

AtkinsRéalis



# Scoping Report - Appendix B Policy and Legislation

Uniper UK Limited

March 2026

# SALINAE HYDROGEN STORAGE PROJECT

100121940-ATR-ZZ-ZZ-TREP-EC-007

SAL-ATK-EN-BDD010-0007



# Contents<sup>1</sup>

<b>9.</b>	<b>Biodiversity</b> .....	<b>5</b>
	9.1. Policy .....	5
	9.2. Legislation .....	7
<b>10.</b>	<b>Landscape and Visual Amenity</b> .....	<b>9</b>
	10.1. Policy .....	9
	10.2. Legislation .....	11
<b>11.</b>	<b>Historic Environment and Archaeology</b> .....	<b>12</b>
	11.1. Policy .....	12
	11.2. Legislation .....	14
<b>12.</b>	<b>Water Environment and Flood Risk</b> .....	<b>15</b>
	12.1. Policy .....	15
	12.2. Legislation .....	17
<b>13.</b>	<b>Geology, Hydrogeology and Soils</b> .....	<b>18</b>
	13.1. Policy .....	18
	13.2. Legislation .....	20
<b>14.</b>	<b>Noise and Vibration</b> .....	<b>21</b>
	14.1. Policy .....	21
	14.2. Legislation .....	22
<b>15.</b>	<b>Air Quality</b> .....	<b>23</b>
	15.1. Policy .....	23
	15.2. Legislation .....	26
<b>16.</b>	<b>Waste and Materials</b> .....	<b>27</b>
	16.1. Policy .....	27
	16.2. Legislation .....	28
<b>17.</b>	<b>Climate (including Chapter 17 Climate Vulnerability and Chapter 18 Effects on Climate)</b> .....	<b>29</b>
	17.1. Policy .....	29
	17.2. Legislation .....	30
<b>19.</b>	<b>Socioeconomics</b> .....	<b>31</b>
	19.1. Policy .....	31
	19.2. Legislation .....	32

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<sup>1</sup> Note the section references in this Appendix are numbered to align to the chapter reference in the main Scoping Report e.g. Appendix C section 9 aligns to Chapter 9 (Biodiversity) in the main Scoping Report. In this appendix, section 17 covers both Climate Vulnerability (Chapter 17) and Effects on Climate (Chapter 18), as such there is no section 18 in this document.

<b>20.</b>	<b>Human Health</b> .....	<b>33</b>
	20.1. Policy .....	33
	20.2. Legislation .....	34
<b>21.</b>	<b>Major Accidents and Disasters</b> .....	<b>35</b>
	21.1. Policy .....	35
	21.2. Legislation .....	36
<b>22.</b>	<b>Cumulative Effects</b> .....	<b>37</b>
	22.1. Policy .....	37
	22.2. Legislation .....	38



## Foreword

The following National and Local Plan policy focuses on environmental issues. There will be a separate policy analysis relating to the principle of development and other issues contained within the Planning Statement which will be prepared as part of the DCO application package.

Notwithstanding, the following environmental policies should be considered in the context of paragraph 4.2 of National Policy Statement (NPS) EN-1, that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure including, inter alia, hydrogen distribution and storage which is relevant in decision making, specifically in reference to any residual impacts that have been identified i.e. where residual impacts remain after the mitigation hierarchy has been applied, they are unlikely to outweigh the urgent need for this type of infrastructure. In all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of any residual impacts. (The exception to this are residual impacts onshore and offshore which present an unacceptable risk to, or unacceptable interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero).

In considering development consent applications for infrastructure covered by the NPS, the Secretary of State is directed to assess all applications on the basis that there is an 'urgent need' for those types of infrastructure and, that 'substantial weight' should be given to this need. This includes new technologies including hydrogen infrastructure.

# 9. Biodiversity

## 9.1. Policy

### **Overarching National Policy Statement for Energy NPS EN-1 (December 2025)**

- 9.1.1. EN-1 Section 5.4 focuses on Biodiversity and Geological Conservation. Where developments are subject to EIA, in addition to the requirement to set out the effects of the development on designated sites, protected species and habitats, applicants should show how projects have sought to conserve and enhance biodiversity and geological conservation interests within the context of wider ecosystem services and natural capital (5.4.18-21). Energy projects have the potential to deliver significant benefits and enhancements beyond Biodiversity Net Gain (BNG) which can result in wider environmental gains (5.4.22).
- 9.1.2. Applicants should include appropriate avoidance, mitigation, compensation and enhancement measures to biodiversity and geodiversity as integral to the development and should implement a Biodiversity Management Strategy (5.4.36-37). Where appropriate, a Geodiversity Management Strategy may also be developed (5.4.39).
- 9.1.3. The SoS will have regard to the aims and goals of the government's Environmental Improvement Plan in the decision making process (5.4.40). It is acknowledged that the benefits of nationally significant low carbon energy infrastructure may include benefits for biodiversity and geodiversity conservation interests, which may outweigh harm to those interests, and the SoS will take account of any such net benefit where it can be demonstrated (5.4.42). The SoS will give significant weight to any residual harm to biodiversity and geodiversity which cannot be avoided, mitigated or compensated (5.4.44) and should refuse consent where harm is significant and inadequately mitigated, compensated or avoided, giving substantial weight to the detriment of features of national or regional importance or climate resilience, unless there is an overriding public interest (5.4.57).
- 9.1.4. Section 4.6 of EN-1, relating to Environmental and Biodiversity Net Gain, states that projects should "seek to incorporate improvements in natural capital, ecosystem services and the benefits they deliver" (4.6.2), taking opportunities to contribute to and enhance the natural environment through BNG, and wider environmental improvement where possible (4.6.6). Applicants should undertake BNG using the most up-to-date metrics and present the information within the application, and share this, where possible, with the local authority, Natural England, and where relevant the EA, to discuss at the pre-application stage (4.6.7-8).
- 9.1.5. EN-1 encourages BNG to be delivered on-site, though it can be delivered off-site under certain circumstances. It is encouraged to set out details of any off-site delivery within the application, and off-site delivery should be in a manner that best contributes to wider strategic outcomes (4.6.11-12). Applicants should look for a holistic approach to delivering wider environmental gains and benefits through the use of nature-based solutions and green infrastructure (4.6.13).

- 9.1.6. The SoS should give appropriate weight to environmental net gain and BNG, although any weight given to gains provided to meet a legal requirement (for example under the Environment Act 2021) is likely to be limited (4.6.21). The Secretary of State (SoS) may not grant a Development Consent Order (DCO) unless satisfied that a biodiversity gain objective is met in relation to the onshore development in England to which the application relates. BNG should be applied after compliance with the mitigation hierarchy and does not change or replace existing environmental obligations (4.6.10).

## Cheshire East Local Plan – Adopted Policies

- 9.1.7. The Cheshire East Local Plan currently comprises the Local Plan Strategy 2010-2030 (adopted 2017) (the ‘LPS’), the Site Allocations and Development Policies Document (adopted 2022) (the ‘SADP’), saved policies in the Cheshire Waste Local Plan (adopted 2007, saved 2010) (the ‘CWLP’), saved policies in the Cheshire Minerals Local Plan (saved 2007) (the ‘CMLP’), and 41no. neighbourhood plans. None of the neighbourhood plans include the area of the Proposed Development. Relevant local planning policies have been identified below.
- 9.1.8. **LPS Policy SE3 Biodiversity and Geodiversity** states that areas of high biodiversity and geodiversity value will be protected and enhanced through development. Development likely to have significant adverse impacts on local or regionally designated sites, habitats or species will also not be permitted, except where reasons for the development outweigh the impacts. All development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity, and conditions will be implemented to ensure appropriate monitoring, mitigation, compensation and offsetting is undertaken.
- 9.1.9. **LPS Policy SE5 Trees, Hedgerows and Woodland** does not permit proposals resulting in the loss of (or threat to the health of) trees, hedgerows and woodlands that provide significant amenity contributions. However, exceptions may be made where there are clear overriding reasons for allowing development, and there are no suitable alternatives. Where such impacts are unavoidable, proposals must demonstrate appropriate mitigation, compensation or offsetting.
- 9.1.10. **LPS Policy SE6 Green Infrastructure** seeks to deliver improved quality green spaces and green infrastructure assets, including by linking existing areas.
- 9.1.11. **SADP Policy ENV1 Ecological Network** outlines that proposals within designated ecological restoration areas should improve the structural connectivity, resilience and function of the ecological network, whilst also seeking to deliver overall biodiversity benefits.

