirement would be 3 pitches per year. The Council's evidence⁸² shows that of the supply of 40 permanent pitches, 19 pitches have already been completed⁸³, which is sufficient to meet the requirement of 18 pitches⁸⁴ between 2017/18 and 2022/23, with a surplus of 1 pitch. Assuming the

⁷⁸ 10% of 22 pitches = 2 pitches (rounded down)

⁷⁹ See page 3 of Appendix 1 to Examination document CEC/19

⁸⁰ 30% of 22 pitches = 7 pitches (rounded up)

⁸¹ 32 pitches for families meeting the PPTS definition + 7 pitches for the needs of undetermined households

⁸² Appendix 1 of Examination document CEC/01

⁸³ This includes 8 pitches on Site G&T 3

⁸⁴ 3 pitches per year x 6 years

SADPD is adopted during 2022/23, a further 14 pitches on deliverable sites would be required to ensure a supply sufficient to meet 5 years' worth of the annualised target, which would be 15 pitches. The Council considers a further 14 pitches of the supply remain deliverable. 8 of these have planning permission, so should be considered deliverable. The other 6 pitches are on two allocated sites, which did not have planning permission at the time the evidence was submitted (Sites G&T 1 and G&T 8). However, they are both extensions to existing sites, which are being promoted by the site owners. As such, I consider there is sufficiently clear evidence that the pitches will be completed within the first 5 years following adoption.

148. The remaining 7 pitches are on allocated Site G&T 2, Land at Coppenhall Moss at Crewe. This site is in the Council's ownership, with a realistic prospect that it can be viably developed by the end of the plan period. The site specific policies in the SADPD for each of the allocated sites contain appropriate criteria to ensure the constraints and impacts, including visual amenity, access, noise, contaminated land and flood risk, are assessed and suitably mitigated at the planning application stage. On this basis, I find the identified supply of sites for 40 permanent pitches for Gypsy and Traveller accommodation is consistent with national policy in respect of its deliverability and developability.
149. With regard to transit pitches, Policy HOU 5a allocates Site G&T 5 at Cledford Lane, Middlewich for 10 transit pitches. A number of concerns about this allocation were raised in representations and discussed at the Hearing, including the location of the site within an emerging industrial area, its relationship with the nearby settled Gypsy community and the limited accessibility of the site for pedestrians along a rural lane without a footpath. However, the site was granted planning permission in August 2021 and is owned by Council, who confirmed at the Hearing that financial resources had been allocated to bring the site forward. As such, it can be counted as part of the deliverable supply to meet the identified need for transit pitches and it is appropriate to retain its allocation in the SADPD to protect the site for this purpose. Once constructed and available for occupation, the site will assist the Council in managing the occurrence of unauthorised encampments.
150. Policy HOU 5b allocates three sites, Sites T&S 1, T&S 2 and T&S 3, which provide for a total of 15 plots, sufficient to meet the identified needs of 5 plots for Travelling Showpeople over the plan period, with sufficient surplus to accommodate any additional need which may arise. Some concerns were expressed in representations about the suitability of these sites for accommodation for Travelling Showpeople. However, the evidence in the Gypsies, Travellers and Travelling Showpeople Site Selection Report⁸⁵ demonstrates the sites were chosen using the same robust methodology as was employed for housing and employment sites, and subject to rigorous assessment against a range of criteria. As such, they are justified, taking into account the reasonable alternatives and based on proportionate evidence. The site specific allocation policies for each set appropriate development management criteria to ensure constraints and impacts, such as noise, contaminated land and flood risk are assessed and mitigated.

⁸⁵ Core Document ED 14

151. With regard to accommodation needs of traveller families who do not meet the PPTS definition, but need culturally appropriate accommodation, section 3 of Policy HOU 5a sets criteria to guide decisions on planning applications on windfall sites in the open countryside. Whilst the PPTS does not require a land supply to be allocated to meet these needs, the GTTSAA identifies a need for 3 pitches for households who fall into this category, and advises that it will have to be considered as part of the wider housing needs of the area. Given the need for culturally appropriate accommodation, which is unlikely to be capable of being met within bricks and mortar or authorised Gypsy and Traveller sites, it is important that the criteria in Policy HOU 5a are not unduly restrictive on such proposals. In addition there is a need for flexibility in the criteria for considering windfall proposals should the Annex 1 need from undetermined households in Cheshire East be greater than estimated in the 2018 GTAA and the supplementary evidence.
152. Criterion 3(i) of Policy HOU 5a requires that applications for additional pitches in the open countryside, over and above those on allocated sites, should only be permitted where a local connection can be demonstrated. However, this requirement does not appear in Policy SC7 of the LPS, nor does it feature in policies relating to general market housing development. As such, it is an undue restriction on households who do not meet the PPTS definition, but have a genuine need for culturally appropriate accommodation Cheshire East. The PPTS states that criteria based policies should be fair and facilitate the traditional and nomadic life of travellers⁸⁶, and expects LPAs to determine applications for sites from any travellers and not just those with local connections⁸⁷. The Equality Act 2010 also places a requirement on Inspectors to consider whether policies would bear disproportionately on Gypsies and Travellers as a group with a protected characteristic.
153. As currently drafted in the submitted SADPD, criterion 3(i) would bear disproportionately on Gypsies and Travellers and for the above reasons would fail to meet the requirements of national planning policy for Gypsy and Traveller accommodation. Therefore, **MM44** deletes criterion 3(i) from Policy HOU 5a and the supporting text to it in paragraph 8.28c, and amends criterion 3(ii) to require that occupiers of a proposed pitch should have a genuine need for culturally appropriate accommodation 'in Cheshire East'. Reference to the Cheshire Homechoice Common Allocation Policy, which contains the policy on local connections, is also deleted from the supporting text. This would ensure the SADPD is positively prepared, justified and consistent with national policy in meeting needs arising from families within the Borough and from any in-migrating families currently living on sites outside of the Borough, where they can provide evidence for a need to be housed in culturally appropriate Gypsy and Traveller accommodation on sites within Cheshire East. For clarity and effectiveness, reference to Policy PG 10 is also required, which applies to proposals in the Open Countryside.

⁸⁶ Paragraph 11 of the PPTS 2015

⁸⁷ Paragraph 24(e) of the PPTS 2015

154. Policy HOU 5c defines a series of site principles to be met on all proposals for Gypsy, Traveller and Travelling Showpeople sites. These are intended to apply alongside the considerations in LPS Policy SC 7. However, as drafted in the SADPD, a number of the criteria in policy HOU 5c are not consistent with the PPTS and duplicate criteria in Policy SC 7. Changes to the criteria and supporting text to the policy, as set out in **MM45**, are, therefore, necessary to ensure the SADPD is consistent with national policy and the LPS. For clarity and effectiveness, definitions of a 'pitch' and a 'plot' are also required in the Glossary (**MM73**).

Conclusion

155. Overall, subject to the MMs identified above, I conclude that the SADPD is positively prepared, justified, effective and consistent with national policy and the LPS in respect of its provisions for the accommodation needs of Gypsies, Travellers and Travelling Showpeople.

Issue 6 – Are the policies for other types of housing, housing standards and housing delivery in the SADPD positively prepared, justified, effective and consistent with the LPS and national policy?

Housing Mix (Policy HOU 1)

156. Policy SC4 in the LPS expects new residential development to provide or contribute to a mix of housing tenures, types and sizes to support the creation of mixed, balanced and inclusive communities. Paragraph 12.32 states that further details of how this should be taken into consideration will be set out in the SADPD. To achieve this ambition, Policy HOU 1 requires applications for all major housing schemes to be supported by a 'housing mix assessment' taking account of the mix of sizes and tenures in Table 8.1 of the supporting text, as well as the local housing market, the character of the area and the requirements for self and custom build dwellings.

157. It has been argued in representations that the requirement for a 'housing mix assessment' on all major developments is unduly onerous, that the use of the tenure and size mix in Table 8.1 is inflexible, and that such an approach is not consistent with national policy. However, paragraph 62 of the NPPF expects the size, type and tenure of housing needed for different groups in the community to be assessed and reflected in planning policies. Policy HOU 1 does this by reference to the evidence in Table 8.1, which is drawn from the 2019 Cheshire East Residential Mix Assessment (CERMA)⁸⁸. It does not defer to the CERMA given that it sits outside of the development plan, but refers to Table 8.1 as a starting point for analysis, with other factors to be taken into account, including the local housing market and the character of the site, to inform the proposed mix. For these reasons, I consider this is a positively prepared and justified approach, which is consistent with national policy.

158. Currently criterion 4 of the policy requires developments to demonstrate 'an appropriate mix'. Whilst this is consistent with the supporting text to Policy SC 4, it is unclear what would be considered 'appropriate'. The additional wording

⁸⁸ Core Document ED 49

included in **MM41** is necessary to address this and ensure the policy is unambiguous and effective, so that it is evident how a decision maker should react to a proposal. So that Table 8.1 is consistent with the evidence in the CERMA and the NPPF, the heading 'Low Cost Housing' should be changed to 'Affordable housing for rent' (**MM41**) and a definition for 'Intermediate housing' added to the Glossary, so it is clear which tenure types this covers (**MM73**). For clarity, a definition for major development is also required in the Glossary (**MM73**).

Specialist Housing Provision (Policy HOU 2)

159. Policy HOU 2 sets guidelines for the provision of specialist accommodation for older people and a range of other specialist needs. With regard to the need for older persons' accommodation, it is clear from evidence⁸⁹ that this forms part of the Borough's overall housing requirement in Policy PG 1 of the LPS. The housing monitoring data⁹⁰ shows a supply of over 2,000 units of specialist C2 accommodation from completions and permissions since the start of the plan period. Together with the potential for further supply at housing allocations in the LPS and the SADPD not yet permitted, and from windfall provision on sites put forward for Class C2 uses in the call for sites which were not allocated, there is adequate provision to meet the need for specialist accommodation for older people within the plan period. The requirements for accessible and adaptable homes in Policy HOU 6, will also enable more older people in need of specialist accommodation to remain within their own homes. As such, the allocation of specific sites for older persons housing is not necessary for soundness.
160. Criterion 3(vii) of Policy HOU 2 requires affordable housing to be provided as part of specialist housing schemes for older people in line with Policy SC 5, which requires at least 30% of units to be affordable. The viability of specialist older persons' housing to support affordable housing was tested in the SADPD Viability Assessment 2020 Update (VA)⁹¹, but the results show that, due to their higher build costs, sheltered and extra care schemes would not be viably able to support 30% affordable housing in lower value areas of the Borough. Therefore, the requirement in criterion 3(vii) as submitted is not justified. However, recent case law⁹² has established that residential accommodation in Use Class C2 may have the physical characteristics of dwellings, with facilities for independent living, but fall within Class C2 if care is provided to the occupants. Where this results in older persons' schemes with construction costs similar to those for mainstream housing, the policy would be justified in seeking affordable housing. Accordingly, **MM42** includes changes to criterion 3(vii) and the supporting text to Policy HOU 2 to ensure that the requirement to provide affordable housing only applies where independent dwellings would be formed, and to allow viability assessments to be submitted at the planning application stage where scheme viability is still affected. This would be consistent with national policy and guidance on viability⁹³.

⁸⁹ Summarised in Examination document CEC/20

⁹⁰ Table 1 of CEC/20

⁹¹ Core document ED 52

⁹² Rectory Homes Limited v SSHCLG and South Oxfordshire District Council (2020) EWHC 2098 (Admin)

⁹³ Paragraph 58 of the NPPF and PPG Paragraph: 007 Reference ID: 10-007-20190509

161. Paragraph 8.13 of the supporting text requires that specialist older persons' accommodation is registered with the Care Quality Commission. However, this is not justified, as it is a requirement under separate regulations and not a planning matter. Its deletion as part of **MM42** is therefore necessary for soundness. Modifications are also necessary to Policy HOU 2 and its supporting text, and to the Glossary in the SADPD, to ensure the terminology for, and definitions of, 'specialist accommodation', 'older people' and 'elderly persons' accommodation' are clear and consistent with those used in national policy (**MM42** and **MM73**).

Self and Custom Build Dwellings (Policy HOU 3)

162. Policy HOU 3 requires the provision of a proportion of serviced plots for self and custom build (SACB) dwellings on housing schemes of 30 or more homes. The requirement to provide for SACB housing is consistent with national policy and legislation introduced since the LPS was adopted⁹⁴, which requires councils to keep a register of those wishing to commission or build their own homes and expects planning policies to provide for this need. Whilst the Council's evidence suggests that the number of serviced plots provided in Cheshire East exceeded the number of people on the Council's SACB register within the first 3 years of its operation in 2016-19, there is evidence that registrations may increase in the future, particularly if registration fees are removed, as recommended in the Bacon Review⁹⁵.

163. The site threshold of 30 dwellings or more is consistent with the definition of small and medium-sized sites in Policy HOU 14, which for the reasons I explain below is sound. The VA has also demonstrated that providing 5% of the plots on sites of 30 units or more for SACB housing is unlikely to adversely impact on development viability.

164. However, to ensure Policy HOU 3 is justified in matching provision to demand and does not impede the delivery of housing in Cheshire East, changes to the policy and supporting text are necessary so that SACB plots are only required where there is evidence of unmet demand and to enable plots to revert back to open market housing where they remain unsold after being marketed for a minimum period of 1 year. For clarity and effectiveness, it is also necessary to ensure that the viability clause, currently in the supporting text, is part of the policy. The revised wording is set out in **MM43**.

Space, Accessibility and Wheelchair Housing Standards (Policy HOU 6)

165. Paragraph 130c) of the NPPF expects planning policies to ensure developments are inclusive and accessible for future users. To support this, LPAs can make use of the optional technical standards for accessible and adaptable housing, which exceed the minimum standards in the Building Regulations (BR), where this would address an identified need⁹⁶.

166. Criterion 1 of Policy HOU 6 seeks to apply the optional BR requirements for accessible and adaptable dwellings (M4(2)) and wheelchair user dwellings (M4(3)) to varying proportions of units in major housing developments and specialist housing

⁹⁴ See Footnote 28 of the NPPF

⁹⁵ The Bacon Review: Independent review into scaling up self-build and custom housebuilding (August 2021).

⁹⁶ Footnote 49 of the NPPF and PPG Paragraph: 002 Reference ID: 56-002-20160519

for older people. The evidence of need in Cheshire East for these optional standards is set out in the CERMA⁹⁷. Having reviewed this evidence in the light of the discussions at the Hearing and my post-hearing comments, I am satisfied that it supports the application of the M4(2) standard to 30% of mainstream housing on major developments and to all specialist housing for older people, and the M4(3) standard for wheelchair adaptable dwellings to 6% of housing on major developments and 25% of specialist housing for older people.

167. However, in order that the policy is clear, effective and justified based on the evidence of need, amendments to criterion 1 and the supporting text are necessary. Firstly, to make clear that the standards will apply to 30% and 6% of 'dwellings' in major housing developments. Secondly, to specify that it is optional requirement M4(3)(2)(a) of the BR which applies to 'wheelchair adaptable' dwellings and not the whole of the M4(3) requirement, parts of which only apply to 'wheelchair accessible' dwellings. These are contained in **MM46**. For clarity and effectiveness, it is also necessary to include definitions for 'wheelchair accessible' and 'wheelchair adaptable' dwellings in the Glossary (**MM73**).
168. The additional costs of accessibility and wheelchair user standards on the viability of residential development were also tested in the VA and, in isolation, were not shown to have a significant effect on viability of the different typologies. As with other SADPD policies which add to the costs of development, the inclusion of a viability clause in criterion 2 of the policy, so that the standards would not apply where evidence demonstrates that step-free access is justified and consistent with national policy.
169. Criterion 3 of Policy HOU 6 requires new residential development to meet the Nationally Described Space Standards (NDSS). Footnote 49 of the NPPF allows policies to make use of the NDSS, where the need for an internal space standard can be justified. The NDSS Justification Paper⁹⁸ provides proportionate evidence of a failure to achieve the minimum NDSS in sufficient numbers of recently approved residential schemes in Cheshire East, to justify the need for the NDSS to be applied to future residential applications. Although the survey of units for sale in the VA did not reveal the same trend, I am satisfied that this is due to the difference in the data sets, and that the evidence contained in the NDSS Justification Paper is considerably more extensive. The additional cost of NDSS standards has also been tested in the VA and is not shown to have a significant effect on viability.
170. However, a transitional period should be allowed following the adoption of the SADPD, to enable developers to factor the additional cost of the space standards into future land acquisitions. This would ensure the policy is consistent with the advice in the PPG on applying the NDSS⁹⁹. Given that the intention to include the NDSS in the SADPD has been known since the Revised Publication Draft was published in September 2020, a 6-month transitional period for the introduction of NDSS following the adoption of the SADPD is reasonable (**MM46**).

⁹⁷ Paragraphs 3.18-3.52 of Core document ED49

⁹⁸ Core document ED 57

⁹⁹ Paragraph: 020 Reference ID: 56-020-20150327

Other Housing Standards (Policies HOU 7-11)

171. Policy HOU 7 supports the sub-division of existing dwellings into self-contained residential units, subject to criteria for living environments, amenity space, car parking, waste and recycling. However, the criteria are vague and terms such as 'adequate', 'sufficient' and 'satisfactory' are ambiguous. Accordingly, amendments to the supporting text to explain the criteria and refer to other policies and design guidance which provide standards for internal space, residential amenity and car parking space, are necessary for clarity and effectiveness. Paragraph 8.38 of the supporting text is also unnecessary as it relates to the replacement of dwellings not their sub-division, and should be deleted. These amendments are set out in **MM47**.
172. Policy HOU 8 seeks to ensure that tandem or backland development is well planned and acceptable in terms of highway safety and the amenities of adjoining occupiers. However, some of the criteria are vague and therefore no effective. For example, it is unclear what would constitute a 'satisfactory' means of access which has an 'appropriate relationship' with existing residential properties, or 'unacceptable consequences' for the amenity of existing residents. Reference to the relevant standards in guidance and other policies would help to ensure this the professional judgement of the decision maker on such matters is applied consistently. The changes to the policy and supporting text in **MM48** will help to achieve this and are, as such, necessary for clarity and effectiveness.
173. Policy HOU 9 seeks to ensure extensions to dwellings are well designed and have regard to the amenity of the occupiers of surrounding properties. Whilst the application of some of the criteria is qualified in the supporting text, other criteria are ambiguous and therefore not effective. For example, it is not evident for decision making purposes what is to be regarded as 'suitable provision for access and parking' or 'unacceptable consequences for residential amenity'. For the policy to be clear and effective, amendments are necessary to refer to further guidance and policy detail on these factors in the Cheshire East Borough Design Guide (CEBDG), the LPS on parking standards, Policy INF 3 on highway safety and access and Policy HOU 10 on amenity (**MM49**).
174. Policy HOU 10 seeks to protect the amenities of the occupiers of neighbouring residential properties and sensitive uses from unacceptable harm from new development. The terms 'sensitive uses' and 'environmental disturbance' are adequately defined in paragraph 8.45 of the supporting text. However, the policy is not clear on what is to be regarded as an 'unacceptable' loss of privacy, loss of sunlight and daylight, level of environmental disturbance or traffic generation and parking. Whilst it may be difficult to prescribe some of these impacts, further policy detail and guidance are provided in Policy HOU 11 and Table 8.2 in respect of privacy and the CEBDG in respect of other aspects of amenity. So that the policy is clear and effective, the modifications in **MM50** are necessary to refer to them.
175. Policy HOU 11 and Table 8.2 of the supporting text define a series of residential standards for distances between buildings to ensure adequate levels of daylight and privacy, which are based on standards set out in the three legacy local plans. It also provides guidance on the space required for outdoor private amenity/garden space

and frontage parking. The supporting text states that the distance standards should be seen as a minimum where new development impacts on existing property. This is consistent with the provision in national policy which seeks a high standard of amenity for existing occupiers¹⁰⁰, but for effectiveness this should form part of the policy so it is evident to decision makers how to react to proposals (**MM51**). This should not make the policy any more restrictive as criterion 1i allows for a design and layout to fall below these standards if it achieves adequate light and privacy between buildings. Amendments to the supporting text in **MM51** are also necessary to provide clarity on how the standards for space and the 45-degree rule will be used to ensure an adequate degree of light.

Housing Density (Policy HOU 12)

176. Policy HOU 12 sets out a consistent Borough-wide approach to residential densities, replacing the varying density policies in the three legacy local plans. It establishes a minimum density of 30 dwellings per hectare (dph), with an expectation of higher densities in locations well served by public transport, but scope to diverge from this, particularly in areas characterised by low density. This approach is consistent with national policy, in seeking to make efficient use of land and using minimum density standards, whilst taking account of the prevailing character of areas¹⁰¹.

177. Although residential character and densities do 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. The policies of the three legacy local plans all promoted densities of 30-50 dph. The use of lower density ranges is only specified for a few selected locations in the saved policies of the Macclesfield Local Plan. The criteria based approach in part 3 of the policy, ensures that densities are determined at the development management stage based on local factors, including the character of the area and site surroundings, market conditions, the amenity of existing residents, the capacity of local infrastructure and site viability. Such an approach is consistent with national policy in paragraph 124 of the NPPF.

178. However, Policy HOU 12 is ambiguous in its support for densities lower than 30 dph, where this can be justified by evidence. Although the supporting text in paragraph 8.49 recognises there will be sites where lower densities will be more appropriate, this is not explicit in the policy wording. The CEBDG also contains important settlement character and density analysis, which serves to guide density considerations for new development, and should be referenced as such in the criteria in part 3 of the policy. These modifications, set out in **MM52**, are necessary to ensure the policy is positively prepared and effective for the consideration of proposals in lower density areas of the Borough.

Housing Delivery (Policy HOU 13)

179. Policy HOU 13 identifies the mechanisms the Council will support and employ to ensure the effective delivery of housing development. It is consistent with national policy and whilst it duplicates elements of the NPPF, it is evident that the timely and

¹⁰⁰ Paragraph 130(f) of the NPPF

¹⁰¹ Paragraphs 124-125 of the NPPF

co-ordinated delivery of housing is a key issue in Cheshire East to support its growth. As such, bringing together the use of various tools set out in national policy to support this in a single, positively prepared development plan policy is justified.

Small and medium-sized sites (Policy HOU 14)

180. Policy HOU 14 gives positive support to housing development on small and medium-sized sites of up to 30 dwellings. This is consistent with paragraph 69 of the NPPF, which emphasises the importance of small and medium-sized sites in helping to meet housing requirements. The threshold of 30 dwellings is supported by the Federation of Master Builders, as the main trade association for small and medium-sized developers, and, in comparison to alternative smaller site thresholds suggested, it will help to support a wider range of small and medium-sized housebuilders. As such, the policy is justified and serves a useful purpose.
181. With regard to small sites and the expectation in national policy that LPAs should identify at least 10% of their housing requirement on sites of no more than 1 ha, the Council's evidence¹⁰² demonstrates that it is already meeting this requirement. More than 10% of completions during the first half of the plan period have been on small sites and the future supply on small sites, including permissions, allocations and windfalls, exceeds 10% of the remaining housing requirement. Therefore, it is not necessary for soundness for the SADPD to allocate small sites or for Policy HOU 14 to set out further specific requirements for this.

Conclusion

182. Overall, subject to the MMs discussed above, I conclude that the policies for other types of housing, housing standards and housing delivery in the SADPD are positively prepared, justified, effective and consistent with the LPS and national policy.

Issue 7 – Has the SADPD been positively prepared and is it justified, effective and consistent with the LPS and national policy in respect of its policies and proposals for employment land and economic development in Cheshire East?

Employment Land

183. Policy PG 1 of the LPS expects provision to be made for a minimum of 380 ha of employment land for business, general industrial, and storage and distribution uses over the plan period. Appendix 2 of the Council's report on 'The Provision of housing and employment land'¹⁰³, shows a supply of employment land of 468.57 ha at the end of March 2020, which includes 40.95 ha on sites allocated in the SADPD, under Policy EMP 2 and Sites CRE 1 and 2, CNG 1 and HCH 1. This comfortably exceeds the overall minimum requirement of 380 ha for Cheshire East, and the residual requirement of 15.14 ha of employment land earmarked for non-strategic site allocations in the SADPD¹⁰⁴.

¹⁰² In Core Document ED 58

¹⁰³ Core document ED 05

¹⁰⁴ Table A.10 of the LPS

184. The sites proposed in the SADPD provide for the expansion of a number of existing businesses in Cheshire East and for development to accommodate new employers. Together with the strategic sites allocated in the LPS, they are sufficient to meet the forecast increase in jobs on which the LPS employment land requirement was based. They will also help to compensate for the estimated loss of employment land to residential development, and offer a range and choice of employment sites to meet market demand.
185. Whilst only 38.51 ha of employment land was developed and taken up between 2010 and 2020, in part this will be due to the longer lead in times required for the strategic allocations in the LPS. However, permissions on 186 ha of employment land have now been granted, with a number under construction, suggesting that an adequate pipeline of sites will be available to accommodate the forecast growth in jobs by the end of the plan period. Any change in job growth against the forecasts on which the LPS requirement was based is a strategic matter to be considered as part of a future review of the LPS, and not a matter for the SADPD as a non-strategic, part 2 plan.
186. In terms of the spatial distribution of the employment land supply across the settlements in the hierarchy, the monitoring data in Appendix 2 of the report on 'The provision of housing and employment land and the approach to spatial distribution' demonstrates that this is consistent with the distribution set out in Policy PG 7. For most settlements, the employment land supply at the end of March 2020 exceeds the indicative levels of development expected in Policy PG 7. The supply falls short of these levels at a five of the KSCs by relatively small amounts. For Handforth and Poynton, the supplies of 21.89 ha and 9.93 ha are 'in the order' the Policy PG 7 figures of 22 ha and 10 ha for these two settlements respectively. A shortfall of 0.82 ha at Congleton, is addressed by the allocation of Site CNG 1, which I discuss below.
187. For Alsager and Knutsford, the employment land supply at each is up to 2.25 ha short of the indicative levels of development in Policy PG 7. However, for both settlements the only sites identified for employment allocation at stage 2 of the site assessments process are located in the Green Belt. For both Alsager and Knutsford, the shortfalls in employment land are 'in the order of' their Policy PG 7 apportionments and compensated for by oversupplies at the Principal Towns and other KSCs. As such, exceptional circumstances have not been demonstrated to justify the alteration of Green Belt boundaries for the allocation of further employment land. For the LSCs, Site HCH 1, totalling 5.99 ha, has been proposed to meet their residual employment land needs. I have confirmed that this is justified as an appropriate strategy, for the reasons given in Issue 1 above.

Strategic Employment Areas (Policy EMP 1)

188. Paragraph 11.25 of the supporting text to the LPS identifies 11 key employment areas, which are of particular significance to the Cheshire East economy, collectively employing over 13,000 people. They are protected for employment uses by Policy EG 3 in the LPS, along with all other existing employment sites.

However, whilst some of the 11 areas are identified on maps in the LPS as strategic employment areas, not all are, and this has been identified as an irregularity in the plan.

189. Accordingly, Policy EMP 1 in the SADPD seeks to regularise this issue by confirming the status of each of the 11 key employment areas as Strategic Employment Areas, with a defined boundary on the Policies Map. Policy EMP1 supports proposals for further employment investment within them. I am satisfied the policy is justified, and that it is positively prepared and consistent with the LPS. Whilst there are other major businesses and employment areas that make important contributions to the local economy, which are not identified as Strategic Employment Areas, they will continue to be protected for employment uses by Policy EG 3. Their inclusion in Policy EMP 1 is not necessary to make the SADPD sound.

Employment Allocations (Policy EMP 2)

190. Criterion 3 of Policy EG 3 of the LPS states that allocated employment sites will be protected for employment use, subject to regular review. The existing employment allocations in Cheshire East are contained in saved policies of the three legacy local plans for Macclesfield, Congleton and Crewe & Nantwich. Given that the SADPD will replace all of the saved policies in these legacy plans, these employment allocations will fall away when the SADPD is adopted, unless they are reallocated.
191. In preparing the SADPD, the Council reviewed the legacy employment allocations, to determine whether each is suitable for continued allocation for employment. The methodology for and the results of the review are set out in the Employment Allocations Review¹⁰⁵. Out of 12 saved employment allocations that were considered, 8 have been reallocated for employment purposes in Policy EMP 2 of the SADPD, and form part of the overall employment land supply discussed above. The 4 saved allocations which have not been taken forward are, respectively, subject to flood risk constraints in Flood Zones 2 and 3, under construction for other uses, and allocated in the LPS as part of a strategic mixed use site.
192. The supporting text to Policy EMP 2, identifies the need for a Mineral Resource Assessment (MRA) to be submitted for any planning applications for Site EMP 2.8, land west of Manor Lane at Holmes Chapel, because it is likely to contain sand and gravel, as part of a wider mineral resource. However, part of the site has already been completed and the remainder benefits from an extant outline permission¹⁰⁶. In its evidence to the Hearing, the Council confirmed the requirement for a MRA was made on the basis of the overall site being 2.3 hectares in size, but that the remaining undeveloped part of the site, at around 0.75 ha, is too small for any mineral resource to be viably removed prior to development commencing. Accordingly, so that Policy EMP 2 is justified and effective, **MM40** is necessary to delete the requirement for an MRA from the supporting text.

¹⁰⁵ Core document ED 12

¹⁰⁶ Application reference 18/4283C

Employment site allocations at Congleton and Crewe (Sites CNG 1, CRE 1 and CRE 2)

193. Site CNG 1, comprising 0.95 ha of undeveloped land within an existing business area off Alexandria Way at Congleton, is allocated for employment development, to address a shortfall in the supply of employment land at this KSC, against its indicative level of development in LPS Policy PG 7. It is located on the north side of Congleton, adjacent to the strategic allocation LPS 27, which in turn is served by the new Congleton link road. Although the site is considered likely to contain sand and gravel and silica sand mineral resources, the policy criteria include a requirement for an MRA to be undertaken and submitted as part of any planning application for development, to avoid the unnecessary sterilisation of mineral resources of local and national significance. With this mitigation measure in place, Site CNG 1 is justified as an appropriate employment allocation, based on the evidence, and is consistent with national policy and the LPS.
194. Site CRE 1 comprises the existing Bentley Motors complex at Pyms Lane in Crewe. It is allocated for employment purposes to support further investment by Bentley in its design, research and development, engineering and production facilities at the site. The policy includes a series of criteria to ensure development proposals for the site retain the existing sports facility and playing fields, maximise opportunities for sustainable travel to and from the site, safeguard the amenity of nearby residents and avoid harm to the heritage assets on site, including the historic office and showroom on Pyms Lane. Subject to **MM67**, which will ensure that development proposals have regard to the advice in the Heritage Impact Assessment for the site¹⁰⁷ on mitigation measures to preserve the significance of the heritage assets, the site allocation is justified, effective and consistent with the LPS and national policy.
195. Site CRE 2, comprising 5.69 ha on land off Gresty Road in Crewe is allocated for employment development in Use Classes E(g) and B8. The site is owned by Morning Foods, another key business and employer in Cheshire East, who has plans to enlarge its existing facilities in the town, which are on the opposite side of the railway line to north of this site.
196. The site is greenfield and has a number of constraints, including the Gresty Brook adjacent to its northern boundary and an area of woodland on the southern boundary, which contains priority habitat. The policy contains eight criteria to ensure development proposals for the site are suitably designed and their impacts on the water course, ecology, adjacent heritage assets and residential properties, drainage and the highway infrastructure are mitigated. These are positively worded, clear and justified, except for criteria 3, 6 and 8, which are unduly onerous and not justified by evidence. As drafted the policy could critically restrict the potential of the site to achieve its intended employment and economic development purposes.

¹⁰⁷ Contained in Core document ED 48

197. Accordingly, the following changes, set out in **MM68** are necessary for effectiveness, and so that the allocation of Site CRE 2 is positively prepared and justified, based on the evidence:

- amend criterion 3 and paragraph 12.26 of the supporting text to allow for essential drainage infrastructure within the woodland on the southern boundary, where this is justified and complies with the biodiversity mitigation hierarchy in paragraph 180(a) of the NPPF;
- revise criterion 6 and paragraph 12.28 of the supporting text to allow for sustainable drainage infrastructure within the buffer zone to Gresty Brook, where this is compatible with the need to provide access for maintenance and emergency purposes; and
- delete the references to Crewe Road and Gresty Road in criterion 8 and paragraph 12.30 of the supporting text, to ensure measures to improve walking and cycling routes to the site can be designed to optimise opportunities for sustainable modes of travel to/from the proposed employment use.

Conclusion

198. Overall, subject to the MMs discussed above, I conclude that the SADPD been positively prepared and is justified, effective and consistent with the LPS and national policy in respect of its policies and proposals for employment land and economic development in Cheshire East.

Issue 8 – Has the SADPD been positively prepared and is it justified, effective and consistent with the LPS and national policy in respect of its policies for retail and other town centre development?

Retail Hierarchy (Policy RET 1)

199. Policy EG 5 of the LPS sets out a 'town centre first' approach for the development of retail and commerce in Cheshire East, defining a hierarchy of retail centres in the PTs, KSCs and LSCs where different levels of retail and town centre uses will be permitted. Policy RET 1 in the SADPD reiterates this hierarchy and defines two further tiers, based on evidence in the Settlement Reports. A series of Local Urban Centres (LUCs) is defined in Crewe, Congleton, Nantwich and Wilmslow; and a number of Neighbourhood Parades of Shops (NPSs) in Crewe, Macclesfield, Congleton, Handforth, Knutsford, Nantwich, Poynton, Sandbach, Wilmslow, Alderley Edge, Bollington and Haslington. Criterion 1 of Policy RET 1 establishes that development in these centres should reflect their role, function and character within the hierarchy.