## The National Planning Policy Framework (December 2024)

- 9.1.12. The current NPPF is dated December 2024. A revised NPPF is currently out for consultation until 10 March 2026. Any updates to this document will be considered at the time of preparing the ES.
- 9.1.13. **Paragraph 187** states that development should contribute to and enhance the natural and local environment, including site of biodiversity value, and should provide net gains for biodiversity. Development should not contribute to or be adversely affected by unacceptable levels of pollution and should wherever possible improve local conditions.

- 9.1.14. **Paragraph 193** states that permission should be refused where significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for. Opportunities for biodiversity improvement should be integrated with the design.
- 9.1.15. **Paragraph 195** states that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site, unless an assessment concludes that there will not be adverse effects to the integrity of the habitats site.

## 9.2. Legislation

9.2.1. The key legislation relevant to Biodiversity is provided below:

- Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations)<sup>2</sup>
- Wildlife & Countryside Act (WCA) 1981 (as amended)<sup>3</sup>
- Natural Environment & Rural Communities (NERC) Act 2006 (as amended)<sup>4</sup>
- Countryside and Rights of Way (CRoW) Act 2000<sup>5</sup>
- Protection of Badgers Act (1992)<sup>6</sup>
- Hedgerows Regulation (1997)<sup>7</sup>
- National Parks and Access to the Countryside Act 1949<sup>8</sup>
- Invasive Alien Species (Enforcement and Permitting) Order 2019<sup>9</sup>
- Environmental Permitting (England and Wales) Regulations 2016<sup>10</sup>
- Land Drainage Act 1991<sup>11</sup>
- Water Environment (Water Framework Directive) (England and Wales) Regulations 2017<sup>12</sup>

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<sup>2</sup> The Conservation of Habitats and Species Regulations (2017). Available online at: [The Conservation of Habitats and Species Regulations 2017](#)

<sup>3</sup> Wildlife and Countryside Act (1981). Available online at: [Wildlife and Countryside Act 1981](#)

<sup>4</sup> Natural Environment and Rural Communities Act (2006). Available online at: [Natural Environment and Rural Communities Act 2006](#)

<sup>5</sup> Countryside and Rights of Way Act (2000). Available online at: [Countryside and Rights of Way Act 2000](#)

<sup>6</sup> Protection of Badgers Act (1992). Available online at: [Protection of Badgers Act 1992](#)

<sup>7</sup> The Hedgerows Regulations (1997). Available online at: [The Hedgerows Regulations 1997](#)

<sup>8</sup> National Parks and Access to the Countryside Act (1949). Available online at: [National Parks and Access to the Countryside Act 1949](#)

<sup>9</sup> The Invasive Alien Species (Enforcement and Permitting) Order (2019). Available online at: [The Invasive Alien Species \(Enforcement and Permitting\) Order 2019](#)

<sup>10</sup> The Environmental Permitting (England and Wales) Regulations (2016). Available online at: [The Environmental Permitting \(England and Wales\) Regulations 2016](#)

<sup>11</sup> Land Drainage Act (1991). Available online at: [Land Drainage Act 1991](#)

<sup>12</sup> The Water Environment (Water Framework Directive) (England and Wales) Regulations (2017). Available online at: [The Water Environment \(Water Framework Directive\) \(England and Wales\) Regulations 2017](#)

- Environment Act 2021 Schedule 14 (Primary legislation)<sup>13</sup>
- The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations (2024) (Secondary Legislation)<sup>14</sup>
- The Biodiversity Gain Site Register Regulations 2024 (Financial Penalties and Fees) (Secondary Legislation)<sup>15</sup>
- The Biodiversity Gain Site Register Regulations 2024 (Secondary Legislation)<sup>16</sup>

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<sup>13</sup> Environment Act (2021). Available online at: [Environment Act 2021](#)

<sup>14</sup> The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations (2024). Available online at: [The Biodiversity Gain Requirements \(Irreplaceable Habitat\) Regulations 2024](#)

<sup>15</sup> The Biodiversity Gain Site Register (Financial Penalties and Fees) Regulations (2024). Available online at: [The Biodiversity Gain Site Register \(Financial Penalties and Fees\) Regulations 2024](#)

<sup>16</sup> The Biodiversity Gain Site Register Regulations (2024). Available online at: [The Biodiversity Gain Site Register Regulations 2024](#)



# 10. Landscape and Visual Amenity

## 10.1. Policy

### **Overarching National Policy Statement for Energy NPS EN-1 (December 2025)**

- 10.1.1. EN-1 acknowledges that the majority of energy NSIPs will have some degree of adverse effect on landscape, but that mitigation may provide landscape benefits (5.10.5). Energy projects should be carefully designed to consider potential landscape impacts (5.10.6), including the effect on any national or locally designated landscapes. Landscape and visual matters during construction and operation should be considered from the early stages of siting and design (5.10.19-20).
- 10.1.2. A landscape and visual impact assessment should be undertaken and reported in the Environmental Statement, including cumulative effects, and should include relevant policies and reference to any landscape character assessment and associated studies as a means of assessing landscape impacts (5.10.16-17). Applicants may provide evidence of examples of existing permitted infrastructure of a similar magnitude of impact to assist in judging the weight of the impacts (5.10.25). Appropriate mitigation should be incorporated into development, including siting, colours, and materials. (5.10-26-28).
- 10.1.3. In decision making, the SoS will consider the scale of impacts, including those which are temporary, and any proposed mitigation measures, and judge whether any adverse impacts are so damaging that they are not offset by the benefits of the project. The SoS may also consider whether “requirements to the consent are needed requiring the incorporation of particular design details that are in keeping with the statutory and technical requirements for landscape and visual impacts”. (5.10.35-38).

### **Cheshire East Local Plan (2010-2030) – Adopted Policies**

- 10.1.4. **LPS Policy SE1 Design, SADP Policy GEN1 Design Principles, and LPS Policy SD2 Sustainable Development Principles** require all development to make a positive contribution to its surroundings, including the protection of the quality and character of settlements, utilising creative design solutions, where appropriate to the local context, and incorporating master planning and design coding into the design process. Particular attention should be paid to any features of particular significance.
- 10.1.5. **LPS Policy SE4 The Landscape** states that all developments should conserve landscape character and quality, and, where possible, should enhance and manage historic, natural and man-made landscape features. Development is expected to incorporate appropriate landscaping which reflects the area’s character, and suitable and appropriate mitigation for restoration of damaged landscape areas should be provided.
- 10.1.6. **SADP Policy ENV3 Landscape Character** seeks for proposals to respect the qualities, features and characteristics of the local area as set out in the Cheshire East Landscape Character Assessment (2018), including by taking account of any cumulative effects of any other development.