200. Dean Row Road in north Wilmslow is defined as an LUC in Policy RET 1. As described in the Wilmslow Settlement report¹⁰⁸, it is a reasonably sized retail area, with a good range of convenience retail and other services to meet the day to day needs of nearby residential areas, as well as a larger supermarket and some more

¹⁰⁸ Table 8 of Core document ED 43

specialist provision serving a wider catchment. Although Dean Row Road is currently designated as a local centre in the Macclesfield Borough Local Plan, Policy RET 1 defines Local Centres (LCs) as being located within the LSCs. This is consistent with the hierarchy established in the LPS. The definition of an LUC in the Glossary to the SADPD fits with the role and retail offer at Dean Row Road. Footnote 22 of the SADPD makes clear that Local urban centres are defined town centres for the purposes of the sequential and impact tests in Policy RET 3, and Policy EG 5 confirms that town centres will be promoted as the primary location for main town centre uses.

201. For clarity and effectiveness, amendments are necessary to paragraph 9.6 of the supporting text to Policy RET 1 (**MM53**) and to the Glossary (**MM73**) to ensure that it is clear LUCs fall within the definition of town centres in the glossary to the NPPF. Subject to these MMs, I find that the definition of the retail hierarchy in Policy RET 1 is justified based on proportionate evidence and that it is consistent with Policy EG 5. It also accords with the expectations of national policy in paragraph 86(a) of the NPPF.
202. There are a number of new 'local centres' proposed within the strategic allocations in the LPS¹⁰⁹. They are not included within the retail hierarchy in Policy RET 1, as this would be neither justified nor effective until they have been built out and it is possible to assess where they fit within the hierarchy of centres. However, it is important that the proposed future investment in these new 'local centres' remains viable. National policy requires impact assessments for retail proposals outside of town centres to consider their impact on committed or planned investment in centres¹¹⁰, and this is reflected in Policy RET 3 of the SADPD. But so that it is clear this includes the assessment of impacts on proposals for new local centres at the LPS allocations, **MM53** adds a new paragraph and footnote to the supporting text to Policy RET 1. This is necessary for effectiveness.

Town Centre Boundaries

203. Paragraph 86(b) of the NPPF expects planning policies to define the extent of town centres, as part of a positive strategy for each centre. This is important in establishing the land which is within centres, and what are edge-of-centre and out-of-centre locations, to support the application of the sequential test in directing retail and commercial development into town centres.
204. Policy RET 1 makes clear that boundaries for principal town centres (PTCs), town centres (TCs), LCs, LUCs and NPSs are defined on the Policies Map. These have been based on existing centre boundaries in the three legacy local plans, updated in the light of evidence on unit occupancy and other market indicators in the respective Settlement Reports and town centre health checks undertaken as part of the Cheshire East Retail Study Partial Update (2020) (CERSPU)¹¹¹.
205. I have reviewed the proposed boundaries against the evidence in the CERSPU and Settlement Reports, and in representations requesting changes to them. This

¹⁰⁹ Allocated in LPS 2-4, LPS 8-9, LPS 13, LPS 20, LPS 26-27, LPS 33, and LPS 46-47

¹¹⁰ Paragraph 90(a) of the NPPF

¹¹¹ Core document ED 17

includes the town centre boundaries for Alsager, Knutsford, Macclesfield and Poynton, and the boundary to the NPSs at High Town in Congleton, which were discussed at the Hearing. With the exception of the northern part of the boundary to Macclesfield town centre, I am satisfied that the proposed boundaries are justified, based on the evidence, and are positively prepared. Where changes have been made to the boundaries in the three legacy local plans, these are logical, reflecting changes on the ground within the relevant centres, and the judgements which have been made are adequately explained.

206. For Macclesfield, the CERSPU recommended an extension to its town centre boundary to include a small area of commercial properties on north side of King Edward Street, which are in fact in a main town centre use. However, the boundary proposed on the submitted Policies Map excludes this area, and, as such, is not consistent with the evidence in the CERSPU. In order to ensure that the geographical illustration of Policy RET 1 for Macclesfield town centre is justified and effective, the amendment to its boundary, which was agreed at the Hearing and consulted upon alongside the MMs¹¹², should be included as a change to the Policies Map prior to adoption.

Planning for Retail Needs (Policy RET 2)

207. Policy RET 2 seeks to provide for the retail floorspace needs of the Borough up to 2030 through the sites allocated in the LPS which include a retail element, further retail development in central Crewe and Macclesfield, and the delivery of Site LPS 47 at Snow Hill in Nantwich. Whilst there is no overall cumulative capacity requirement for further convenience or comparison retail floorspace in Cheshire East up to 2030, the CERSPU¹¹³ identifies a need for further convenience floorspace at Macclesfield and selected KSCs. These needs are shown in Figure 9.2 in the supporting text to Policy RET 2.
208. The Council provided evidence of commitments for further retail floorspace, which have come forward since the CERSPU was published¹¹⁴. From this, it is clear that progress is being made towards addressing the needs in Figure 9.2 incrementally over the remainder of the plan period. The evidence does not demonstrate commitments or allocations to meet all of the settlement specific needs in Table 9.2. However, there is uncertainty over the accuracy of longer term forecasts of retail floorspace needs and of the geography of retail floorspace, due to changes in consumer shopping habits, in particular the increase in on-line retailing.
209. Accordingly, the combination of the allocations in the LPS, as set out in Policy RET 2, and 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 granting further permissions in line with development management policies, is justified as an appropriate strategy.

¹¹² PM07 in the Schedule of Proposed Modifications to the Draft Policies Map

¹¹³ Figures 4.2 and 4.4 of Core document ED 17

¹¹⁴ In Tables 1 and 2 of Examination document CEC/23

Sequential and Impact Tests (Policy RET 3)

210. Paragraph 87 of the NPPF expects LPAs to apply a sequential test to applications for main town centre uses which are not in an existing centre or in accordance with an up to date plan. This is also reflected in criterion 7 of LPS Policy EG 5. Policy RET 3 applies the sequential approach in Cheshire East to proposals that are not in a 'defined centre', which footnote 22 defines as centres in the first four tiers in the retail hierarchy in Policy RET 1. However, it does not also allow priority to be given to proposals that accord with an up to date plan, meaning that applications for main town centre uses on sites allocated for this in the LPS would also have to satisfy the sequential test. This is not consistent with national policy or the LPS. Therefore, to rectify this, the amendment to criterion 1 of Policy RET 3 in **MM54** is necessary.
211. Paragraph 90 of the NPPF also requires that proposals for retail and leisure development over a proportionate, locally set floorspace threshold, outside of a centre and not in accordance with an up-to-date plan, should require an impact assessment. Criterion 2 of Policy RET 3 applies this in Cheshire East using thresholds of 500 sqm for PTCs, 300 sqm for TCs and 200 sqm for LCs.
212. The evidence to support these thresholds is set out in the Threshold Policy for Main Town Centre Uses Impact Test Evidence and Justification Report (2017)¹¹⁵. The thresholds proposed represent the minimum size of anchor units for convenience and/or comparison retail uses in each tier of centre, which continue to experience pressure from edge and out-of-centre development. These thresholds were reviewed as part of the CERSPU¹¹⁶ and confirmed as appropriate, in the light of the current health, performance, floorspace composition of each centre, and the availability of units capable of meeting national multiple occupier requirements in each centre. Based on this, I am satisfied that the proposed impact test thresholds set out in Policy RET 3 are justified as an appropriate mechanism to ensure the vitality and viability of these tiers of centre in the Borough.
213. However, several modifications are necessary to this part of Policy RET 3 to address soundness issues. Firstly, whilst it has been confirmed that 'local urban centres' fall within the definition of 'town centres' for the purpose of the sequential and impact tests, the threshold at which an impact test should be undertaken for a local urban centre is not set out in Policy RET 3 or its supporting text. Accordingly, **MM54** adds a new table 9.3 to the supporting text, which defines thresholds for the 6 LUCs, in line with those for the settlement hierarchy tier in which they are located. Given that the thresholds are based on evidence of the minimum size of anchor units in the relevant tier of centre, I am satisfied these are justified. To ensure they are referenced in the policy, I have added amended the wording of the MM, as it was published for consultation, to include LUCs to the list of thresholds.
214. Secondly, to ensure consistency with national policy, **MM54** adds text to criterion 2 to make clear that an impact assessment is not required for proposals outside of centres, which are in accordance with an up-to-date plan, such as applications for main town centre uses on sites allocated for this in the LPS. Thirdly, **MM54**

¹¹⁵ Core document ED 16

¹¹⁶ Pages 29-32 of ED 17

modifies criterion 2(ii) to ensure the impact tests are carried out for the 'defined' centres in footnote 22, so that it is effective in maintaining the vitality and viability of LUCs as well. Finally, the small wording change to criterion 4 is necessary to ensure consistency with paragraph 91 of the NPPF (**MM54**).

Restaurants, Cafes, Pubs and Hot Food Takeaways (Policy RET 5)

215. Policy RET 5 seeks to manage the development of restaurants, cafes, pubs and hot food takeaways in respect of their impacts on local character, residential amenities, community safety, highway safety and health. With particular regard to health, in order to support local health initiatives to reduce the incidence of obesity in Cheshire East, criterion 3 seeks to restrict the opening hours of proposals for new hot food takeaways within 400 metres of secondary schools and sixth form colleges. Whilst similar policies have been adopted by some other LPAs in England, this does not amount to evidence justifying a similar policy approach in Cheshire East. Rather the PPG cites evidence produced by local public health agencies and of high levels of obesity or health inequalities in specific locations, as the type of data needed to justify such a policy¹¹⁷.

216. The evidence provided to support this policy approach is set out in a Hot Food Takeaway Background Report (2020)¹¹⁸. This includes evidence from a Joint Strategic Needs Assessment on Excess Weight 2019 (EWJSNA) produced by the public health agencies in Cheshire East. However, the EWJSNA reveals that levels of obesity across Cheshire East are generally below the national average, with only the Crewe 6 group of wards above this average. As such, a blanket policy restricting the opening hours of hot food takeaways near to schools and colleges throughout Cheshire East, as submitted in Policy RET 5, is not justified by evidence of poor health across the Borough as a whole. Indeed, the EWJSNA does not recommend a borough-wide approach, but suggests that initiatives aimed at reducing excess weight should be targeted at the Crewe 6 group of wards. Such an approach would be consistent with national policy and with the guidance set out in the PPG. Accordingly, so that Policy RET 5 is justified and consistent with national policy, **MM55** is necessary to modify criterion 3 and the supporting text to the policy, so that the restriction on the opening hours of hot food takeaways only applies within the Crewe 6 wards.

217. In order to ensure that the geographical illustration of Policy RET 5 is justified and effective, the 'hot food takeaway restriction zone' shown in the Schedule of Proposed Modifications to the Policies Map¹¹⁹, which was consulted upon alongside the MMs, should be added to the Policies Map prior to adoption.

Neighbourhood Parades of Shops (Policy RET 6)

218. Policy EG 5 of the LPS states that small parades of shops will be protected where they are important to the day-to-day needs of local communities. Neighbourhood

¹¹⁷ PPG Paragraph: 004 Reference ID:53-004-20190722

¹¹⁸ Core document ED 50

¹¹⁹ PM08 in the Schedule of Proposed Modifications to the Draft Policies Map

parades of shops are identified in as part of the retail hierarchy in Policy RET 1 and Policy RET 6 seeks to protect them to provide facilities serving a local catchment.

219. Criterion 2 of the policy seeks to prevent the loss of Use Class E(a) retail and Class F2(a) local community shops to other uses. However, the 2020 changes to the Use Classes Order (UCO)¹²⁰ mean that both retail and non-retail activities are grouped together in these two Use Classes. The UCO provides that switching the use of a building or land to another purpose in the same Use Class does not amount to development. As such, the permissions sought in criterion 2 are outside of the LPA's control and not consistent with national policy. Accordingly, **MM56** is necessary to delete criterion 2 and the supporting text at paragraph 9.27.

Vitality of Town and Retail Centres (Policy RET 7)

220. Paragraph 86(b) of the NPPF expects planning policies to define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in them, as part of a positive strategy for the future of each centre. Policy RET 7 defines Primary Shopping Areas (PSAs) in the PTCs and TCs, where retail development is to be concentrated. Criterion 3 of the policy supports the development of retail uses and seeks to resist the loss of main town centre uses within the PSAs and in the LCs and LUCs.
221. The boundaries to the PSAs are defined on the submitted Policies Map, based on a robust set of evidence in the Settlement Reports and the CERSPU of the extent of shopping frontages in each centre and the mix of retail and other main town centre uses within them. I am satisfied that the boundaries are justified based on proportionate evidence.
222. It was argued in representations that the policy should be more flexible in supporting a wider range of uses in the PSAs, LCs and LUCs, in response to changing retail market conditions. However, the policy gives appropriate support for retail and other main town centre uses within PSA, LC and LUC boundaries. In combination with Policies RET 1, RET 3 and RET 8, it provides a positive and effective policy framework for encouraging a diversity of uses within the Borough's centres, which is consistent with Policy EG 5 of the LPS and with national policy.

Residential Accommodation in the Town Centre (Policy RET 8)

223. Policy RET 8 supports the provision of housing in PTCs and TCs as part of a mix of uses. This is consistent with national policy¹²¹ which recognises the role of residential uses in ensuring the vitality of centres. Where residential development is proposed within a PSA, the requirements of Policy RET 7 provide the necessary safeguards to address any concerns about the fragmentation of shopping frontages and the loss of active uses.

¹²⁰ The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

¹²¹ Paragraph 86(f) of the NPPF

Environmental Improvements and Design in Town Centres (Policy RET 9)

224. Policy RET 9 sets out a series of design principles for development in the PTCs and TCs, to ensure they make a positive contribution to character, public realm, movement, legibility, adaptability and diversity of uses of the key centres in the Borough. Whilst Policy SE 1 of the LPS and Policy GEN 1 of the SADPD also contain design principles that apply to all development proposals, the detailed principles and guidance in Policy RET 9 relate specifically to town centres. As such the policy serves a clear purpose, and is consistent with the ambition in national policy to achieve well design places.

Crewe and Macclesfield Town Centres (Policies RET 10 and RET 11)

225. Crewe and Macclesfield are the PTCs for Cheshire East. They provide the key opportunities in the Borough for the development of retail and other main town centre uses. Both are the subject of regeneration frameworks, which sit outside of the local plan. Policies RET 10 and RET 11 translate the main components of those frameworks into local plan policies to guide and support opportunities for improving and regenerating Crewe and Macclesfield town centres. The policies are positively prepared, justified and consistent with the town centre first approach in LPS Policy EG 5 and the expectation in national policy that planning policies should provide a positive strategy for the future of town centres.

226. Currently the development areas for Crewe town centre and the character areas for Macclesfield town centre are illustrated on plans in the SADPD¹²², but not on the Policies Map as submitted. As such their policy status is not clear. Also the boundaries for the character areas in Figure 9.2 for Macclesfield are not clearly defined on an Ordnance Survey (OS) base, so in some parts of the town centre, it will be unclear which character area requirements apply.

227. Therefore, to ensure that the geographic illustration of Policies RET10 and RET11 is effective and legally compliant, the boundaries of the development and character areas for Crewe and Macclesfield town centres shown in the Schedule of Proposed Modifications to the Policies Map¹²³, which was consulted upon alongside the MMs, should be added to the Policies Map prior to adoption. For effectiveness reference to the boundaries being shown on the Policies Map needs to be added to Policies RET 10 and RET 11 (**MM57 and MM58**). Replacing the map at Figure 9.2 with one showing the character areas for Macclesfield on an OS base (**MM58**) is also necessary for clarity and effectiveness.

Conclusion

228. Overall, subject to the MMs specified above, I conclude that the SADPD been positively prepared and is justified, effective and consistent with the LPS and national policy in respect of its policies for retail and other town centre development.

¹²² Figures 9.1 and 9.2 of ED 01

¹²³ PM09 and PM10 in the Schedule of Proposed Modifications to the Draft Policies Map

Issue 9 – Are the policies for the natural environment, climate change and resources in the SADPD justified, positively prepared, effective and consistent with the LPS and national policy?

Ecological Network (Policy ENV 1)

229. Policy SE 3 of LPS sets the strategic framework for the protection and enhancement of biodiversity and geodiversity in the Borough, including measures to increase the total area of habitat and establish ecological networks. Paragraph 179a) of the NPPF expects plans to identify, map and safeguard ecological networks, including designated sites of importance, wildlife corridors and stepping stones that connect them, and areas identified for habitat management, enhancement and restoration.
230. Policy ENV 1 defines the ecological network in Cheshire East in finer detail, comprising core areas, corridors and stepping stones, restoration areas, Meres and Mosses catchments (buffer zones), and sustainable land use areas. The components of the network are mapped on the submitted Policies Map and illustrated in figure 4.1 of the supporting text. Criterion 4 of the policy sets out the requirements for development to protect, restore and enhance the different elements of the network.
231. The structure of the ecological network and the extent of the component areas comprising it are based on evidence in the Ecological Network for Cheshire East (2017) (ENCE)¹²⁴. It is consistent with the ecological network for Cheshire West and Chester (CW&C), which was defined in a companion study to the ENCE and was found sound following the examination of the CW&C Local Plan (Part Two) Land Allocations and Detailed Policies (2019). The Council has confirmed that 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 network¹²⁵. Having reviewed this evidence in the light of representations and the discussions at the Hearing, I find that the definition of the ecological network is justified. I am also satisfied that the delineation of network components on the interactive Policies Map is sufficiently accurate to enable the site specific application of the policy to be understood by decision makers.
232. However, the wording of criterion 4 of Policy ENV 1 is not justified or effective. In particular, the requirement for development within the core areas, corridors, stepping stones and restoration areas to increase the size of core areas, is unduly onerous. Policy DM 44 of the CW&C Local Plan (Part 2) establishes a soundly based approach to secure the enhancement of the network in the remainder of Cheshire, enabling 'net gain' in biodiversity without unduly restricting development. Accordingly, so that Policy ENV 1 is positively prepared, justified, effective and consistent with national policy, the modifications to criterion 4 in **MM6** are necessary, to reflect the wording of Policy DM 44. I have made a minor amendment to the wording of criterion 4iv in the MM to change 'pollution **or** disturbance' to 'pollution **and** disturbance', to avoid any ambiguity.

¹²⁴ Core document ED 09

¹²⁵ Examination document CEC/34

233. Local wildlife corridors and designations identified in Neighbourhood Plans can also add to the wider ecological network. To ensure these are taken into account alongside the requirements of Policy ENV 1, an additional criterion and supporting text are included in **MM6**, which are necessary for clarity and effectiveness.

Ecological Implementation (Policy ENV2)

234. Criterion 1 of Policy ENV 2 requires development to deliver an overall net gain for biodiversity. For major developments and developments affecting semi-natural habitats, it requires this to be supported by a biodiversity metric calculation. The additional costs of biodiversity net gain (BNG) on the viability of residential development were tested in the VA and were not shown to have a significant effect on the viability of the different typologies.

235. The principle of BNG is well established in national policy; paragraph 179(b) of the NPPF expects plans to pursue opportunities for securing measurable net gains in biodiversity. However, this is not set to become a mandatory requirement under the Environment Act 2021 until late in 2023. Therefore, as submitted, criterion 1 is not consistent with national policy in making these requirements mandatory. Accordingly, changes to criterion 1 are necessary to ensure that provision for BNG is in line with national policy (**MM7**). Worded in such a way will allow the mandatory requirement be sought once the legislation takes effect.

236. Criterion 2 of Policy ENV 2 applies the mitigation hierarchy to development proposals. It requires development to make sure 'losses' of and 'impacts' to biodiversity and geodiversity are avoided, mitigated or compensated. However, paragraph 180(a) of the NPPF expects development to be refused where 'significant harm' to biodiversity cannot be avoided, mitigated or compensated. The difference between 'impacts' and 'significant harm' is material. Accordingly, the changes to criterion 2 in **MM7** are necessary to ensure consistency with national policy.

237. Criterion 2(iii) expects off-site habitat provision to be prioritised towards areas forming part of Nature Improvement Areas, but these are not identified on the Policies Map. Therefore, to ensure that the geographic illustration of Policy ENV 2 is justified and effective, the boundaries of the Nature Improvement Areas shown in the Schedule of Proposed Modifications to the Policies Map¹²⁶, which was consulted upon alongside the MMs, should be added to the Policies Map prior to adoption. For clarity, criterion 4iii of the policy should also refer to the Policies Map (**MM7**).

238. It is also necessary for the SADPD to accommodate the changes in approach to the assessment of development proposals in river catchments where protected water bodies are in unfavourable condition due to nutrient pollution, arising from the WMS published on 16 March 2022. Whilst the HRA of the SADPD confirmed that no site allocations in the SADPD fall within the Nutrient Neutrality SSSI catchments for the 3 European sites affected in or close to Cheshire East¹²⁷, to ensure the SADPD is consistent with the WMS, additional supporting text is required to make clear that the nutrient impacts of any new plans or projects on these European sites will be

¹²⁶ PM04 in the Schedule of Proposed Modifications to the Draft Policies Map

¹²⁷ the Rostherne Mere Ramsar and the catchments of Abbots Moss and Wybunbury Moss SSSIs

considered as part of any project level HRA (**MM7**). Adding a link to Natural England's guidance on nutrient neutrality and mitigation is not necessary for soundness, but could be made as an additional modification by the Council before adoption.

Landscape Character (Policy ENV 3)

239. LPS Policies SE 4 The Landscape, SE 6 Green Infrastructure and SE 15 Peak District National Park Fringe set the strategic policy framework for the protection of the landscape within the Cheshire East Local Plan area. This includes Local Landscape Designations (LLDs), which are explained in criterion 3 of Policy SE 4. Appendix B of the LPS provides further detail on the extent and definition of LLDs. It states that until reviewed and updated through the production of the SADPD, the spatial extent of LLD areas are shown as 'Areas of Special County Value' (ASCVs) in the proposals maps of the three legacy local plans. Policies PS9 of CBLP, NE3 of CNRLP, and NE1 of MBLP are all saved until replaced by the SADPD.
240. Policy ENV 3 of the SADPD requires development to respect the qualities, features and characteristics that contribute to distinctiveness of the area, as defined in the 2018 Cheshire East Landscape Character Assessment (CELCA)¹²⁸, but does not refer to the LLDs. Paragraph 4.19 of the supporting text states that LLD areas are shown on the adopted Policies Map, but there is no reference in the policy or the supporting text to the review of LLDs undertaken by the Council in preparing the SADPD, nor to the special landscape qualities which justify their continued designation. As submitted, therefore, Policy ENV 3 is not effective and the reference to LLDs in the supporting text is not justified.
241. The Council has submitted evidence to support the continued designation of LLDs, in the form of the Cheshire East Local Landscape Designation Review 2018 (CELLDR)¹²⁹. The review was informed by national and professional guidance on the identification of LLDs and valued landscapes; and drew on fieldwork and evidence from the CELCA to review the ASCVs, and define 9 LLDs. The evidence in the CELLDR is robust and proportionate. It explains the special qualities of the landscapes contained within each LLD, reflecting the landscape value that can be observed in the field. With the exception of the boundary to the Peak Fringe LLD east of Macclesfield and north of Lyme Green, which I discuss below, the evidence justifies the designation of these areas as LLDs and the boundaries shown on the Policies Map. This includes the boundaries of the Bollin Valley LLD at Yarwood Heath Farm, for the reasons set out in my post hearing letter and comments¹³⁰, and at Ashley Hall and Prestbury, and the boundaries of the Rostherne/Tatton Park LLD either side of the railway line at Ashley.
242. To ensure that Policy ENV 3 is justified and effective, **MM8** is necessary to add a new criterion and supporting text to identify the LLDs, refer to the evidence describing their special qualities and make clear that development likely to have an adverse effect on those special qualities is avoided. I have made two amendments

¹²⁸ Core documents ED10 & 10a

¹²⁹ Core document ED11

¹³⁰ Examination documents INS/33 and INS/34

to the wording of the MM, as it was published for consultation. Firstly, to clarify in the new criterion 2 that the LLDs are the 'most valued landscapes' in the part of the Borough covered by the Local Plan, given that part of the Peak District National Park lies within the Borough, but not within the plan area. Subject to that, the evidence in the CELCA and CELLDR justifies their description as the highest quality and most valued landscapes in the plan area. Secondly, to ensure the additional sentence in paragraph 4.19 of the supporting text is accurate, I have deleted the word 'unique' because the Statements of Significance for each LLD area in the CELLDR describe their 'special qualities', rather than their 'unique special qualities'.

243. The boundary to the Peak Fringe LLD on the south-eastern side of Macclesfield has been defined on the submitted Policies Map to exclude the built up area at Lyme Green and the fields to its west, and an area of meadow land north of Lyme Green, between the A523, the railway line and the Macclesfield Canal. The exclusion of Lyme Green and the land to the west of the settlement, which is allocated for housing, are clearly justified. However, the basis for excluding the meadow land to the north of Lyme Green is not justified based on the evidence. The reason given in the CELLDR is that the land is lower lying, and, as such, is not representative of the special qualities associated with the Peak Fringe landscape. However, this area of land shares similar topography and landscape character to many of the fields to the east of the canal around Sutton, which are included in the LLD. It is part of the same transitional landscape adjacent to the Peak District National Park, which the canal sits within rather than forming a boundary to. Views across the meadow land from the A523 London Road of the footslopes and uplands of the Peak District demonstrate this. The clear boundary to the Peak Fringe landscape east of Macclesfield is the built up edge of the town defined by the railway line and A523. Accordingly, to ensure that geographical illustration of Policy ENV 3 is justified and effective, prior to adoption the boundary of the Peak Fringe LLD east of Macclesfield on the Policies Map should be amended to follow the boundary shown in the Schedule of Proposed Modifications to the Policies Map, which was consulted upon alongside the MMs¹³¹.

River Corridors (Policy ENV 4)

244. Policy SE 6 of the LPS identifies the Weaver, Bollin, Dane and Wheelock river corridors as strategic green infrastructure assets to be safeguarded and enhanced. Policy ENV 4 provides more detailed criteria for development proposals to satisfy in this regard. However, the supporting text fails to explain the measures that can be taken to conserve, restore and enhance river corridors. Accordingly, the additional supporting text in **MM9**, suggested by the Environment Agency, as the statutory agency with responsibility for water quality and resources, is necessary to ensure Policy ENV 4 is adequately justified and to enable its effective implementation. Listing the North West River Basin Management Plan under 'Related documents' is not required for soundness, but could be included by the Council as an additional modification prior to adoption.

¹³¹ PM05 in the Schedule of Proposed Modifications to the Draft Policies Map

Landscaping (Policy ENV 5)

245. Policy ENV 5 sets specific requirements for landscaping schemes for new developments to ensure they respond sympathetically to the topography landscape, preserve neighbouring amenity, include climate change mitigation, and provide for satisfactory maintenance. Whilst these requirements are justified, it does not refer to the role of landscaping in enhancing biodiversity. Accordingly, for effectiveness **MM10** adds a requirement for landscaping schemes to incorporate the recommendations of ecological assessments.

Trees, Hedgerow and Woodland Implementation (Policy ENV 6)

246. Policy SE 5 sets the strategic policy framework for the protection of trees, hedgerows and woodland, including veteran trees and ancient woodland, and seeks to secure mitigation or compensation where loss is unavoidable. Policy ENV 6 provides more detailed policy requirements, particularly in quantifying net environmental gain where the loss of trees is unavoidable and on the protection and management of ancient woodland and veteran trees. However, as submitted, the policy is not justified or consistent with national policy in a number of respects.

247. Criterion 3 requires the loss of significant trees to be compensated by at least 3 replacement trees for every one lost. Whilst the replacement of lost trees, increasing tree coverage and net environmental gain are important principles of national planning policy, the mandatory requirement for a 3:1 replacement ratio for the loss of significant trees is not supported by evidence. The Council referred to a comparable standard used by another LPA, but that was based on robust local evidence, set out in a supplementary planning document. However, neither the SADPD nor any of the supporting documents provide evidence to justify a strict 3:1 replacement.

248. Accordingly, to ensure Policy ENV 6 is justified and effective in this regard, it is necessary to delete the 3:1 tree replacement ratio from criterion 3 and replace it with a requirement for replacement tree planting to be commensurate with the amenity value of the tree lost and the principle of securing an environmental net gain (**MM11**). For clarity and effectiveness, so it is clear how criterion 3 as modified will apply, **MM11** also adds supporting text to explain what constitutes a 'significant tree'. I have amended the MM, as it was published for consultation, to delete paragraph 4.41 of the supporting text, which also refers to the 3:1 tree replacement ratio, and to correct the sub-heading to criteria 7 and 8, which refer to ancient woodland and veteran trees.

249. Paragraph 131 of the NPPF expects planning policies to ensure new streets are tree-lined and that appropriate measures are in place to secure the long-term maintenance of newly-planted trees. Policy ENV 6 does not reflect these expectations, and, therefore, **MM11** includes additional criteria to this effect, to ensure it is consistent with national policy.

250. Finally, criterion 7 of Policy ENV 6 requires hedgerows deemed important under the Hedgerow Regulations 1997 to be retained. However, this is unnecessary duplication, given such hedgerows are already protected in law. Accordingly, it should be deleted to ensure consistency with paragraph 16(f) of the NPPF (**MM11**).

Climate Change (Policy ENV 7)

251. The LPS sets the strategic policy framework for development for the mitigation of impacts on and adaptation to climate change. Policies SE 8 and SE 9 of the LPS in particular deal with renewable and low carbon energy and energy efficient development. Policy ENV 7 brings together a series of more detailed climate change mitigation and adaptation requirements for new development to meet, including enhanced energy efficiency measures to achieve above standard reductions in CO₂ emissions and optimising energy from renewable or low carbon sources.
252. Given the increased urgency to tackle climate change globally, the passing into UK law of the 'net zero' target for greenhouse gas emissions by 2050, and the priority being given to tackling the climate emergency locally by the Cheshire East Council, Policy ENV 7 is justified. That is with the exception of criterion 1(vii), which seeks retrofitting measures for the existing building stock that would not be enforceable. Accordingly, for the policy to be justified in full, it is necessary to delete the criterion **(MM12)**.
253. With regard to the enhanced energy efficiency standard in criterion 2, the Planning and Energy Act 2008 allows LPAs to set energy efficiency standards in planning policies that exceed the requirements of the Building Regulations (BRs). The March 2015 WMS and the PPG¹³² confirm this and allow LPAs to set energy performance standards for new housing up to the equivalent of Level 4 of the Code for Sustainable Homes, which is approximately 20% above current BRs. Criterion 2 expects new build residential development should achieve reductions in CO₂ emissions of 19% below the Target Emission Rate of the BR. Accordingly, it is justified and consistent with national policy.
254. Criterion 3(i) duplicates the requirement in LPS Policy SE 9 for non-residential development over 1,000 sqm to secure at least 10% of its predicted energy needs from decentralised, renewable or low carbon sources. Under paragraph 16(f) of the NPPF, policies should serve a clear purpose, avoiding unnecessary duplication of policies that already apply to an area. For consistency with national policy, therefore, it is necessary to amend criterion 3(i) to remove reference to the 10% target and simply reference criterion 2 of LPS Policy SE 9 **(MM12)**.
255. Policy 4.42 of the supporting text refers to the Building for Life standard, which has now been replaced by Building for a Healthy Life 2020. Accordingly, for effectiveness, the reference must be updated and the full title listed in the 'Related documents' **(MM12)**. However, listing the Council's Carbon Neutral Action Plan under 'Related documents' is not required for soundness, but, at the Council's discretion, could be included as an additional modification prior to adoption.

District Heating Network Priority Areas (Policy ENV 8)

256. Footnote 69 to LPS Policy SE 9 states that 'District Heating Network Priority Areas' (DHNPA) will be identified in the SADPD. Policy ENV 8 identifies Crewe and Macclesfield as areas with highest potential for heat networks, with high heat

¹³² PPG Paragraph: 012 Reference ID: 6-012-20190315

densities based on national heat maps, the Cheshire East Energy Framework 2015 and feasibility studies for heat networks in both towns. Criterion 1 confirms that the settlement boundaries of Crewe and Macclesfield are the DHNPA boundaries. However, criterion 2 of Policy ENV 8 duplicates criterion 3 of LPS Policy SE 9, regarding the contribution of developments in DHNPAs and large scale developments to district heating networks. For consistency with national policy, therefore, it is necessary to amend criterion 2 to simply reference criterion 3 of Policy SE 9 (**MM13**).

Wind Energy (Policy ENV 9)

257. Criterion 5 of Policy SE 8 in the LPS states that planning permission for wind turbines will only be granted in areas identified as suitable for wind energy development. The supporting text¹³³ says that 'areas suitable for wind energy development' will be formally identified in the SADPD.
258. Criterion 1(i) of Policy ENV 9 identifies the areas outside of the LLDs and the Peak District National Park (PDNP) fringe and their settings, as suitable for wind energy development. However, whilst the boundaries of the LLDs are clearly defined on the Policies Map, their settings are not defined. The Glossary to the NPPF regards the extent of the setting of a heritage asset as not fixed, so it follows that the settings of the LLDs will not be fixed. Therefore, including the settings of the LLDs as part of the areas in which wind energy development will not be considered suitable is ambiguous, would fail to provide clear guidance to applicants and decision makers and would not be consistent with the PPG¹³⁴, which requires 'suitable areas' for wind energy development to be identified clearly in local plans. Accordingly, so that the SADPD is justified, effective and consistent with national policy, it is necessary to delete reference to the 'settings' of the LLDs and the PDNP fringe from Policy ENV 9 (**MM14**). As modified, the policy would still safeguard the landscape qualities of the LLDs from harm arising from wind energy development proposals located outside their boundaries but within their settings, by requiring their individual and cumulative landscape impacts to be acceptable, and any negative effects minimised.
259. For clarity and effectiveness, a modification is also required to criterion 1(iv) of Policy ENV 9 to ensure that proposals for wind energy development should not have a 'detrimental' impact on air traffic safety (**MM14**). The corrections to the supporting text in **MM14** are also necessary for clarity and consistency with national policy.