- 10.1.7. **SADP Policy ENV5 Landscaping** requires proposals, where appropriate, to include and implement a landscape scheme that responds sympathetically to the local landscape features, enhances the quality and setting of the development, and provides effective screening as appropriate. Satisfactory provision for the maintenance and aftercare of the scheme should be set out within the landscape scheme.
- 10.1.8. **LPS Policy PG6 Open Countryside, LPS Policy EG2 Rural Economy and SADP Policy RUR10** state that when development is permitted within the defined Open Countryside, particular attention should be paid to design and landscape character in order to preserve and enhance the region's countryside. Development should be sited and designed to conserve the local landscape, character and appearance of the surrounding area.
- 10.1.9. **LPS Policy SE2 Efficient Use of Land** encourages the development and re-use of previously developed land and requires windfall development to consider the landscape and townscape character of the surrounding area.
- 10.1.10. **LPS Policy SE8 Renewable and Low Carbon Energy** expresses that low carbon energy schemes will be supported and considered in the context of any landscape impacts. The wider benefits of the scheme will be weighed against any impacts including to the surrounding landscape, visual setting and any residential amenity.
- 10.1.11. **LPS Policy SE5 Trees, Hedgerows and Woodlands and SADP Policy ENV6 Trees, Hedgerows and Woodland Implementation** will not normally permit proposals which result in the loss of (or threat to) trees, hedgerows or woodlands that provide a significant contribution to local landscape character, unless there are clear overriding reasons for allowing the development. Where loss is unavoidable, proposals must demonstrate appropriate mitigation and replanting and management schemes.

### **The National Planning Policy Framework (December 2024)**

- 10.1.12. The current NPPF is dated December 2024. A revised NPPF is currently out for consultation until 10 March 2026. Any updates to this document will be considered at the time of preparing the ES.
- 10.1.13. **Paragraph 135** states that development is expected to be visually attractive as a result of good architecture, layout and effective landscaping, and should be sympathetic to local character, including aspects of both the built and natural environment. Development should add to the overall quality of its area.
- 10.1.14. **Paragraph 139** states that development that is not well designed should be refused. Positive weighting will be given to developments which reflect any local and national design guidance, including any supplementary planning documents which are of relevance. Innovative designs will also be supported so long as they fit in with the overall form and layout of the surroundings.
- 10.1.15. **Paragraph 187** states that planning decisions should work to enhance the natural and local environment, including by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

## 10.2. Legislation

10.2.1. The key legislation relevant to Landscape and Visual Amenity is provided below:

- The European Landscape Convention (ELC)<sup>17</sup> - although not statutory, the ELC provides a broad framework for landscape planning and management across all member states including the UK, which ratified the ELC in 2007.
- Hedgerow Regulations 1997<sup>18</sup>
- The Environment Act 2021<sup>19</sup>

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<sup>17</sup> GOV.UK. (2010). *European Landscape Convention: guidelines for managing landscapes*. [online] Available at: <https://www.gov.uk/government/publications/european-landscape-convention-guidelines-for-managing-landscapes>.

<sup>18</sup> UK Government. (2023). *The Hedgerows Regulations 1997*. [online] Available at: <https://www.legislation.gov.uk/uksi/1997/1160/contents>.

<sup>19</sup> UK Government (2021). *Environment Act 2021*. [online] Legislation.gov.uk. Available at: <https://www.legislation.gov.uk/ukpga/2021/30/contents>.

# 11. Historic Environment and Archaeology

## 11.1. Policy

### Overarching National Policy Statement for Energy NPS EN-1 (December 2025)

- 11.1.1. Section 5.9 of EN-1 relates to the Historic Environment, stating that applicants should describe the significance of any heritage assets affected by a proposed development, assess the likely heritage impacts to those assets and outline appropriate mitigation measures in line with relevant national guidance (5.9.11-12). Applicants are encouraged to prepare proposals which can positively contribute to the historic environment where possible (5.9.15). Good design of energy projects should include sensitivity to heritage (4.7.2).
- 11.1.2. Where the loss (either wholly or in part) of a heritage asset's significance is justified, the SoS will require the recording and advancement of the understanding of the asset's significance before it is lost (5.9.19), although it is noted that a documented record of the past is not as valuable as retaining the heritage asset and that the ability to record evidence should not be a factor in deciding whether the loss is permitted or consent is given (5.9.18).
- 11.1.3. The SoS will consider the impacts of energy development on designated and non-designated heritage assets, and the degree of harm on local heritage will be judged in the context of the wider benefits of the proposal (5.9.32-37). Great weight will be given to the conservation of heritage assets' significance (5.9.28) and any harm requires clear and convincing justification by the applicant (5.9.29).

### Cheshire East Local Plan (2010-2030) – Adopted Policies

- 11.1.4. **LPS Policy SE7 The Historic Environment** states that development should seek to avoid harm to heritage assets as far as possible, including to their settings. Proposals should undertake a proportionate assessment of the relevant historic built environment and any impacts which are anticipated. Policy SE7 further states that where there will be harm to a heritage asset there must be clear and convincing justification as to why harm is considered acceptable, and proposals will not be supported where this is not demonstrated.
- 11.1.5. **SADP Policy HER4 Listed Buildings** states that the council will have regard to the preservation of any relevant listed building including its setting and reinforces that proposals involving substantial harm will normally be refused, with balance of significance weighed against the proposal's public benefit.
- 11.1.6. **SADP Policy HER7 Non-designated Heritage Assets** states that where there will be anticipated effects on non-designated heritage assets, similar regard will be given to the significance of the asset and the extent of harm expected.

- 11.1.7. **LPS Policy SE1 Design** requires that where proposals are to be within proximity of both designated and local heritage assets there must be a sensitivity to design to conserve those assets, including their settings.
- 11.1.8. **SADP Policy HER8 Archaeology** states that proposals which will affect sites of archaeological interest will be considered in line with non-designated heritage assets as per Policy HER7 with an expectation that elements which contribute to archaeological significance are retained. Preservation of remains in situ is the preferred solution to mitigate damage. An application which may affect a site of archaeological interest must be accompanied by an appropriate archaeological assessment.
- 11.1.9. **SADP Policy HER2 Heritage at Risk** states that proposals involving at-risk listed buildings must refer to the Heritage at Risk Register and include legally binding mechanisms for repair.

### **The National Planning Policy Framework (December 2024)**

- 11.1.10. The current NPPF is dated December 2024. A revised NPPF is currently out for consultation until 10 March 2026. Any updates to this document will be considered at the time of preparing the ES.
- 11.1.11. **Paragraph 207** states that LPAs should require an applicant to describe the significance of any heritage assets affected by a proposed development, including any contribution made by their setting. This should be proportionate to the assets' importance.
- 11.1.12. **Paragraph 212** outlines that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, with greater weight attached to more significant and important assets.
- 11.1.13. **Paragraph 213** further states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
- 11.1.14. **Paragraph 214** states that where a proposed development will lead to substantial harm or total loss of a designated asset, consent should be refused unless it is demonstrated that substantial harm is necessary to achieve substantial public benefits that outweigh the harm.

## 11.2. Legislation

11.2.1. The key legislation relevant to the Historic Environment and Archaeology is provided below:

- Ancient Monuments and Archaeological Areas Act 1979<sup>20</sup>
- Infrastructure Planning (Decisions) Regulations 2010<sup>21</sup>
- Planning (Listed Buildings and Conservation Areas) Act 1990<sup>22</sup>
- Hedgerow Regulations 1997<sup>23</sup>

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<sup>20</sup> UK Government. (2025). *Ancient Monuments and Archaeological Areas Act 1979*. [online] Available at: <https://www.legislation.gov.uk/ukpga/1979/46/contents>.

<sup>21</sup> UK Government. (2010). *The Infrastructure Planning (Decisions) Regulations 2010*. [online] Available at: [The Infrastructure Planning \(Decisions\) Regulations 2010](#)

<sup>22</sup> UK Government (2025). *Planning (Listed Buildings and Conservation Areas) Act 1990*. [online] Legislation.gov.uk. Available at: <https://www.legislation.gov.uk/ukpga/1990/9/contents>.

<sup>23</sup> UK Government. (2023). *The Hedgerows Regulations 1997*. [online] Available at: <https://www.legislation.gov.uk/uksi/1997/1160/contents>.



# 12. Water Environment and Flood Risk

## 12.1. Policy

### **Overarching National Policy Statement for Energy NPS EN-1 (December 2025)**

- 12.1.1. Section 5.16 of EN-1 relates to Water Quality and Resources, stating that infrastructure development can have adverse effects on the water environment. During construction, operation, and decommissioning, development can lead to increased water demands and water impacts with potentially adverse effects on the water environment such as an increased risk of spills and leaks of pollutants (5.16.2). Where this may occur applicants should undertake assessments of the existing status and predicted impacts resulting from the project on water quality, water resources, and physical water environment characteristics, in addition to how this might change due to the impact of climate change and water availability (5.16.3). Applicants should make early contact with relevant regulators regarding licensing and permitting requirements and, with the relevant water companies and resource groups regarding water requirements and the sufficiency of water abstraction (5.16.4). Activities which discharge to water environments may also require licencing agreements or control regimes (5.16.12).
- 12.1.2. Applicants are encouraged to manage surface water during construction by treating runoff (5.16.5) and should avoid locating potentially polluting activities in the most sensitive locations for groundwater in addition to considering implementing protective measures to control the risk of groundwater pollution, for example through protective barriers (5.16.6). The submitted ES should describe the existing quality and resource of waters affected by the proposed project, and the resulting impacts on those bodies, with attention given to designated or protected areas and, accounting for how the relevant water environment could be impacted by climate change (5.16.7). If insufficient water is available for abstraction, alternative sources of water must be identified to proceed (5.16.9). Risks to the water environment can be reduced through careful design and pollution control practices (5.16.10-11).
- 12.1.3. In decision making, the SoS must consider impacts of a development on the water environment and should be satisfied that appropriate management and mitigation is to be undertaken. The SoS may request obligations in order to secure this commitment (5.16.13-17).
- 12.1.4. Section 5.8 of EN-1 relates to flood risk, and states that risks of flooding are expected to rise as an impact of climate change and therefore the risk of flooding should be taken into account to avoid inappropriate development in areas of highest flood risk (5.8.5-6). Energy infrastructure in areas of flood risk should be made safe for their lifetime without increasing flood risk elsewhere and be designed to be operational during periods of flood (5.8.7). Development should be designed to not increase flooding elsewhere and should account for predicted impacts of climate change throughout the lifetime of the development, with no net loss of floodplain storage. Any deflection or constriction of flood flow routes should be safely managed within the site, with mitigation measures to make as much use as possible of flood management techniques (5.8.12).

- 12.1.5. Flood Risk Assessments are required in line with national requirements and should assess the risk and management of flooding (5.8.13-23). Flood risk should be managed appropriately with a preference for the use of SuDS, but also through site design and layout and surface drainage systems (5.8.24-26). Exceptionally, where an increase in flood risk elsewhere cannot be avoided or wholly mitigated, the SoS may grant consent if they are satisfied that the increase in present and future flood risk can be mitigated to an acceptable and safe level, and taking account of the benefits of, including the need for, nationally significant energy infrastructure as set out across EN-1 (5.8.42).

## **Cheshire East Local Plan (2010-2030) – Adopted Policies**

- 12.1.6. **LPS Policy SD2 Sustainable Development Principles** sets the overarching expectation that development should minimise pollution (including water pollution) and promote water efficiency.
- 12.1.7. **LPS Policy SE13 Flood Risk and Water Management** requires that development integrates sustainable water management measures to reduce flood risk and avoid adverse impacts on water quality and quantity, including through the use of SuDS and green infrastructure. FRAs are required in line with national requirements to ensure flood risk is not increased on site or elsewhere and that the development should be safe from flooding for its lifetime.
- 12.1.8. **SADP Policy ENV7 Climate Change** and **SADP Policy ENV16 Surface Water Management and Flood Risk** require proposals to demonstrate appropriate management of surface water, with further preference for new development to incorporate SuDS to manage runoff unless it is shown to be unfeasible.
- 12.1.9. **LPS Policy SE12 Pollution, Land Contamination and Land Instability** seeks that development does not have a harmful impact on surface water or groundwater, and **SADP Policy ENV17 Protecting Water Resources** explicitly prohibits proposals with likely detrimental impacts on the flow or quality of groundwater or surface water. Any proposals for new development within groundwater source protection zones must accord with the Environment Agency’s guidance and position statement.
- 12.1.10. **LPS Policy SE2 Efficient Use of Land** expects windfall development to not need new infrastructure to support it, including for water supply, but where this is unavoidable development should be phased to coincide with delivery of the provision. All development should safeguard and protect natural resources including water.
- 12.1.11. **SADP Policy ENV4 River Corridors** also requires development proposals to ensure that river corridors are protected.

## **The National Planning Policy Framework (December 2024)**

- 12.1.12. The current NPPF is dated December 2024. A revised NPPF is currently out for consultation until 10 March 2026. Any updates to this document will be considered at the time of preparing the ES.
- 12.1.13. **Paragraph 170** stipulates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

- 12.1.14. **Paragraph 173** states that a sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding. Development should be steered towards areas of lower risk and should not be permitted if there are reasonably available alternative sites in areas of lower risk. Where this is not possible and development must be located in an area of high risk, the exception test may be applied as per **Paragraph 177** which requires demonstration of wider sustainability benefits to the community that outweigh flood risk, and the development will be safe for its lifetime without increasing risk elsewhere and, where possible, will reduce flood risk overall.
- 12.1.15. **Paragraph 187** further states that development should be prevented from contributing to, or being put at unacceptable risk from, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions including water quality.

## 12.2. Legislation

12.2.1. The key legislation relevant to Water Environment and Flood Risk is listed below:

- Water Resources Act (WRA) 1991<sup>24</sup>;
- Water Framework Directive (England and Wales) Regulations(2017)<sup>25</sup>;
- Environmental Permitting (England and Wales) Regulations (2016)<sup>26</sup>;
- Land Drainage Act (1991)<sup>27</sup>;
- Environment Act (2021)<sup>28</sup>; and
- Flood and Water Management Act (2010)<sup>29</sup>.