Solar Energy (Policy ENV 10)

260. Under the strategic policy framework of LPS Policy SE 8 for renewable and low carbon energy, Policy ENV 10 provides additional detailed criteria for the development of solar energy installations, including solar farms/parks, to encourage the use of previously developed land, avoid the loss of the best and most versatile agricultural land, and minimise adverse impacts, including on the landscape, ecology, heritage assets, amenity and air traffic safety. The policy is consistent with national policy on renewable energy and the guidance in the

¹³³ Paragraph 13.85 of the LDS

¹³⁴ Paragraph: 032 Reference ID: 5-032-150618

PPG¹³⁵. However, for clarity and effectiveness, **MM15** is necessary to amend criterion 5 of the policy to ensure that proposals for ground mounted solar energy developments do not have a 'detrimental' impact on air traffic safety.

Proposals for battery energy storage systems (Policy ENV 11)

261. Policy ENV 11 sets criteria to guide proposals for the development of battery storage systems, which assist the balancing of electricity demand and support the fluctuation in supply from renewable energy installations. It is consistent with paragraph 155 of the NPPF in providing a positive strategy for renewable and low carbon energy. The criteria to be satisfied are similar to those for wind and solar energy schemes and are justified. For clarity and effectiveness, **MM16** is necessary to delete reference to LPS Policy SE 8 which does not expressly mention battery energy storage systems.
262. Representations sought the widening of Policy ENV 11 to include other forms of energy storage, such as hydrogen. However, this is a strategic energy storage issue for consideration as part of the review of the LPS, rather than for determination through the SADPD.

Air Quality (Policy ENV 12)

263. The supporting text to Policy ENV 12 confirms that Cheshire East has 19 Air Quality Management Areas (AQMs), all except one of which have been declared on the basis of levels of nitrogen dioxide (NO₂) due to emissions from vehicles. The number of AQMs has recently reduced to 12 and since this is likely to change further over time, for clarity **MM17** has deleted the reference the number of AQMs.
264. Policy ENV 12 introduces a requirement for applications for proposals impacting local air quality to be supported by an Air Quality Assessment (AQA). The requirement for an AQA is consistent with the guidance set out in the PPG¹³⁶. However, Policy ENV 12 and supporting text are unclear on the proposals for which an AQA would be required. Whereas the policy requires an AQA to be submitted for proposals likely to have 'an impact' on local air quality, paragraph 4.71 of the supporting text requires an AQA where proposals are of a 'large scale' and/or likely to have 'a significant or cumulative impact' on local air quality.
265. In response to discussion of this point at the Hearing, **MM17**, as published for consultation, included a list of development types for which an AQA would be required. However, the evidence to support this list has not been provided. Therefore, on reflection and taking into account representations on the MMs, I have amended the wording of **MM17**, to remove reference to the list, to ensure the policy is justified and that the supporting text on when an AQA would be required is consistent with the national guidance in the PPG.

¹³⁵ Paragraph: 013 Reference ID: 5-013-20150327

¹³⁶ Paragraph: 007 Reference ID: 32-007-20191101

266. Policy ENV 12 and the supporting text are also ambiguous on the measures that may be considered to acceptably mitigate the adverse impacts of development on air quality. Examples of mitigation are set out in the PPG¹³⁷ and in the Council's Air Quality Strategy and Action Plan. For clarity and effectiveness, **MM17** includes further amendments to the supporting text of the policy to reference mitigation measures in the PPG, and Local Air Quality Strategy and Action Plan.

Aircraft Noise (Policy ENV 13)

267. Manchester Airport is located on the northern boundary of Cheshire East, with part of the second runway extending into the Borough. A significant area of land in the north-west of the Borough, including the whole of Mobberley and most of Knutsford, lies within the noise contours of the airport, where development can be affected by daytime and night time aircraft noise.

268. Policy ENV 13 sets requirements for the location and design of noise sensitive development to mitigate the adverse impacts of aircraft noise. Criterion 1 deals with residential development. It defines the Significant Observed Adverse Effect Level (SOAEL), above which significant adverse effects on health and quality of life occur, as 63dB $L_{Aeq,16hr}$. The Lowest Observed Adverse Effect Level (LOAEL), above which adverse effects on health and quality of life can be detected, is defined as 54dB $L_{Aeq,16hr}$. Criterion 1(i) prevents new dwellings within areas subject to aircraft noise levels above the SOAEL. Criterion 1(ii) allows new dwellings in the areas between the SOAEL and LOAEL, where they can be designed to achieve internal ambient daytime and night time noise levels in line with the British Standards and where external noise levels in private gardens would not exceed 55dB $L_{Aeq,16hr}$. Criterion 1(iii) sets night time noise exceedance limits at 45dB $L_{AF,max}$ in bedrooms during the summer.

269. The evidence to support these¹³⁸, based on analysis of World Health Organisation (WHO) noise guidelines, national policy, aircraft noise policies in other local plans and recent appeal decisions, is both robust and proportionate. In the light of this, the limits set for the SOAEL and LOAEL, indoor ambient daytime and night time noise levels in dwellings in criteria 1(i), 1(ii)(a) and 1(iii) of Policy ENV 13 are reasonable, justified and consistent with national policy.

270. However, **MM18** makes two changes to criterion 1(ii)(a), which are necessary for soundness. Firstly, the expectation that mechanical ventilation and heat recovery systems must be powered by renewable energy generated within the development, is not justified and is deleted together with the related supporting text, given that Policy ENV 7 sets the requirements on energy from low carbon or renewable sources in residential development. Secondly, for clarity and effectiveness the subscript notation for the indoor ambient night time noise level in the table must be corrected from $L_{Aeq,16hour}$ to $L_{Aeq,8\ hour}$.

¹³⁷ Paragraph: 008 Reference ID: 32-008-20191101

¹³⁸ In the Aircraft Noise Policy Background Paper 2020 (Core document ED 15)

271. With regard to the noise limit of 55dB $L_{Aeq,16hr}$ in criterion 1(ii)(b), the PPG states that for new developments, 'where external amenity spaces are an intrinsic part of the overall design, the acoustic environment of those spaces should be considered so that they can be enjoyed as intended'¹³⁹. Whilst there are no specific noise thresholds for external amenity space in national policy, the British Standards (BS 8223:2014) define 55dB as an appropriate upper guideline noise value to set for external amenity spaces. However, the PPG urges that 'care should be taken,.. to avoid these being applied as rigid thresholds, as specific circumstances may justify some variation being allowed'¹⁴⁰. It also advises that the values in the British Standards are 'not to be regarded as fixed thresholds and as outcomes that have to be achieved in every circumstance'¹⁴¹. Indeed, the BS itself defines 55dB as a guideline value.
272. Therefore, whilst the use of the 55dB $L_{Aeq,16hr}$ figure is justified by the evidence as an appropriate upper guideline noise level to which external amenity space in residential developments should be designed, its inclusion as a threshold which cannot be exceeded is not justified. Accordingly, to ensure the plan is justified, positively prepared and consistent with national policy, it is necessary to modify criterion 1(ii)(b), to define the 55dB as an upper 'guideline' value and allow for greater flexibility in how it is applied (**MM18**). This will allow opportunities for otherwise acceptable residential development on sites within settlements, which lie within the 54dB and 63dB daytime noise contours for Manchester Airport, such as in Mobberley and Knutsford, to be realised if they can be designed to achieve an acceptable living environment overall.
273. The noise mitigation requirements for hotels and hostels, hospices and residential care homes, educational and healthcare development, and all other noise sensitive development in Policy ENV 13 are soundly based.

Surface Water Management and Flood Risk (Policy ENV 16)

274. LPS Policy SE 13 provides the strategic policy framework for flood risk and water management. Policy ENV 16 provides more detailed criteria, in particular those for surface water management in new development, stating a preference for surface level SuDS, with multi-functional benefits. As such it serves a clear purpose and is justified. However, criterion 1 of the policy is ambiguous. Accordingly, **MM19** replaces it with an opening sentence, which provides clarity on how the requirements of the policy should be applied to development in the context of LPS Policy SE 13.

Protecting Water Resources (Policy ENV 17)

275. Policy ENV 17 supplements LPS Policy SE 12 with more detailed development management requirements to protect the flow and quality of groundwater and surface water sources. Criterion 2 deals with development within ground water

¹³⁹ Paragraph: 006 Reference ID: 30-006-20190722

¹⁴⁰ Paragraph: 007 Reference ID: 30-007-20190722

¹⁴¹ Paragraph: 015 Reference ID: 30-015-20190722

protection zones identified by the EA. However, the zones are not defined on the Policies Map. Therefore, to ensure the geographical illustration of Policy ENV 17 is justified and effective, prior to adoption, the Policies Map should be amended to include the EA's Groundwater Source Protection Zones 2019, as shown in the Schedule of Proposed Modifications to the Policies Map, which was consulted upon alongside the MMs¹⁴². For clarity it is also necessary to amend the supporting text to the policy to refer to this **(MM20)**.

Conclusion

276. Overall, I conclude that, subject to the MMs discussed above, the policies for the natural environment, climate change and resources in the SADPD are justified, positively prepared, effective and consistent with the LPS and national policy.

Issue 10 – Are the policies for the historic environment in the SADPD justified, positively prepared, effective and consistent with the LPS and national policy?

Heritage Assets (Policy HER 1)

277. Policy HER 1 is consistent with paragraph 194 of the NPPF in requiring proposals affecting heritage assets to be accompanied by an assessment of their impact on the heritage significance of the asset. The policy is justified and effective in listing the local sources of historic information in Cheshire East, which assessments should have regard to.

Heritage at Risk (Policy HER 2)

278. Paragraphs 190 and 192 of the NPPF expect plans to set out a positive strategy for the conservation of heritage assets at risk and that the deteriorated state of a heritage asset should not be a factor in decisions where deliberate neglect is evident. Policy HER 2 is consistent with national policy in these respects.

279. Whilst paragraph 5.9a of the supporting text states that the policy does not allow for enabling works that would usually be considered harmful, criterion 1 of the policy includes the word 'enabling' which is confusing. For clarity and effectiveness, it is necessary to remove this phrase from criterion 1 **(MM21)**.

280. Criterion 4 of the policy requires works to repair and re-use a heritage asset at risk to be undertaken before the occupation of any new buildings proposed as part of the development on the site. However, in practice this may limit the ability of site owners or developers to raise funds from the sale of new buildings to complete repairs to the heritage asset. Accordingly, so that the policy is justified and effective in this regard, amendments to criterion 4 and the supporting text, as detailed in **MM21**, are necessary.

¹⁴² PM06 in the Schedule of Proposed Modifications to the Draft Policies Map

Conservation Areas (Policy HER 3)

281. Part 1 of Policy HER 3, which defines the factors to be taken into account in considering development within or affecting the setting of a conservation area, is justified, effective and consistent with the approach in national policy. Part 2 sets criteria which proposals for the demolition of buildings that contribute positively to conservation areas need to satisfy. However, the requirements that the building must be structurally unsound, uneconomic to repair and that alternative uses have been investigated, goes beyond the tests set out in paragraphs 201 and 202 of the NPPF. Accordingly, to ensure Policy HER 3 is consistent with national policy, criteria 2(ii) and (iii) must be deleted (**MM22**). Subject to this modification, I am satisfied that the policy is consistent with case law in ensuring demolition is considered in the context of the potential benefits of a replacement development¹⁴³ and that repeat the wording of the NPPF in full is not necessary for soundness.

Listed Buildings (Policy HER 4)

282. Policy HER 4 sets out detailed criteria to be taken into account when determining applications for alterations, extensions, changes of use and demolition of listed buildings and for proposals affecting their setting. However, it is inconsistent with national policy, in particular the statutory duties in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building or its setting, and the tests for substantial and less than substantial harm to designated heritage assets in paragraphs 200-202 of the NPPF. Therefore, to ensure Policy HER 4 and its supporting text are consistent with national policy and effective, the changes set out in **MM23** are necessary.

Registered Parks and Gardens (Policy HER 5)

283. There are 17 Registered Parks and Gardens in Cheshire East, which are designated heritage assets. Policy HER 5 sets out criteria to be taken into account in determining proposals affecting them and their settings. However, the policy is not consistent with the tests of substantial and less than substantial harm in paragraphs 200-202 of the NPPF. Accordingly, the changes set out in **MM24** are necessary for consistency with national policy, clarity and effectiveness.

284. The policy is justified in referring to development 'affecting' a registered park and garden and not just development 'within' it. The glossary of the NPPF makes clear that the significance of a heritage asset can be derived from its setting as well as its physical presence, and that the setting is not fixed, but comprises the surroundings in which the asset is experienced. Therefore, development outside the limits of a registered park and garden, within its setting, has the potential to affect its significance.

Historic Battlefields (Policy HER 6)

285. Policy HER 6 sets a specific requirement that development will not be supported if it would harm the historic significance of a registered battlefield. However, again

¹⁴³ Dorothy Bohm v SSCLG [2017] EWHC 3217

the policy is not consistent with the tests of substantial and less than substantial harm in paragraphs 200-202 of the NPPF. Nor is the supporting text clear on the status of registered battlefields, the description of the registered battlefield site in Cheshire East, and the elements of the significance of a registered battlefield that may be affected by development proposals. Accordingly, the changes to Policy HER 6 and its supporting text in **MM25** are necessary for effectiveness and consistency with national policy.

Non-designated Heritage Assets (Policy HER 7)

286. Policy HER 7 seeks to provide a locally specific policy on non-designated heritage assets. However, it fails to accord with the balanced judgement required for applications affecting non-designated heritage assets in paragraph 206 of the NPPF. The supporting text to the policy also defines the range of non-designated heritage assets in the Borough. But the inclusion of 'any' landscapes, parks, gardens, buildings or structures highlighted in NPs or designated as assets of community value, is not consistent with national policy. The PPG makes clear that non-designated heritage assets should have a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets¹⁴⁴. The changes to Policy HER 7 and its supporting text in **MM26** address these matters and are necessary for consistency with national policy.

Archaeology (Policy HER 8)

287. Policy HER 8 deals with proposals affecting scheduled monuments (SMs) and areas of archaeological significance. Criterion 1 states that harm to SMs and archaeological sites of national importance will only be supported 'in exceptional circumstances', where the harm is clearly justified and outweighed by public benefits. However, as submitted this is not consistent with the tests of substantial and less than substantial harm in paragraphs 200-202 of the NPPF. Therefore, changes to criterion 1 are necessary to ensure the policy is consistent with national policy (**MM27**).

World Heritage Site (Policy HER 9)

288. Policy HER 9 deals with development proposals affecting the Jodrell Bank Observatory (JBO), which was confirmed as a World Heritage Site (WHS) in July 2019. It is a unique site of international and national significance for its scientific and historic value, and as a WHS is a designated heritage asset of the highest significance¹⁴⁵. The statement of outstanding universal value (OUV) accompanying its inscription on the UNESCO World Heritage List contains the key references for the protection and management of the WHS. In summary these include: its history as a site of pioneering astronomical research; the buildings, structures and scientific instruments it contains, including the grade 1 listed Lovell telescope; its largely unchanged agricultural landscape setting; and its ongoing scientific use and operation.

¹⁴⁴ Paragraph: 039 Reference ID: 18a-039-20190723

¹⁴⁵ Paragraph 200(b) of the NPPF

289. Policy SE 14 of the LPS sets the strategic policy for the site, establishing the need to protect both the operational efficiency of the telescopes and the historic value and landscape setting of the JBO from the adverse impacts of development. At the time of the adoption of the LPS, the JBO was still only a candidate for WHS status, but the supporting text to Policy SE 14 indicated that further detailed policy and advice would be provided in the SADPD¹⁴⁶.
290. Therefore, Policy HER 9 is included in the SADPD to provide the detailed policy parameters for managing development proposals affecting the WHS. However, as submitted it is not consistent with national policy, in terms of the assessment of 'substantial' and 'less than substantial' harm to designated heritage assets and of development proposals affecting a WHS¹⁴⁷. The policy and its supporting text also lack effectiveness in explaining clearly: the inter-relationship between the setting of the heritage asset and the JBO Buffer Zone, which defines the area where development is most likely to harm its scientific capabilities through radio interference; the need for the two separate assessments listed in Policy SE 14, to determine the impact of proposals on the operational efficiency of the telescopes and on the heritage significance of the JBO; and how these two elements come together in assessing the overall impact of development on the elements of the site which contribute its OUV as a WHS.
291. Accordingly, Policy HER 9 and its supporting text have been substantially amended in **MM28**, to ensure the SADPD is consistent with national policy for the assessment of development affecting a WHS, and effective in how this and effects on the operational efficiency of the telescopes should be tested for proposals in the vicinity of the JBO. It is not necessary for the policy to repeat every part of the policy in the NPPF on WHSs to ensure it is consistent with national policy. Nor is it necessary for soundness for the SADPD to prescribe in any more detail how the radio interference impacts should be assessed. This is a matter for detailed guidance, which would be more appropriately dealt with by the Council in a supplementary planning document if so required.