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<sup>24</sup> UK Government. (2025) *Water Resources Act 1991* [online] Available at: [Water Resources Act 1991](#)

<sup>25</sup> UK Government. (2025) *The Water Environment Regulations* [online] Available at: [Legislation.gov: The Water Environment Regulations \(England and Wales\) 2017](#)

<sup>26</sup> UK Government. (2025) *The Environmental Permitting Regulations 2016* [online] Available at: [Legislation.gov: The Environmental Permitting Regulations \(England and Wales\) 2016](#)

<sup>27</sup> UK Government. (2025) *The Land and Drainage Act 1991* [online] Available at: [Legislation.gov: Land Drainage Act 1991](#)

<sup>28</sup> UK Government. (2025) *The Environment Act 2021* [online] Available at: [Environment Act 2021](#)

<sup>29</sup> UK Government. (2025) *Flood and Water Management Act 2021* [online] Available at: [Flood and Water Management Act 2010](#)

# 13. Geology, Hydrogeology and Soils

## 13.1. Policy

### Overarching National Policy Statement for Energy NPS EN-1 (December 2025)

- 13.1.1. EN-1 states that developments should aim to avoid significant harm to geological conservation interests in line with the mitigation hierarchy, including through consideration of reasonable alternatives (5.4.42), and the SoS will ensure that appropriate weight is attached to geological interests. Any energy development subject to EIA should ensure that it sets out effects on sites of geological importance and how opportunities to enhance geological interests have been taken (5.4.18-20). To minimise adverse impacts on geodiversity, applicants are encouraged to produce and implement a Geodiversity Management Strategy to preserve and enhance access to geological interest features, as part of relevant development proposals (5.4.39).
- 13.1.2. Developments should not contribute towards or be adversely affected by unacceptable levels of soil pollution or land instability (5.11.15). Rather, applicants should identify effects, seek to minimise impacts on soil health, and protect and improve soil quality, and are encouraged to develop and implement a Soil Management Plan to minimise potential contamination (5.11.13-14).
- 13.1.3. Sites should be suitable for their proposed development use, taking into account of ground conditions and any risks arising from land instability and contamination (5.11.17) and applicants for development on previously developed land should ensure that risks posed by land contamination are fully considered (5.11.18). Where contamination is present, applicants should consider remediation opportunities where possible and engage with relevant bodies in relation to this as early as possible (before the official pre-application stage) (5.11.18).
- 13.1.4. In decision making, the SoS will consider the acceptability of any proposed mitigation measures, including whether other provisions should be included in the granting of development consent (5.11.31).

### Cheshire East Local Plan (2010-2030) – Adopted Policies

- 13.1.5. **LPS Policy SE2 Efficient Use of Land** states that all development should safeguard natural resources, including geology, soil and high-quality agricultural land, while **Policy SE3 Biodiversity and Geodiversity** seeks to protect areas of high geodiversity value.
- 13.1.6. **SADP Policy ENV2 Ecological Implementation** requires, where there is anticipated harm to geodiversity, that proposals utilise the mitigation hierarchy to avoid significant harm to geodiversity and an ecological assessment should be undertaken to identify and assess impacts.
- 13.1.7. **LPS Policy SE12 Pollution, Land Contamination and Land Instability** ensures that development does not result in soil or land contamination, stating that developers should minimise and mitigate the effects of potential pollution during construction and operation.



- 13.1.8. **LPS Policy SE10 Sustainable Provision of Minerals** states that where local geological circumstances have demonstrated feasibility for natural gas storage purposes in underground cavities, created following the extraction of salt with the suggested potential for carbon storage. Encouragement will be given to such use, subject to ensuring that the appropriate integrity and safety measures are satisfactorily secured, as national government has identified the need for gas storage capacity to contribute to national energy security.

## **The National Planning Policy Framework (December 2024)**

- 13.1.9. The current NPPF is dated December 2024. A revised NPPF is currently out for consultation until 10 March 2026. Any updates to this document will be considered at the time of preparing the ES.
- 13.1.10. **Paragraph 187** states that planning decisions should contribute to the enhancement of the natural and local environment including through protecting and enhancing sites of geological value and soils, recognising the benefits of BMV agricultural land and by preventing development from contributing to or being adversely affected by unacceptable levels of soil pollution or land instability. Wherever possible, development should help to improve these conditions and where appropriate, despoiled, degraded, derelict, contaminated and unstable land should be remediated and mitigated.
- 13.1.11. **Paragraph 196** reinforces that a site must be suitable for its proposed use, taking account of ground conditions and any risks arising from land instability and contamination. This includes consideration of risks from natural hazards or former activities, and any proposed mitigation measures.

## 13.2. Legislation

13.2.1. The key legislation relevant to Geology, Hydrogeology and Soils are provided below:

- Water Framework Directive (WFD) (2000)<sup>30</sup>
- Part IIA of the Environmental Protection Act (EPA) 1990<sup>31</sup>
- Environment Act 1995<sup>32</sup>
- Environment Act 2021<sup>33</sup>
- Water Resources Act (WRA) 1991 (Amendment) (England and Wales) Regulations 2009<sup>34</sup>
- The Control of Substances Hazardous to Human Health (COSHH) Regulations 2002 (as amended)<sup>35</sup>
- Construction (Design and Management) Regulations (CDM Regulations) 2015<sup>36</sup>
- The Environmental Permitting (England and Wales) Regulations 2016<sup>37</sup>.

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<sup>30</sup> Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (2000) King's Printer of Acts of Parliament. Available at: <https://www.legislation.gov.uk/eudr/2000/60/contents>.

<sup>31</sup> United Kingdom Parliament (1990) Environmental protection Act 1990, Statute Law Database. Available at: <https://www.legislation.gov.uk/ukpga/1990/43/contents>.

<sup>32</sup> United Kingdom Parliament (1995) Environment Act 1995, Statute Law Database. Available at: <https://www.legislation.gov.uk/ukpga/1995/25/contents>.

<sup>33</sup> United Kingdom Parliament (2021) Environment act 2021, Statute Law Database. Available at: <https://www.legislation.gov.uk/ukpga/2021/30/contents>.

<sup>34</sup> The Water Resources Act 1991 (amendment) (England and Wales) Regulations 2009 (2009) Statute Law Database. Available at: <https://www.legislation.gov.uk/uksi/2009/3104/contents>.

<sup>35</sup> United Kingdom Parliament (2002) The control of substances hazardous to health regulations 2002, Statute Law Database. Available at: <https://www.legislation.gov.uk/uksi/2002/2677/contents>.

<sup>36</sup> United Kingdom Parliament (2015) The construction (design and management) regulations 2015, Statute Law Database. Available at: <https://www.legislation.gov.uk/uksi/2015/51/contents>.

<sup>37</sup> United Kingdom Parliament, The Environmental Permitting (England and Wales) Regulations (SI 2010/675), 2016 (as amended).



# 14. Noise and Vibration

## 14.1. Policy

### **Overarching National Policy Statement for Energy NPS EN-1 (December 2025)**

- 14.1.1. Section 5.12 of EN-1 relates to the noise and vibration aspects of development. References to noise apply equally to vibration. Where noise and vibration impacts are likely to arise from a development, applicants should undertake an appropriate noise and vibration assessment to identify noise generating aspects, noise and vibration sensitive receptors and areas within the locality that may be affected, likely noise and vibration impacts (during construction and operation) and an assessment of predicted changes in the noise and vibration environment on receptors (5.12.6). Additionally, it should outline the steps taken to mitigate and minimise potential adverse effects. Noise and vibration should be assessed against the relevant British Standards and other guidance (5.12.9).
- 14.1.2. Certain noise and vibration impacts may be controlled through environmental permits and applicants are encouraged to consult with the Environment Agency, the Statutory Nature Conservation Bodies (SNCBs) and other relevant bodies (5.12.10). A detailed impact assessment and mitigation plan addressing construction and operation should be submitted (5.12.12), and proposals should utilise good design as part of mitigation measures to minimise noise and vibration emissions (5.12.15).
- 14.1.3. The SoS will not grant consent unless they are satisfied that noise and vibration will be effectively managed and controlled and the SoS may include measurable Requirements to ensure the mitigation to be put in place is adhered to (5.12.17-18).

### **Cheshire East Local Plan (2010-2030) – Adopted Policies**

- 14.1.4. **LPS Policy SE12 Pollution, Land Contamination and Land Instability** requires that developers mitigate and minimise any unavoidable harmful noise and vibration impacts as far as practicable. Where such effects are unacceptable, the development will not normally be permitted.
- 14.1.5. **SADP Policy ENV15 New Development and Existing Uses** requires new development to effectively integrate with existing uses in the locality, including by providing adequate noise and vibration mitigations where appropriate.
- 14.1.6. **LPS Policy SE8 Renewable and Low Carbon Energy** supports the development of low carbon energy schemes and infrastructure, but the benefits of these schemes will be balanced against amenity issues including noise and vibration.