Conclusion

292. Overall, subject to the MMs identified above, I conclude that the policies for the historic environment in the SADPD are justified, positively prepared, effective and consistent with the LPS and national policy.

Issue 11 – Are the policies on rural issues in the SADPD justified, positively prepared, effective and consistent with the LPS and national policy?

New Buildings for Agriculture and Forestry (Policy RUR 1)

293. LPS Policy PG 6 permits development in the open countryside which is essential for agriculture and forestry. Policy EG 2 of the LPS also supports the retention and

¹⁴⁶ Paragraph 13.163 of Core Document BD01

¹⁴⁷ Paragraphs 200-202 and 206-207 of the NPPF

expansion of existing businesses and the creation and expansion of farming, food production and modern agricultural practices in rural areas outside of settlements.

294. Policy RUR 1 sets more detailed guidelines for new buildings for agriculture and forestry to supplement the strategic policy framework. The policy is positively prepared and justified. However, the requirement in criterion 1(i) for an 'established', clear long term need for a development in connection with the agricultural or forestry enterprise to be demonstrated is ambiguous. It appears to imply the need has to relate to an existing, established business, when the policy also applies to new enterprises. Therefore, for effectiveness **MM29** is necessary to delete the word 'established' and add supporting text to explain how a clear long-term need for the development should be evidenced.

Farm Diversification (Policy RUR 2)

295. LPS Policy PG 6 permits development in open countryside which is essential for expansion and redevelopment of existing businesses and Policy EG 2 supports development for farm diversification. Policy RUR 2 applies further detailed criteria to ensure that proposals for farm diversification do not lead to an unnecessary proliferation of new buildings in the countryside. The policy is positively prepared, justified and consistent with national policy.

Agriculture and Forestry Workers Dwellings (Policy RUR 3)

296. Policy RUR 3 provides detailed development management criteria to guide applications for rural workers dwellings, to ensure they are essential for the purposes of agriculture and/or forestry, as is required by LPS Policy PG 6. The wording of the policy is consistent with paragraph 80 of the NPPF, which avoids isolated dwellings in the countryside unless there is an essential need for a rural worker to live permanently at or near their place of work. The criteria proposed to determine whether dwellings meet an essential need are also consistent with the guidance in the PPG¹⁴⁸.
297. However, criterion 1(iii), which seeks to restrict the size of such dwellings to the internal floorspace measurements listed in Table 6.1 is not justified, as these are based on the NDSS, which are minimum rather than maximum space standards. The purpose the NDSS is to ensure dwellings are built to an acceptable minimum size for habitation, rather than to limit the size of rural workers' dwellings. Accordingly, to ensure the policy is justified, the space standards must be removed from the policy and supporting text. For clarity and effectiveness, additional supporting text is required to explain how additional floorspace beyond that which is strictly commensurate with the functional need will need considered. These changes are set out in **MM30**.
298. The requirement for an 'existing' functional need to be demonstrated is justified to ensure essential need is not assumed to include future functional needs, which may not materialise. Criterion 2 is justified in explaining what 'functional need' does and does not relate to. However, it is not explicit that 'functional need' includes the provision of an additional dwelling essential for the continued viability of a farming

¹⁴⁸ PPG Paragraph: 010 Reference ID: 67-010-20190722

business through the farm succession process, which is identified as a relevant essential need in the NPPF and PPG. Accordingly, for consistency with national policy additional supporting text to include this is necessary (**MM30**).

Essential rural worker occupancy conditions (Policy RUR 4)

299. LPS Policies PG 6 and PG 3 restrict the provision of open market housing in the open countryside and the Green Belt. But where there is no long term functional need for a rural workers dwelling, Policy RUR 4 sets out the circumstances in which the dwelling can be re-used for affordable housing, restricted in line with the LPS Policy SC 6 for Rural Exceptions. I am satisfied that Policy RUR 4 is justified and consistent with the thrust of national policy on rural workers dwellings. The NPPF permits homes in the countryside for the essential needs of rural workers as an exception to the general presumption against isolated dwellings in the countryside. Therefore, it is reasonable and justified to impose occupancy conditions to retain the property for that purpose, or an alternative form of rural affordable housing if there is no longer a need for it to remain in agricultural occupancy. The requirement¹⁴⁹ to market the property is also justified, to ensure that genuine efforts have been made to sell or rent the property with the occupancy condition, before seeking planning permission for the condition to be removed.

Best and most versatile agricultural land (Policy RUR 5)

300. Policy RUR 5 is justified in seeking to avoid the loss of the best and most versatile agricultural land (BMVAL) in Cheshire East, as a food-producing area with an important agricultural economy. The policy is consistent with paragraph 174(b) of the NPPF. Criterion 2 of the policy is also justified in requiring proposals for the development of the BMVAL to demonstrate the benefits outweigh the loss, and that every effort has been made to mitigate the impact of the loss of BMVAL.

Outdoor sport, leisure and recreation in the countryside (Policy RUR 6)

301. Policy PG 6 of the LPS permits development which is essential for outdoor recreation in the countryside. Policy RUR 6 sets out a more detailed policy criteria, which, amongst other things, test whether proposals are 'essential' for outdoor recreation. Representations have questioned whether 'essential' remains consistent with national policy, given that paragraph 149(b) of the NPPF regards 'appropriate' facilities for outdoor sport and recreation as an exception to the presumption against new buildings in the Green Belt. However, the same wording appeared in paragraph 89 of the 2012 NPPF, which applied at the time the LPS was examined. Nevertheless, the LPS Inspector found the use of 'essential' in Policy PG 6 sound in respect of development for outdoor recreation in the open countryside. I have no reason to take an alternative view.

302. The use of the term 'essential' is consistent with the LPS. Paragraph 36 of the NPPF expects the tests of soundness to be applied to non-strategic policies, such as Policy RUR 6, in a proportionate way, taking into account the extent to which they are consistent with the strategic policies. Criteria 1 (i)-(iii) of Policy RUR 6 also

¹⁴⁹ In footnote 12 to Policy RUR 4

help to define how 'essential' should be understood in respect of outdoor recreation. On this basis I am also satisfied that the policy is effective.

303. Criterion 4 of Policy RUR 6 unnecessarily repeats national policy on the Green Belt. Accordingly, **MM31** amends criterion 4 to make clear that Policy PG 3 of the LPS and the relevant paragraphs of the NPPF will also apply proposals for development for outdoor recreation that are in the Green Belt.

Equestrian Development Outside of Settlement Boundaries (Policy RUR 7)

304. Equestrian facilities are not expressly included in LPS Policy PG 6 in the list of development considered acceptable in the Open Countryside, but would come under the phrase of 'other uses appropriate to a rural area'. Policy RUR 7 sets out more detailed criteria to qualify this and confirm the type and scale of development that would be essential for the purposes of equestrian uses in the countryside and the Green Belt. Criteria 1, 4 and 5 are justified, effective and consistent with national policy.
305. Criterion 2 of Policy RUR 7 effectively limits new buildings and structures to those required for small-scale non-commercial proposals or to support the expansion of existing businesses, but not for larger non-commercial equestrian uses or new businesses. Although there is no specific provision in national policy for equestrian development, paragraph 84(a) of the NPPF supports the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings. Paragraph 85 of the NPPF also supports meeting local business needs in rural areas. As submitted, therefore, criterion 2 is not consistent with national policy in its limit on new buildings for larger equestrian uses, where these would be well-designed and support the sustainable growth or expansion of an existing local enterprise, irrespective of the scale of that business.
306. Accordingly, the changes to criterion 2 set out in **MM32** are necessary to ensure it is consistent with national policy in supporting new buildings for the sustainable growth and expansion of equestrian businesses of all types. The changes to the final sentence of criterion 2 and the supporting text to require new larger equestrian businesses seeking a countryside location to make use of existing buildings or replacements of them, are necessary for consistency with the NPPF in respect of a sustainable approach to rural business and the need for development to be sensitive to its surroundings.
307. Criterion 3 of Policy RUR 7 requires new buildings for equestrian facilities to be constructed in temporary materials. However, this is not justified on design grounds nor as a means to prevent future conversion to non-equestrian uses, such as residential, as this is restricted by the second part of the criterion and can be controlled by conditions if justified. Accordingly, the amendments to criterion 3 in **MM32** are necessary so it is justified.
308. Criterion 6 unnecessarily repeats national policy on the Green Belt. Therefore, for clarity and effectiveness, **MM32** modifies criterion 6 to make clear that Policy PG 3

of the LPS and the relevant paragraphs of the NPPF will also apply to proposals for equestrian development that are in the Green Belt.

Visitor Accommodation Outside of Settlement Boundaries (Policy RUR 8)

309. Policy RUR 8 permits visitor accommodation outside of settlement boundaries where their scale is appropriate and there is a need that is intrinsically linked to the countryside and cannot be met within settlements. However, the last sentence of criterion 1 prohibits new build hotels and guest houses from locating in rural areas, irrespective of whether there is a need for the accommodation that cannot be met within nearby settlements or is intrinsically linked to the countryside. This is not justified by any evidence and, for soundness, the sentence should be deleted, with consequential changes to criterion 3 (**MM33**). Criterion 2(i) is also unnecessary as it repeats the requirement for a countryside location in criterion 1 (**MM33**).
310. Criterion 4 of Policy RUR 8 unnecessarily repeats national policy on the Green Belt. Therefore, for clarity and effectiveness, **MM33** modifies criterion 4 to make clear that Policy PG 3 of the LPS and the relevant paragraphs of the NPPF will also apply to proposals for visitor accommodation that are in the Green Belt.

Caravan and Camping Sites (Policy RUR 9)

311. Policy RUR 9 confirms that sites for touring caravans and camping are considered to be uses appropriate to the rural area. It sets a series of criteria for proposals to satisfy, including their scale and need for a countryside location. The policy is justified and consistent with national policy, apart from criterion 3, which unnecessarily repeats national policy on the Green Belt. Therefore, for clarity and effectiveness, **MM34** modifies criterion 3 to make clear that Policy PG 3 of the LPS and the relevant paragraphs of the NPPF will also apply to proposals for camping and caravanning sites that are in the Green Belt.

Employment Development in the Open Countryside (Policy RUR 10)

312. Criteria 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, or 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.
313. LPS Policy PG 6 also allows for development that is essential for the expansion or redevelopment of an existing business, without an express limit on scale. Some of the requirements under criterion 2 of Policy RUR 10 help to control the scale of new buildings and their impact on the character of the countryside, albeit reference to location and setting would add clarity. Accordingly, to ensure that Policy RUR 10 is justified and consistent with national policy, **MM35** is necessary to remove the restriction to 'small scale' employment development and require scale to be appropriate to the location and setting of the site.

Extension and alterations to buildings (Policy RUR 11)

314. LPS Policies PG 6 and PG 3 allow for extensions to existing buildings in the countryside and the Green Belt, where they do not result in disproportionate additions to the original building. Policy RUR 11 defines the considerations to be taken into account in determining whether proposals represent disproportionate additions. Applying thresholds of 30% and 50% to define the limits for what are proportional additions in the Green Belt and open countryside, respectively, and taking height, bulk, form, siting and design into account are justified and effective.
315. However, the last sentence of criterion 2 of Policy RUR 11 imposes a blanket restriction on increases in overall building height. Such an approach would mean refusing even the smallest increase in height, irrespective of whether the additions were disproportionate against the other criteria. This would be neither justified nor effective. Accordingly, for soundness, **MM36** is necessary to remove the blanket approach and replace it with wording to ensure appropriate attention is given to any increase in building height as part of the assessment.

Residential Curtilages Outside of Settlement Boundaries (Policy RUR 12)

316. Due to the impacts residential garden extensions can have on the character of the countryside, Policy RUR 12 seeks to prohibit the extension of residential curtilages into the Open Countryside, where it involves a material change of use, except for certain 'essential' purposes. I recognise that this is within the context of Policy PG 6 of the LPS, which only permits development that is 'essential' for uses appropriate to a rural area. However, the revisions to the NPPF in respect of material changes of use in the Green Belt, which have been introduced since the LPS was adopted, set a different policy context for the SADPD.
317. Paragraph 150(e) of the NPPF now considers a material change of use of land in the Green Belt to be 'not inappropriate' development, provided it preserves its openness and does not conflict with the purposes of including land within the Green Belt, one of which is safeguarding the countryside from encroachment. Therefore, not permitting the material change of use of land to residential garden land in the countryside, irrespective of whether it would result in harm to the character and appearance of the countryside, would not be justified or consistent with national policy.
318. For soundness, therefore, **MM37** is necessary to amend Policy RUR 12 so that the extension of residential curtilages outside of settlement boundaries, involving a material change of use, will be permitted where it would not cause unacceptable harm to the character and appearance of the open countryside. For clarity and effectiveness, changes are also required to criterion 2, to make clear that Policy PG 3 of the LPS and the relevant paragraphs of the NPPF will also apply to proposals for extensions to residential curtilages involving a material change of use in the Green Belt (**MM37**).

Replacement Buildings Outside of Settlement Boundaries (Policy RUR 13)

319. Policies PG 6 and PG 3 of the LPS allow for the replacement of existing buildings in the open countryside and the Green Belt, provided the new building is not

materially larger than the one it replaces. Policy RUR 13 seeks to establish the basis for determining what is 'materially larger'. In doing so, criterion 3 sets thresholds of no more than a 5% increase in floorspace in the Green Belt and no more than 10% in the Open Countryside. It also proposes that the height, bulk, form, siting, design, floorspace and footprint of the replacement building should be taken into account.

320. The main issue for Policy RUR 13 is whether it is justified in setting thresholds for increases in floorspace, above which replacement buildings would be judged to be materially larger. I was referred to a number of relevant Court judgements on this point¹⁵⁰. It is clear from the case law, that using a percentage increase in floorspace as a proxy for what is deemed to be 'materially larger' would neither be justified nor effective. Rather that, in considering a building's size to determine whether it is 'materially larger' than the one it is proposed to replace, a range of factors should be taken into account and a judgement made based on the particular circumstances of the case. The example of a high-ceilinged building being replaced by one with more floors, but with no change to its exterior dimensions, may well result in an increase in floorspace likely to exceed the percentage increase in floorspace thresholds in criterion 3 of the policy, yet the building would not be materially larger externally, and therefore would have no greater impact on the Green Belt or the countryside.
321. For the above reasons, it is necessary to delete criterion 3 of Policy RUR 12 containing the thresholds, and modify the policy to define the range of considerations to be taken into account in determining whether a replacement building outside of settlement boundaries is materially larger. The changes in **MM38** will ensure the policy and its supporting text are justified, effective and consistent with national policy and the LPS in this regard. The MM does not include changes to criterion 5, but defining the existing building as that which exists at the time of submitting the application, would not prevent any fall-back position being taken into account where it is material to the proposal.

Re-use of Rural Buildings for Residential Use (Policy RUR 14)

322. Criterion 3(ii) of LPS Policy PG 6 allows for the re-use of existing buildings within the Open Countryside. Policy RUR 14 deals specifically with their re-use for residential purposes. In addition to the requirements of Policy PG 6, criterion 1(ii) of Policy RUR 14 requires buildings to be of a size able to accommodate a satisfactory living environment, without the need for extensions. However, this would be more restrictive than the policy on extensions to buildings in the Green Belt, and inconsistent with Policy RUR 11, which permits the enlargement of existing buildings in the Open Countryside by up to 50%. As such, criterion 1(ii) is not justified and the amendment to it in **MM39** requiring extensions to accord with Policy RUR 11 is necessary for soundness.
323. Criterion 4 deals with the re-use of rural buildings, which are also in the Green Belt, but repeats national policy, which is unnecessary. For clarity and effectiveness,

¹⁵⁰ Tandrige DC v SoSCLG, [2015] EWHC 2503 (Admin); Surrey Homes Limited v SoS for Environment unreported [2001] JPL 379; Feather v SoS DCLG and Cheshire East Council [2010] EWHC 1420 (Admin)

therefore, **MM39** modifies criterion 4 to make clear that Policy PG 3 of the LPS and the relevant paragraphs of the NPPF will apply to proposals for the residential re-use of buildings that are in the Green Belt.

324. Finally, the first sentence of paragraph 6.53 of the supporting text states that modern agricultural buildings are often not capable of conversion for residential use without extensive alteration or rebuilding. However, the provisions of Class Q of The Town and Country Planning (General Permitted Development) (England) Order (the GPDO) control permitted development rights for the change of use of agricultural buildings to residential use. As such, this sentence is unjustified and unnecessary. Accordingly, for soundness, it is deleted by **MM39**.

Conclusion

325. Overall, subject to the MMs identified above, I conclude that the policies on rural issues in the SADPD are justified, positively prepared, effective and consistent with the LPS and national policy.

Issue 12 – Are the policies for recreation and community facilities in the SADPD justified, positively prepared, effective and consistent with the LPS and national policy?

Green/open space protection (Policy REC 1)

326. Policy REC 1 seeks to protect areas of existing open space (including playing fields) identified on the Policies Map, together with other areas of incidental open space/amenity areas that are too small to be shown on the Policies Map, and new open spaces provided through development yet to be shown on the Policies Map.
327. The evidence base to justify the open space sites identified on the Policies Map consists of the Green Space Strategy Update (GSSU) and Technical Appendices¹⁵¹, which in turn relies on the 2012 Open Spaces Assessment (OSA), referred to in paragraph 3.54 of the GSSU. These provide a comprehensive, robust and sufficiently up to date base of evidence for the designation of different categories of open space for protection, including: parks and gardens; natural and semi-natural urban green spaces; green corridors; outdoor sports facilities; amenity green space; provision for children and teenagers; allotments and community gardens; churchyards and cemeteries; country parks and accessible countryside on the urban fringes; and civic spaces. They are described in Open Spaces Summary reports for each of the PTs, KSCs and LSCs, and in the Technical Appendices for the GSSU for sites and settlements within the rural areas.
328. Overall, the proposed designations appear consistent with what is currently on the ground. There are a number of sites for which representators contend that their current status does not justify protection as open space. These were discussed at the Hearing, and I set out my conclusions on each below, taking account of any further representations in the consultation on the proposed MMs.

¹⁵¹ Core documents ED18, 18a and 18b

Land at Goddard Street, Crewe

329. The site comprises a disused, former playing field, which is designated as open space under saved Policy RT1 of the Crewe and Nantwich Local Plan. The OSA and the Playing Pitch Strategy Assessment (PPSA)¹⁵², identify future shortfalls in football playing pitches in Crewe and across the Borough up to 2030. Despite the disused status, overgrown condition and private ownership of the site, the designation of the Goddard Road site as open space is justified. If restored and made available for community use or if reprovided elsewhere as part of a redevelopment scheme, the site would be capable of offering opportunities for outdoor sport and recreation to meet future shortfalls. As such, it has public value as open space and meets the definition of open space in the NPPF.

Dyers Mill pond, Bollington

330. The pond and its landscaped banks are an attractive visual amenity in Ingersley Vale. The definition of open space in the NPPF includes bodies of water, which act as a visual amenity. Although the pond is in private ownership, the NPPF does not exclude sites in private ownership from the definition of open space. Provided the open space is of public value, which the pond evidently is, its designation as open space is justified and consistent with the NPPF.

Land adjacent to Total Fitness, Handforth Dean

331. This site comprises former tennis courts at the Total Fitness sports complex in Handforth Dean. The Handforth Open Spaces Summary report identifies it as a private outdoor sports facility¹⁵³, which was in regular or frequent use for tennis at the time of the assessment. Its use for tennis or other outdoor sports ceased in 2017, since when the site has fallen into disrepair. Nevertheless, the evidence on whether or not the facility is surplus to requirements is inconclusive. A site specific assessment has not been submitted and the PPSA does not assess the demand for and supply of courts. Whilst additional open space and sports provision will be made as part of the North Cheshire Garden Village development at Handforth, this will be to address the needs of the additional 2,200 homes to be built there, rather than replace any existing or former facilities in Handforth. If restored and made available for community use or if reprovided elsewhere as part of an application for its redevelopment, the site would be capable of offering opportunities for outdoor sport and recreation to meet future shortfalls. As such, it has public value as open space and meets the definition of open space in the NPPF. Therefore, despite the disused status and private ownership of the site, its protection as open space in the SADPD is justified. Should future evidence show that the site is surplus to requirements, Policy REC 1 would permit its development for other uses.

Land bound by Brook Street, Hollow Lane and Mobberley Road, Knutsford

332. Since the publication of my post-Hearing letter¹⁵⁴, further evidence about this site has been submitted in representations on the proposed changes to the Policies

¹⁵² Core Document ED 19a

¹⁵³ Reference 32HA

¹⁵⁴ Examination documents INS/33 and INS/34

Map, which were consulted on alongside the MMs. This includes two recent appeal decisions on the site¹⁵⁵ and further information on its historical and ecological value. I have taken these decisions and the related evidence into account in coming to the following conclusions on the proposed designation of this land as open space.

333. The land is located to the rear of a number of houses fronting Mobberley Road. Its frontages to Brook Street and Hollow Lane comprise steep embankments, which are densely landscaped with mature trees and shrubs. The remainder of the site is largely open and grassed. Whilst I acknowledge the status of the land to the rear of Sunnyhurst at no. 4 Mobberley Road has been determined on appeal to not form part of the curtilage of the residential property, that decision acknowledges that it has been used as extended garden for many years. In addition, it is clear from the photographic evidence submitted to the Hearing¹⁵⁶ that part of the designated open space on the OSA map is formed by the rear garden to the property at Bracklyn, Mobberley Road, which is laid to lawn, fenced off and contains a domestic outbuilding. Despite claims that the open space designation is a single parcel of land without buildings, it is evident that it is subdivided and at least in part is residential garden land. Indeed, the Cross Town Conservation Area Appraisal (CTCAA) describes the site as garden land¹⁵⁷.
334. On the Knutsford map forming part of the OSA¹⁵⁸, the site is identified as a natural and semi-natural urban green space. This open space typology is defined in the glossary to the OSA as 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 e.g. cliffs, quarries and pits'. Given the domestic appearance and associated private residential use of at least part of the site, it does not fit the definition of this type of open space in the OSA. The Council's oral evidence at the Hearing was that the site's main value is for its visual amenity, which also suggests that its designation as natural and semi-natural is no longer justified. It has been suggested that the OSA failed to evaluate the site as a Type 5 amenity greenspace. However, the OSA dates from 2012, so there has been ample opportunity for its role and value as open space to be reviewed and amended.
335. The mature trees on and around the edge of the site are identified within the CTCAA as forming a strong landscape backdrop to the houses on Mobberley Road and making an important visual contribution seen from Brook Street. I also observed this on site and it is reinforced by their protection in a Tree Preservation Order. However, whilst the trees are of evident public amenity value within the street scene, the land behind them is largely obscured from view by the embankments, landscape and houses along Mobberley Road.
336. I have read the appeal decision which describes the site as making a significant contribution to the appearance and verdant character of the area¹⁵⁹. However, this

¹⁵⁵ APP/R0660/X/21/3269604 and APP/R0660/W/21/3267957

¹⁵⁶ Hearing Statement HPS/M11/06, page 4

¹⁵⁷ Paragraphs 4.8 and 6.6 of the Cross Town Conservation Area Appraisal 2006

¹⁵⁸ Site reference 18KOW

¹⁵⁹ APP/R0660/W/21/3267957

reasoning was made in the context of a proposal for the construction of two dwellings on the site, which because of their height and bulk would be visible from the surrounding streets, and the potential impact that built development would have on the visual quality of the area. This characterisation of the site does not substantiate its designation as a natural and semi-natural urban green space. There will be many other properties in Knutsford with large gardens and mature trees, which contribute to the visual amenity and character of the area, but are not identified as open space.

337. That appeal decision was also made on the basis that the site is designated as open space under saved Policy RT1 of the Macclesfield Local Plan, which carried significant weight in that case and set the proviso that the integrity of the open space should not be harmed. The task before me is to examine whether that designation, proposed to be carried forward into the SADPD, is justified and sound, based on the evidence.
338. Turning to the historic value of the site, I note its association with the original settlement of Cross Town and the stated public amenity value of the trees. The inclusion of the site within the Cross Town Conservation Area give a significant degree of protection to the amenity value of its tree cover and the contribution this makes to the verdant character of the Conservation Area. However, the site is not identified as an Important Open Space on the CTCOA map, which does not lend weight to its designation as an open space under Policy RET 1.
339. Likewise, I note the site is identified as an ecological stepping stone within a Green Corridor in the Knutsford Neighbourhood Plan. This supports its contribution to the Borough's ecological network, which is protected under Policy ENV 1 of the SADPD. However, this does not provide support for its designation as open space under Policy RET 1.
340. For all these reasons, the continued designation of this site as open space is not justified by the evidence and would not be consistent with the NPPF. Accordingly, to ensure that the geographical illustration of Policy REC 1 is justified and effective, prior to adoption, the Policies Map should be amended to delete the open space designation from the land bound by Brook Street, Hollow Lane and Mobberley Road in Knutsford, as shown in the Schedule of Proposed Modifications to the Policies Map, which was consulted upon alongside the MMs¹⁶⁰.

Car park on land at Radbroke Hall, near Knutsford

341. Part of the area proposed for designation as open space within the Radbroke Hall Strategic Employment site has since been developed as car parking. To ensure that the geographical illustration of Policy REC 1 is justified and effective, prior to adoption, the Policies Map should be amended to delete the car parking area from the open space designation at Radbroke Hall, as shown in the Schedule of Proposed Modifications to the Policies Map, which was consulted upon alongside the MMs¹⁵⁴.

¹⁶⁰ PM11 in the Schedule of Proposed Modifications to the Draft Policies Map

Land off Spring Gardens, Macclesfield

342. This site comprises a triangular parcel of rough grassland, which lies between the houses at the end of Spring Gardens and Summerlea Close, in north Macclesfield. It is identified in the OSA as Type 5 amenity greenspace. However, the public value of this site as open space is not explained in the OSA or elsewhere in the Council's evidence. Although amenity greenspace is discussed in the Macclesfield Open Spaces Summary Report, this site is not specifically mentioned. The majority of the other areas of Type 5 amenity greenspace identified on the OSA map appear to be publicly accessible and maintained areas of landscaped green space within residential estates or adjacent to the highway, the amenity value of which is clear. But this site is fenced off with no apparent public access and its public value as amenity greenspace, as defined in the OSA, is not clear. As such, the designation of this site as open space in the SADPD is not justified by the evidence or consistent with national policy. To ensure that the geographical illustration of Policy REC 1 is justified and effective, prior to adoption, the Policies Map should be amended to delete the open space designation from the land off Spring Gardens, Macclesfield, as shown in the Schedule of Proposed Modifications to the Policies Map, which was consulted upon alongside the MMs.¹⁶¹

Land to the rear of 43 London Road North, Poynton

343. This site comprises an area of private residential garden land to the rear of 41 and 43 London Road, on the western side of Poynton. It is identified as an area of natural and semi-natural urban greenspace in the Poynton Open Spaces Summary Report. Whilst the report highlights the limited access for residents to this type of open space on the western side of Poynton, this site is not publicly accessible. Further, although a planning application for residential development on the site was recently refused, the reasons for refusal did not include the loss of, or harm to, open space. As such, the designation of this site for open space is not justified by the evidence. To ensure that the geographical illustration of Policy REC 1 is justified and effective, prior to adoption, the Policies Map should be amended to delete the open space designation from the land to the rear of 43 London Road North, Poynton, as shown in the Schedule of Proposed Modifications to the Policies Map, which was consulted upon alongside the MMs¹⁵⁵.

Land at Waterworks House, Dingle Lane, Sandbach

344. It was confirmed at the Hearing that this site, which falls within an area of open space identified as a natural and semi-natural greenspace in the OSA, has planning permission for residential development¹⁶², which is under construction. Whilst the Council proposes¹⁶³ to amend the Policies Map through an update to the Local Plan, footnote 66 to Policy SE 6 of the Local Plan Strategy expects open spaces to be identified on the SADPD Policies Map. Given the current status of the

¹⁶¹ PM11 in the Schedule of Proposed Modifications to the Draft Policies Map

¹⁶² Reference 16/3924C

¹⁶³ In paragraph 29 of Examination document CEC/36

site, its continued designation and protection for open space within the SADPD would not be justified, effective or consistent with the NPPF definition of open space. To ensure that the geographical illustration of Policy REC 1 is justified and effective, prior to adoption, the Policies Map should be amended to delete the open space designation from the land at Waterworks House, Dingle Lane, Sandbach, but retaining the designation for the remainder of the surrounding site, as shown in the Schedule of Proposed Modifications to the Policies Map, which was consulted upon alongside the MMs¹⁵⁵.

Land at Pownall Park, Wilmslow

345. This site comprises a parcel of land on the northwest side of Pownall Hall School, which is identified on the Wilmslow open space map in the OSA as amenity green space, and part of the playing field of the school, identified as outdoor sports facilities. The site has planning permission for residential development¹⁶⁴, which was granted in May 2019, and is under construction. Given the current status of the site, its continued designation and protection for open space within the SADPD would not be justified, effective or consistent with the NPPF definition of open space. To ensure that the geographical illustration of Policy REC 1 is justified and effective, prior to adoption, the Policies Map should be amended to delete the open space designation on these parcels of land in line with the site boundary of the planning permission, as shown in the Schedule of Proposed Modifications to the Policies Map, which was consulted upon alongside the MMs¹⁶⁵.

Other Aspects of Policy REC 1

346. With regard to the categories of open space referred to in Policy REC 1 that are not identified on the Policies Map, the SADPD is justified in affording a general protection to smaller incidental open spaces and amenity areas and to new open spaces provided through development, where they have recreational or amenity value. There are good reasons for not identifying these on the Policies Map, either because they are too small to be geographically illustrated at any reasonable scale or because the open spaces in new developments are not yet formed and cannot therefore be delineated on a map. Nevertheless, such areas of open space can contribute to the character and visual quality of settlements and be important for the health and well-being of communities. Criterion 2 currently provides the necessary policy tests against which the value of any open space not identified on the Policies Map can be tested through the planning application process. These accord with paragraph 99 of the NPPF. Overall, therefore, this policy approach is justified and consistent with national policy.

347. However, as currently drafted Policy REC 1 is ambiguous. Firstly, criterion 1 states that development will not be permitted which would result in the loss of green/open space, but criterion 2 permits the loss of green/open space where certain criteria are met. Secondly, the policy uses the term 'green space', which is not defined in the glossary to the SADPD or in the NPPF. The policy concerns 'open space',

¹⁶⁴ Reference 19/1067M

¹⁶⁵ PM11 in the Schedule of Proposed Modifications to the Draft Policies Map

which is defined in national policy and is the term used in the evidence base to cover the full range of types of open space. For clarity and effectiveness, therefore, **MM64** is necessary to remove references to 'green space' and to restructure the wording of the policy, so that its primary part comprises the tests to be satisfied for development proposals involving the loss of open space, supplemented by the types of open space to which the tests will be expected to apply.

Indoor sport and recreation implementation (Policy REC 2)

348. Policy REC 2 builds on LPS Policy SC 2 by requiring developer contributions for the provision of indoor sport and recreation facilities to meet the increase in demand from new housing development, in line with Sport England demand calculation tools and the Council's Indoor Built Facilities Strategy¹⁶⁶. Paragraph 98 of the NPPF expects that such policies should take into account both deficits and surpluses in provision, which Policy REC 2 as submitted does not recognise. Therefore, to ensure it is consistent with national policy, **MM65** is necessary. I have amended the wording of the MM as it was published for consultation to refer to surpluses as well as deficits for consistency with the NPPF. Policy REC 2 is otherwise positively prepared, justified and effective.

Green space implementation (Policy REC 3)

349. LPS Policy SE 6 requires all development to provide adequate open space in line with the standards specified in Table 13.1 of the LPS. Policy REC 3 builds on this by clarifying how this requirement will be applied to non-residential development, establishing the presumption that provision will be made on-site, with commuted sums for off-site provision, and the expectation that strategic open spaces should be conveyed to the Council with a 20-year commuted sum for their maintenance. In addition, it specifies the developer contribution towards outdoor sports pitches, which is not included in Table 13.1.

350. Based on the evidence, I am satisfied that these requirements are justified and consistent with the expectations of national policy. In particular, it is reasonable and justified that major non-residential development should provide open space as part of good design and to support the health and well-being of occupiers and users. It is also consistent with the aim in national policy for access to a high quality network of open space¹⁶⁷, to expect that strategic open spaces formed within new development should be adopted by the local authority with an appropriate long-term commuted sum for maintenance.

351. For clarity and effectiveness, **MM66** is necessary to amend the policy and the supporting text to refer to 'open space' rather than 'green space', which is defined in national policy and is the term used in the evidence base to cover the full range of types of open space.