### **The National Planning Policy Framework (December 2024)**

- 14.1.7. The current NPPF is dated December 2024. A revised NPPF is currently out for consultation until 10 March 2026. Any updates to this document will be considered at the time of preparing the ES.

- 14.1.8. **Paragraph 187** states that planning decisions should work to prevent new development from contributing towards, or being adversely affected by, unacceptable levels of noise pollution.
- 14.1.9. **Paragraph 198** furthers this, and states that development should be appropriate to its location, taking into account the likely effects of noise on local health, living conditions and the natural environment. Potential adverse impacts should be mitigated and reduced to a minimum to avoid impacts to local quality of life, and tranquil and undisturbed areas or noise should be particularly accounted for.

### **Noise Policy Statement for England (NPSE)<sup>38</sup>**

- 14.1.10. The NPSE presents underlying principles of noise management, from existing guidance and legislation. The NPSE sets out the long-term vision of Government noise policy to:
- 14.1.11. “Promote good health and a good quality of life through effective management of noise within the context of Government policy on sustainable development.”
- 14.1.12. Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development, the NPSE aims to:
- “Avoid significant adverse impacts on health and quality of life;  
Mitigate and minimise adverse impacts on health and quality of life; and  
Where possible, contribute to the improvement of health and quality of life.”
- 14.1.13. Alongside the pre-existing concepts of No Observed Effect Level (NOEL) and Lowest Observed Adverse Effect Level (LOAEL), the NPSE adapts and adds to this terminology, introducing Significant Observed Adverse Effect Level (SOAEL).

## **14.2. Legislation**

- 14.2.1. The key legislation relevant to Noise and Vibration are provided below:
- Environmental Protection Act (EPA) 1990 Part III<sup>39</sup>; and
  - Control of Pollution Act (COPA) 1974<sup>40</sup>.

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<sup>38</sup> Noise Policy Statement for England (March 2010). [online] Available at: [Noise Policy Statement for England](#)

<sup>39</sup> Environmental Protection Act (1990 (Part III)). [online] Available at: [Environmental Protection Act 1990](#)

<sup>40</sup> Control of Pollution Act (1974 (Part III)). [online] Available at: [Control of Pollution Act 1974](#)



# 15. Air Quality

## 15.1. Policy

### **Overarching National Policy Statement for Energy NPS EN-1 (December 2025)**

- 15.1.1. Section 5.2 of EN-1 considers impacts on air quality and highlights that energy development should not only consider how a scheme may impact statutory air quality limits or targets, but all emissions in order to minimise air pollution (5.2.3). Proposals near sensitive receptors for air quality should only be proposed in exceptional circumstances where no viable alternative site is available and, substantial mitigation of expected emissions will be required (5.2.7).
- 15.1.2. Where projects are likely to have adverse effects on air quality, EN-1 states (5.2.8-9) that an assessment of impacts as part of an ES should be undertaken and that this should include:
- existing air quality concentrations and the relative change in air quality from existing levels;
  - any significant air quality effects, mitigation action taken and any residual effects, distinguishing between the project stages and taking account of any significant emissions from any road traffic generated by the project;
  - the predicted absolute emissions, concentration change and absolute concentrations as a result of the proposed project, after mitigation methods have been applied; and
  - any potential eutrophication impacts.
- 15.1.3. Applicants should also consider the Environment Targets (Fine Particulate Matter) (England) Regulations 2023 and associated Defra guidance (5.2.10), ensuring that assessments utilise current national air quality projections with more detailed modelling and evaluation as necessary, to demonstrate local and national impacts.
- 15.1.4. Applicants should work with the relevant authorities to secure appropriate mitigation measures where proposed developments are likely to lead to a breach of any relevant statutory air quality limits, objectives or targets to avoid this situation (5.2.12). A construction management plan may help codify mitigation (5.2.13).
- 15.1.5. In decision making, the SoS is directed to give air quality considerations substantial weight where a project would lead to a deterioration in air quality, even where this would not breach statutory limits, objectives or targets (5.2.16), and where a project is proposed near a sensitive receptor site, such as an education or healthcare facility, residential use or a sensitive or protected habitat (5.2.18). In such cases, if the applicant cannot provide justification for this location and a suitable mitigation plan, the SoS should refuse consent. In all cases, if a project will lead to non-compliance with a statutory limit, objective or target, the SoS should refuse consent (5.2.19).

## **Cheshire East Local Plan (2010-2030) – Adopted Policies**

- 15.1.6. **LPS Policy SE12 Pollution, Land Contamination and Land Instability** states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, smell, dust or any other pollution which would unacceptably affect the natural and built environment or detrimentally affect amenity or cause harm. Developers will be expected to minimise and mitigate the effects of possible pollution arising from the development itself, or as a result of the development (including additional traffic) during both the construction and the life of the development. Where adequate mitigation cannot be provided, development will not normally be permitted.
- 15.1.7. **SADP Policy ENV12 Air Quality** further states that proposals with a likely impact on local air quality will be required to provide an Air Quality Assessment. Where this shows that construction or operational characteristics of the development would cause harm to air quality, including cumulatively with other development, planning permission will be refused unless measures are adopted to acceptably mitigate the impact.

## **The National Planning Policy Framework (December 2024)**

- 15.1.8. The current NPPF is dated December 2024. A revised NPPF is currently out for consultation until 10 March 2026. Any updates to this document will be considered at the time of preparing the ES.
- 15.1.9. **Paragraph 110** states that growth and development should be focused on locations which can be made sustainable, as this can help reduce congestion and emissions, and improve air quality and public health.
- 15.1.10. **Paragraph 199** concerns the need to consider the presence of Air Quality Management Areas (AQMAs) and Clean Air Zones (CAZs), and the cumulative impacts from individual sites in local areas, stating that any new development in AQMAs and CAZs should be consistent with the local air quality action plan and comply with relevant limit values or objectives. Opportunities to improve air quality or mitigate impacts should be identified.

## **Cheshire East Environmental Protection Supplementary Planning Document 2024**

- 15.1.11. The Cheshire East Environmental Protection Supplementary Planning Document was adopted in March 2024 and provides guidance on the council's approach to Environmental Protection issues when considering planning applications, including air quality. The SPD sets out the requirement to assess air quality during both the construction and the operational phase of a development, as part of the planning application process.

## **Cheshire East Council Air Quality Strategy 2024-2029**

- 15.1.12. The aim of the Air Quality Strategy (AQS) is to provide a strategic framework to deliver local air quality improvements and contribute to long-term air quality goals within Cheshire East. With reference to Development Management and Spatial Planning, the AQS commitments include:

- Ensure that air quality is considered as a material planning consideration within the Development Management process. To assist with this process the Council implement relevant Best Practice Guides and Supplementary Planning Documentation to assist developers in understanding what is expected to ensure air quality is appropriately considered.
- Require a suitable Environmental Impact Assessment to accurately assess the impact proposed developments will have on local air quality. Guidance on when this will be appropriate will be set out in the Environmental Protection Supplementary Planning Document and Best Practice Guidance.
- Where a deterioration in air quality is predicted due to any development, suitable mitigation measure will be applied.
- Ensure air quality is properly considered within all relevant planning policy processes.
- Where appropriate, developers should contribute to meeting the aims of the various actions set out in the Air Quality Action Plan in a manner proportionate with residual emissions. Examples of this could be through a formula based on proxy criteria such as the size of the development or car parking spaces.