¹⁶⁶ Core documents ED20 and 20a

¹⁶⁷ Paragraph 98 of the NPPF

Community Facilities (Policy REC 5)

352. Policy REC 5 seeks to protect valued community facilities in the Borough. It is positively worded and consistent with paragraph 93(c) of the NPPF, which expects policies to guard against the unnecessary loss of valued facilities and services. The need for an assessment of the value of a community facility and the suitability of any alternative provision, as part of any planning application proposing the loss of such a facility, is implicit within the policy.

Conclusion

353. Overall, subject to the MMs identified above, I conclude that the policies for recreation and community facilities in the SADPD are justified, positively prepared, effective and consistent with the LPS and national policy.

Issue 13 – Are the policies for general requirements, transport and infrastructure in the SADPD justified, positively prepared, effective and consistent with the LPS and national policy?

General Requirements

Design Principles (Policy GEN 1)

354. Policy SE 1 of the LPS provides a series of strategic design principles to ensure that development proposals make a positive contribution to the Borough. Paragraph 13.13 of the supporting text states that detailed design policies will be included in the SADPD. Policy GEN 1 sets out a series of more detailed design principles, but it does duplicate some elements of Policy SE 1, which the NPPF says should be avoided. The policy was also written before the revised NPPF was published in July 2021, which substantially updated national design policies.
355. Accordingly, **MM2** is necessary to ensure Policy GEN 1 and its supporting text are consistent with national policy on design, including the National Model Design Code and the emphasis on development reflecting local design policies and guidance. The modification also restructures the policy to provide detailed design guidelines, which compliment rather than duplicate LPS Policies SE 1 and SD 1.
356. I have amended the wording of the MM, as it was published for consultation. Firstly, to delete the reference to 'standard house types' from the policy, as the negative connotation implied is not justified or consistent with the approach to the use of standard house types in the Council's own design guide¹⁶⁸, or national policy on creating character and identity in the National Design Guide. The wording of criterion 1 is clear and effective on the need to avoid standardised design solutions in creating a sense of place without this phrase. Secondly, to reference the need for the requirements for electric vehicle charging points to be considered early in the design process. This wording was included in MM60 as published for consultation, but would be more effective in support of Policy GEN 1.

¹⁶⁸ Paragraph ii|100 of The Cheshire East Borough Design Guide: Volume 2, May 2017 (p27)

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

357. Policy GEN 4 seeks the recovery of costs for infrastructure schemes, which have been forward funded by the Council to help facilitate development. Criterion 1 of the policy states that this will apply where the Council has approved the forward funding of infrastructure, a supplementary planning document (SPD) is in place which sets out the amount to be recovered and the mechanism for proportionately calculating contributions, and it meets the tests for planning obligations¹⁶⁹.
358. I have reviewed the evidence on Policy GEN 4, including the matters that were discussed at the Hearing, and find that the principle of using S106 obligations to secure contributions to the cost of infrastructure schemes, which have been forward funded by the LPA to enable the delivery of development, would be consistent with national policy. The PPG expressly allows this for education contributions¹⁷⁰, and I can see no reason why the same principle could not apply to other forms of infrastructure, provided that the contribution meets the tests for planning obligations, which criterion 1(iii) of Policy GEN 4 requires.
359. However, as drafted, criterion 1(ii) of the policy is not consistent with national policy in delegating to an SPD the details of the infrastructure schemes for which funding has been sought, the LPS sites that will be expected to contribute, and the mechanism for calculating the cost of contributions. The PPG¹⁷¹ makes clear that it is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in SPDs or supporting evidence base documents, as these would not be subject to Examination.
360. Therefore, to ensure Policy GEN 4 is consistent with national policy and justified, modifications to the policy and its supporting text are necessary, as set out in **MM3**, to include the infrastructure schemes and sites, together with the mechanism for calculating contributions. Evidence submitted by the Council after the Hearing, set out details of the schemes and sites¹⁷² and this was available as part of the consultation on the proposed MMs. I have taken account of the representations made on this MM in reaching my conclusions on Policy GEN 4.
361. The VA concludes that the additional costs of policies in the SADPD do not make a significant difference to the overall levels of viability of development in the Borough. However, it does recommend caution about requiring up-front payments for S106 costs, due to the reliance of developers on an element of debt finance to fund development schemes, and the difficulty of securing borrowing to fund up-front payments of S106 contributions¹⁷³. Therefore, for effectiveness **MM3** also amends Policy GEN 4 and the supporting text to allow flexibility over the stage in development programmes at which contributions for the recovery of forward funded infrastructure would be required. Additionally, for clarity, it confirms that contributions will only be sought at a level which can be viably supported by

¹⁶⁹ In Regulation 122 of the Community Infrastructure (CIL) Regulations

¹⁷⁰ PPG Paragraph: 008 Ref ID: 23b-008-20190315

¹⁷¹ PPG Paragraph: 004 Ref ID: 23b-004-20190901

¹⁷² Examination document CEC/28

¹⁷³ Paragraph 10.26 of Core Document ED52

developments, with obligations reduced on viability grounds recovered over the lifetime of developments in line with Policy GEN 7.

362. With these changes Policy GEN 4 will be positively prepared, justified, effective and consistent with national policy in enabling the delivery of infrastructure required to support the development of the Borough.

Aerodrome Safeguarding (Policy GEN 5)

363. Policy GEN 5 seeks to control development which would adversely affect the operational integrity or safety of Manchester Airport or Manchester Radar. A safeguarding zone for the airport is defined on a map issued by the Civil Aviation Authority (CAA), within which certain types of development require prior consultation with the Airport Operator or National Air Traffic Services (NATS). This covers a large part of Cheshire East. The safeguarding zones for Liverpool John Lennon and Hawarden (Chester) airports also extend into parts of the Borough.
364. However, these safeguarding zones are not shown on the Policies Map. To ensure that the Policies Map illustrates geographically the application of Policy GEN 5, it should be amended to include the outer limits of the safeguarding zones for Manchester, Liverpool John Lennon and Hawarden (Chester) airports, as shown in the Schedule of Proposed Modifications to the Policies Map, which was consulted upon alongside the MMs¹⁷⁴.
365. To ensure Policy GEN 5 and its supporting text are effective and consistent with national policy, **MM4** is necessary to include reference to the safeguarding of Liverpool John Lennon and Hawarden (Chester) airports and any other officially safeguarded civil aerodrome or associated aerodrome navigation aids, radio aids or telecommunications systems, for which their safeguarding zones extend into Cheshire East. I have amended the wording of the MM as it was published for consultation, to clarify the supporting text in respect of the issuing authority for safeguarding maps, the purpose of the safeguarding zones and the potential for future review and amendment of their boundaries.

Airport Public Safety Zones (Policy GEN 6)

366. Airport public safety zones are areas of land at end of runways of major airports in which development is restricted, to ensure there is no increase in people living, working or congregating there. Policy GEN 6 seeks to reinforce this in relation to Manchester Airport, albeit this is not clear from the policy title and the zones are not shown on the Policies Map. The Department for Transport Circular referred to in the policy, which defines the types of development deemed permissible in the public safety zones, has also been replaced. Accordingly, **MM5** is necessary to amend the policy and supporting text so it is clear, justified and consistent with national policy.
367. To ensure that the Policies Map illustrates geographically the application of Policy GEN 6, it should be amended to include the Manchester Airport Public Safety Zone and the Manchester Airport Public Safety Restricted Zone, as shown in the

¹⁷⁴ PM02 in the Schedule of Proposed Modifications to the Draft Policies Map

Schedule of Proposed Modifications to the Policies Map, which was consulted upon alongside the MMs¹⁷⁵.

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

368. Policy GEN 7 seeks the recovery of planning obligations, where at the planning application stage the Council has agreed to reduce them on viability grounds. Criterion 2 of the policy explains that this will be achieved through viability reviews at future trigger points, with any higher than agreed developer returns used to deliver policy requirements previously shown not to be deliverable. The PPG supports the use of viability reviews to ensure full policy compliance over the lifetime of developments, and encourages plans to set out the mechanisms by which this should be achieved¹⁷⁶. Policy GEN 7 does this and, as such, is consistent with national policy and justified.

Transport and Infrastructure

Cycleways, bridleways and footpaths (Policy INF 1)

369. Policy INF 1 is positively prepared and consistent with the aims of national policy to promote sustainable transport, in seeking to ensure that development proposals avoid the degradation of the public rights of way (PRoW) network and contribute to the improvement of walking, cycling and riding facilities. However, criterion 2 only permits development involving the diversion of a PRoW, where the diversion provides clear and demonstrable benefits for the wider community. This goes beyond the legal provisions for diversion orders, which expect the diverted route will not be substantially less convenient to the public as a result¹⁷⁷. Accordingly, the amendment to criterion 2 in **MM59** is necessary to ensure it is consistent with national policy.

Highway Safety and Access (Policy INF 3)

370. Policy INF 3 builds on the strategic policy framework for sustainable transport set out in the LPS. It contains a range of detailed requirements to ensure new developments do not undermine the safe and efficient operation of the highway network, provide electric vehicle (EV) charging points and maximise the use of sustainable transport through travel plans. However, the provision of EV charging points in residential and non-residential development is now a requirement of the Building Regulations, Part S of which sets out the standards and technical requirements. Accordingly, it is not necessary for Policy INF 3 to specify a standard, as to do so would duplicate or potentially conflict with the Building Regulations. To ensure consistency with national policy, therefore, **MM60** deletes criterion vi and paragraph 10.5a, which contain the proposed EV charging point standards. For clarity, I have amended the wording of the MM as it was published for consultation, to remove the reference to the need for EV charging points to be

¹⁷⁵ PM03 in the Schedule of Proposed Modifications to the Draft Policies Map

¹⁷⁶ PPG Paragraph: 009 Reference ID: 10-009-20190509

¹⁷⁷ S119(6) of the Highways Act 1980

considered early in the design process. This text forms part of **MM2** within the supporting text to Policy GEN 1 on Design, where it would be most effective.

371. Criterion 1iii of Policy INF 3 contains requirements to manage the impact of development traffic on the operation of the highway network and road safety. However, its wording is not consistent with paragraph 111 of the NPPF, which stipulates that development should only be refused where the residual cumulative impacts on the road network would be 'severe'. Accordingly, **MM60** amends the criterion to ensure it is consistent with national policy.

Manchester Airport (Policy INF 4)

372. Policy INF 4 defines the types of development and uses that will 'usually be permitted' within the operational area for Manchester Airport, including passenger and cargo facilities, airport ancillary infrastructure, landscaping works, internal highways and transport infrastructure. The supporting evidence states that national aviation policy recommends the definition of such areas to protect land which may be needed for airport expansion, and that defining operational areas helps to control and mitigate the impacts of airport growth on local communities.
373. However, as submitted, Policy INF 4 gives unqualified support to a wide range of operational development and uses, which could have significant impacts on the surrounding area and communities, in terms of traffic, noise, air quality, biodiversity, climate change, landscape and visual impacts, without any requirements to assess, minimise or mitigate such impacts. The only requirement in Policy INF 4 is that any development or uses must be necessary for the operational efficiency and amenity of the airport.
374. The same approach is not reflected in the companion policy for the remaining part of the Manchester Airport operational area, in the Manchester Core Strategy 2012 (Policy MA 1), nor in the relevant policies for the operational areas at Heathrow and Gatwick airports, contained in the Hillingdon and Crawley Local Plans respectively. Whilst each of these policies offer support to development for airport operational purposes, this is provided that the impacts are assessed, minimised and mitigated.
375. As such, Policy INF 4 is not justified, effective or consistent with national policy. Therefore, **MM61** is necessary to amend the policy wording to ensure it safeguards the operational area for airport operational development and requires the impacts of such development to be appropriately assessed, minimised and mitigated.

Telecommunications infrastructure (Policy INF 8)

376. Policy INF 8 supplements LPS Policy CO3 on digital connections, providing detailed development management criteria for proposals for telecommunications infrastructure, including the impact of masts on visual and residential amenity, and on air traffic safety. The policy is justified and consistent with the LPS and national policy. However, for clarity and effectiveness, an addition to the supporting text is necessary to cross refer to Policy GEN 5, which deals specifically with the assessment of the impact of proposals for telecommunications infrastructure on air traffic safety (**MM62**).

Canals and mooring facilities (Policy INF 10)

377. The Borough has over 115 km of canals, which are important for recreation, health and well-being, the visitor economy, and ecology. It is important, therefore, that development along the canals is sympathetic to their character, protects biodiversity and preserves their heritage, and that public access and recreational use are safeguarded. Policy INF 10 seeks to secure these essential attributes of canals, where new development along the waterways is proposed. The policy is positively prepared, justified and consistent with national policy. However, it is unclear as to whether the requirements under criteria 1 and 2 apply to proposals for new moorings and new permanent residential moorings. Therefore, for effectiveness, **MM63** is necessary to make this clear.

Motorway Service Areas (MSAs) and Roadside Facilities

378. The SADPD does not include a policy or allocations to guide proposals for MSAs and roadside facilities. However, whether it should was a matter discussed at the Hearing, and, therefore, I have set out my conclusions on this issue in my Report.

379. Paragraph 106(e) of the NPPF states that planning policies should provide for any large scale transport facilities that need to be located in the area. Footnote 44 of the NPPF confirms that this includes roadside facilities, but that such policies should be developed through collaboration between strategic policy-making authorities and other relevant bodies. Therefore, whether or not the Cheshire East Local Plan should make provision for further roadside facilities, including MSAs, is a strategic matter.

380. The LPS does not make specific provision for any such facilities and does not require the SADPD to do so. These are matters for a future review of the LPS to consider, rather than the SADPD. The strategic policies in the LPS for the Green Belt (Policy PG 3), Open Countryside (Policy PG 6) and Transport Infrastructure (Policy CO 2), provide an appropriate policy framework to guide decisions on planning applications for roadside facilities that may come forward in the meantime.

Conclusion

381. Overall, subject to the MMs identified above, I conclude that the policies for general requirements, transport and infrastructure in the SADPD are positively prepared, justified, effective and consistent with the LPS and national policy.

Issue 14 – Is the framework for monitoring and implementation of the SADPD appropriate, robust and consistent with the LPS?

382. Paragraph 13.1 of SADPD proposes to replace the adopted Local Plan Monitoring Framework (LPMF), in Table 16.1 of the LPS, with a new LPMF¹⁷⁸, which would sit outside of the development plan, providing the flexibility to update and amend it as other local plan documents are revised or adopted. However, the proposed new

¹⁷⁸ Core document ED54

LPMF omits key elements of the adopted LPMF, including the triggers for action and the proposed actions if targets are not being met.

383. Such a change to the adopted LPS is not within the remit of the SADPD or this examination. Any changes to the adopted LPMF are a matter for a review of the LPS. Rather, for soundness so that the SADPD is justified and effective, it should supplement the LPMF, with new indicators, triggers and actions which are necessary to monitor the effectiveness of the SADPD policies and allocations.
384. Whilst there is no legal requirement for a monitoring framework to be contained within the local plan, the PPG¹⁷⁹, clearly anticipates that the indicators against which the success of policies are measured should sit within the development plan. In addition, monitoring of key elements of the local plan, such as housing delivery and distribution and employment land take-up, may trigger a review of the LPS and SADPD. Therefore, any such triggers should be identified within the Local Plan so its implementation is effective. Accordingly, so that the SADPD is justified, effective and consistent with the LPS and national policy, **MM72** incorporates a revised monitoring framework (MF) within the SADPD, with indicators, targets and triggers for policies in the SADPD, in line with the content of the adopted LPMF. The requirement for 5 years' of figures to indicate a persistent change to trigger action against a target is justified.
385. I have considered whether an additional indicator is required to trigger a review of the need to bring forward Safeguarded Land (SL) identified in the LPS and SADPD within the plan period, if required. However, this is a strategic matter and the circumstances in which the development of SL may be considered are clearly set out in Policy PG 4 of the LPS. Therefore, a separate trigger mechanism for the early release of SL is not necessary to make the SADPD sound. Likewise, changes to the trigger in Indicator MF8 in the adopted LPMF, for a review of policies due to higher jobs growth, or to take account of the fact that the western arm of HS2 to Manchester is now committed, are not necessary to make the SADPD sound. Rather these are strategic matters to be dealt with through a review of the LPS, for which the Council has a statutory duty.

Conclusion

386. Subject to the MM discussed above, I conclude that the framework for monitoring and implementation of the SADPD is appropriate, robust and consistent with the LPS.

¹⁷⁹ PPG Paragraphs: 065 Reference ID: 61-065-20190723 and 073 Reference ID: 61-073-20190315

Overall Conclusion and Recommendation

387. The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

388. The Council has requested that I recommend MMs to make the Plan sound and legally compliant and capable of adoption. I conclude that the duty to cooperate has been met and that with the recommended MMs set out in the Appendix to this Report, the Cheshire East Local Plan Site Allocations and Development Policies Document satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Mike Hayden

Inspector

This report is accompanied by an Appendix containing the schedule of Main Modifications.