## **Cheshire East Council Air Quality Action Plan 2020-2025**

- 15.1.13. The Air Quality Action Plan (AQAP) outlines the actions to improve air quality in Cheshire East between 2020 and 2025. The AQAP sets out general action measures and measures specifically aimed at tackling poor air quality in the AQMAs. The measures fall into eight categories: environmental permits, policy guidance and development control, promoting low emissions transport and travel alternatives, public information, transport planning and infrastructure, traffic management and vehicle fleet efficiency.

## 15.2. Legislation

15.2.1. The key legislation relevant to Air Quality are provided below:

- Air Quality (England) Regulations 2000 (SI 2000 No. 928)<sup>41</sup> as amended by (SI 2002 No. 3043)<sup>42</sup>;
- Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 (SI 2023 No. 96)<sup>43</sup>;
- The Air Quality Standards Regulations 2010 (SI 2010 No. 1001)<sup>44</sup> and Air Quality Standards (Amendment) Regulations 2016 (SI 2016 No. 1184)<sup>45</sup> set out arrangements for setting, assessing and enforcing mandatory ambient air quality limit values in the UK<sup>46</sup>.

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<sup>41</sup> The Air Quality (England) Regulations 2000. Available at:

<http://www.legislation.gov.uk/ukxi/2000/928/contents/made>

<sup>42</sup> The Air Quality (England) (Amendment) Regulations 2002. Available at:

<http://www.legislation.gov.uk/ukxi/2002/3043/contents/made>

<sup>43</sup> Environmental Targets (Fine Particulate Matter) (England) Regulations 2023. Available at:

<https://www.legislation.gov.uk/ukxi/2023/96/contents/made>

<sup>44</sup> The Air Quality Standards Regulations 2010. Available at

<http://www.legislation.gov.uk/ukxi/2010/1001/contents/made>

<sup>45</sup> The Air Quality Standards (Amendment) Regulations 2016. Available at:

<https://www.legislation.gov.uk/ukxi/2016/1184/contents/made>

<sup>46</sup> The Air Quality (Amendment of Domestic Regulations) (EU Exit) Regulations 2019<sup>46</sup> and the Environment (Miscellaneous Amendments) (EU Exit) Regulations 2020<sup>46</sup> amend the Air Quality Standards Regulations 2010 to account for EU withdrawal.

# 16. Waste and Materials

## 16.1. Policy

### Overarching National Policy Statement for Energy NPS EN-1 (December 2025)

- 16.1.1. EN-1, section 5.15, considers issues related to waste and materials from energy NSIPs and acknowledges that all large projects are likely to generate some hazardous and non-hazardous waste. The EA's permitting regime requires applicants to demonstrate that the processes are appropriate and in line with the requirements of Environmental Permits (5.15.4).
- 16.1.2. Proposals should adhere to the waste hierarchy to manage waste by avoiding generation as a first priority (5.15.2). The applicant should set out the arrangements proposed for waste management including sustainable waste management during construction (5.15.7-8). The applicant must consider the Circular Economy, and how to ensure the project aligns with the government's circular economy ambitions for reduced waste, resources to be in use for longer and materials recycled or reused, with encouragement for the use of low carbon materials, sustainable sources and local suppliers (5.15.9-11). Applicants are encouraged to prepare a construction materials management plan to inform the use of construction best practices relating to storing materials and waste prevention (5.15.12).
- 16.1.3. In decision making, the SoS should be satisfied that waste, both hazardous and non-hazardous, will be minimised, properly managed, appropriately dealt with and not negatively impact on local waste facilities, with requirements/obligations required to enforce this as appropriate (5.15.13-17). The SoS should have regard to any potential impacts on the achievement of resource efficiency and waste reduction targets set under the Environment Act 2021 and the circular economy objectives (5.15.18).

### Cheshire East Local Plan (2010-2030) – Adopted Policies

- 16.1.4. **LPS Policy SD2 Sustainable Development Principles** expects all development to minimise waste, including through suitable design, construction, insulation and layout choices.
- 16.1.5. **SADP Policy ENV7 Climate Change** seeks that proposals incorporate measures to provide resilience to climate change and mitigate its impacts, including through by minimising waste generation and energy consumption, within all stages of development from construction through operation.
- 16.1.6. **LPS Policy SE1 Design** also requires that appropriate provision for waste storage is incorporated into all proposals.
- 16.1.7. **CWLP Policy 10 Minimising Waste During Construction and Development** states that when considering proposals for industrial use with a net increase in floorspace of 5000m<sup>2</sup> or more the applicant must submit a waste audit, which will include information on the type and volume of waste that the development will generate, the steps to ensure



that waste arising from the development process is incorporated within the development and that recycling of other remaining waste is undertaken.

## The National Planning Policy Framework (December 2024)

- 16.1.8. The current NPPF is dated December 2024. A revised NPPF is currently out for consultation until 10 March 2026. Any updates to this document will be considered at the time of preparing the ES.
- 16.1.9. **Paragraph 8** outlines that minimising waste is a key component of the environmental objective of delivering sustainable development through planning.

## 16.2. Legislation

16.2.1. The key legislation relevant to Waste and Materials are provided below:

- Waste Framework Directive 2008<sup>47</sup>;
- Environmental Protection Act (EPA) 1990 (Section 34)<sup>48</sup>;
- Clean Neighbourhoods and Environment Act 2005 (Chapter 16)<sup>49</sup>;
- Environment Act 2021<sup>50</sup>;
- Waste (England and Wales) Regulations 2011<sup>51</sup>;
- Hazardous Waste (England and Wales) Regulations 2005 as amended<sup>52</sup>;
- Waste Electrical and Electronic Equipment (WEEE) Regulations 2013 as amended<sup>53</sup>;
- Environmental Permitting (England and Wales) Regulations 2016 as amended<sup>54</sup>; and
- Separation of Waste Regulations 2025<sup>55</sup>.

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<sup>47</sup> The Water Resources Act 1991 (amendment) (England and Wales) Regulations 2009 (2009) Statute Law Database. Available at: <https://www.legislation.gov.uk/uksi/2009/3104/contents>.

<sup>48</sup> UK Government. (1990) *Environmental protection Act 1990*, Statute Law Database. Available at: <https://www.legislation.gov.uk/ukpga/1990/43/contents>.

<sup>49</sup> UK Government. (2005) *Clean neighbourhoods and environment Act 2005*, Statute Law Database. Available at: <https://www.legislation.gov.uk/ukpga/2005/16/contents>.

<sup>50</sup> UK Government. (2021) *Environment act 2021*, Statute Law Database. Available at: <https://www.legislation.gov.uk/ukpga/2021/30/contents>.

<sup>51</sup> UK Government. (2011) *The waste (England and Wales) Regulations 2011*, Statute Law Database. Available at: <https://www.legislation.gov.uk/uksi/2011/988/contents?text=domestic%20waste>.

<sup>52</sup> UK Government. (2005) *The hazardous waste (England and Wales) Regulations 2005*, Statute Law Database. Available at: <https://www.legislation.gov.uk/uksi/2005/894/contents>.

<sup>53</sup> UK Government. (2013) *The waste electrical and electronic equipment Regulations 2013*, Statute Law Database. Available at: <https://www.legislation.gov.uk/uksi/2013/3113/contents>.

<sup>54</sup> UK Government. (2016) *The Environmental Permitting (England and Wales) Regulations 2016*, Statute Law Database. Available at: <https://www.legislation.gov.uk/uksi/2016/1154/contents>.

<sup>55</sup> *The separation of waste (England) Regulations 2025* (no date) King's Printer of Acts of Parliament. Available at: <https://www.legislation.gov.uk/uksi/2025/140/made>.

# 17. Climate (including Chapter 17 Climate Vulnerability and Chapter 18 Effects on Climate)

## 17.1. Policy

### **Overarching National Policy Statement for Energy NPS EN-1 (December 2025)**

- 17.1.1. EN-1 outlines the government's wider climate change and net zero goals, including a requirement to reduce greenhouse gas emissions by 78% by 2035 compared with 1990 levels (2.2.4). The Clean Power 2030 Action Plan sets the need to maintain high levels of resilience and security from the impacts of climate change as new energy infrastructure is rapidly deployed (2.4.6). EN-1 states that low carbon hydrogen is essential to achieving the government's clean energy aims, crucial to the future energy system, but acknowledges that there are concerns regarding the planning processes for nationally significant hydrogen infrastructure projects (3.3.49-50).
- 17.1.2. New hydrogen pipelines and underground hydrogen storage will require consent from the SoS where they meet the definitions in sections 15-21 of the Planning Act 2008 (3.4.21). As stated above, hydrogen production and storage is critical national priority (CNP) infrastructure (3.4.23). In considering applications, the SoS expects applicants to consider foreseeable future demand and may therefore propose for greater capacity than demand may suggest at the time of consenting (3.4.22).
- 17.1.3. Adaptation is considered necessary to manage the impacts of current and future climate change impacts and new energy infrastructure should be sufficiently resilient against climate change impacts (4.10.1). In preparing measures to support climate change adaptation, applicants should take reasonable steps to maximise the use of nature-based solutions (4.10.5). Applicants must consider direct and indirect impacts of climate change when planning, designing, operating and decommissioning new energy infrastructure (4.10.8). The submitted ES should set out how the proposal will take account of projected climate change impacts, using relevant government guidance and assessment criteria (4.10.9). Applicants should assess the impacts on and from their proposals across a range of climate change scenarios and should demonstrate a high level of climate resilience built-in from the outset (4.10.10-11).
- 17.1.4. The SoS should be satisfied that the potential impacts of climate change have been addressed appropriately and that no features of the design, which are critical to its operation, could be seriously affected by more radical changes to the climate beyond that which is currently projected (4.10.13-15).

### **Cheshire East Local Plan (2010-2030) – Adopted Policies**

- 17.1.5. **LPS Policy SE8 Renewable and Low Carbon Energy** outlines the Council's aim to work towards achieving reductions in emissions to reduce the cause and effect of climate change. Low carbon energy schemes and ancillary development will be positively



supported by the Council, while adverse impacts will still be considered and appropriately balanced against benefits.

- 17.1.6. **LPS Policy SE9 Energy Efficient Development** similarly seeks to achieve high levels of energy efficiency within all development to reduce the cause and effect of climate change and includes an expectation that at least 10% of predicted energy resource for major development comes from decentralised and renewable or low carbon sources, unless demonstratable that this is not feasible.
- 17.1.7. **LPS Strategic Priority 3** seeks to reduce Cheshire East's impact on climate change, including by promoting renewable energy and using energy efficiently and avoiding development on land that may be at risk from climate change effects.
- 17.1.8. **LPS Policy SD2 Sustainable Development Principles** and **LPS Policy SE1 Design** expect development to be climate change resilient and be energy and resource efficient.
- 17.1.9. **SADP Policy ENV7 Climate Change** further states that proposals should incorporate measures that can adapt to and / or demonstrate resilience to climate change and mitigate its impacts. This includes optimising energy efficiency through the use of appropriate planting, natural heating and / or ventilation, and materials.

## The National Planning Policy Framework (December 2024)

- 17.1.10. The current NPPF is dated December 2024. A revised NPPF is currently out for consultation until 10 March 2026. Any updates to this document will be considered at the time of preparing the ES.
- 17.1.11. **Paragraph 8** outlines that mitigating and adapting to climate change is a key part of delivering sustainable development, which is considered the purpose of the planning system.
- 17.1.12. **Paragraph 163** reinforces that the need to mitigate and adapt to climate change should be considered in the preparation and assessment of planning applications, taking into account the full range of potential climate change impacts. As such, **Paragraph 164** states that new development should be planned in ways that avoid increased vulnerability to the range of impacts arising from climate change, including reducing greenhouse gas emissions. Extra Care should be taken in areas of increased vulnerability, and suitable adaptation measures should be incorporated.

## 17.2. Legislation

17.2.1. The key legislation relevant to Climate are provided below:

- Climate Change Act 2008 (Amended 2019)<sup>56</sup>; and
- UK Government Carbon Budgets<sup>57</sup>.

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<sup>56</sup> The Climate Change Act 2008 (2050 target amendment) Order 2019 (2019) King's Printer of Acts of Parliament. Available at: <https://www.legislation.gov.uk/ukdsi/2019/9780111187654>.

<sup>57</sup> UK Parliament. (2025). *What are carbon budgets.*[Online] Available at: [\*What are carbon budgets?\*](#)

# 19. Socioeconomics

## 19.1. Policy

### Overarching National Policy Statement for Energy NPS EN-1 (December 2025)

- 19.1.1. Section 5.13 of EN-1 considers the potential Socio-Economic Impacts of energy NSIPs. Where an energy project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake an assessment of these impacts as part of the ES, considering all relevant impacts (including cumulative effects), existing socio-economic conditions, and ideally engaging with the relevant authorities (5.13.2-7).
- 19.1.2. In decision making, the SoS will have regard to all potential socio-economic impacts (including phasing) and will also consider whether mitigation measures are required to support the development, such as requesting an employment and skills plan detailing arrangements to promote local employment and skills development opportunities (5.13.9-12).

### Cheshire East Local Plan (2010-2030) – Adopted Policies

- 19.1.3. **LPS Policy PG1 Overall Development Strategy** gives support for the growth of Cheshire East's local economy and securing its position as a key area for employment and economic development within the north-west.
- 19.1.4. **LPS Policy EG1 Economic Prosperity** supports economic growth in Cheshire East, and proposals for employment development on non-allocated sites will still be supported where they are in suitable locations.
- 19.1.5. **LPS Policy EG2 Rural Economy** supports development in rural areas which will support the rural economy, provide opportunities for local rural employment, and which is well-sited and designed to meet sustainable development objectives and to conserve and, where possible, enhance the character and quality of the local rural area. Rural development should not be able to be reasonably located within a designated centre. Further, proposals in rural areas that are considered essential to the wider strategic interest of Cheshire East's economic development will be supported.

### The National Planning Policy Framework (December 2024)

- 19.1.6. The current NPPF is dated December 2024. A revised NPPF is currently out for consultation until 10 March 2026. Any updates to this document will be considered at the time of preparing the ES.
- 19.1.7. **Paragraph 8** stipulates that supporting economic development and providing social benefits is a key objective of achieving sustainable development, which is the key driver of the planning system, and **Paragraph 39** states that LPAs should work with applicants to secure development that will improve the social and economic conditions of an area.
- 19.1.8. **Paragraph 85** states that in making planning decisions, significant weight should be placed on the need to support economic growth and productivity, taking into account both

local business needs and wider opportunities for development. Areas should build on their strengths, counter weaknesses, and address future challenges. Conditions should be created to allow businesses to invest, expand and adapt.

- 19.1.9. **Paragraph 88** further states that planning decisions should enable the sustainable growth and expansion of business in rural areas.

## 19.2. Legislation

- 19.2.1. No key legislation of relevance to socioeconomics.

# 20. Human Health

## 20.1. Policy

### Overarching National Policy Statement for Energy NPS EN-1 (December 2025)

- 20.1.1. EN-1 outlines that the construction of energy infrastructure has the potential to negatively impact upon people's health, with direct impacts notably including increased traffic, air or water pollution, dust, odour, hazardous waste / substances, noise, radiation and pests (4.4.1-2). It may also have indirect health impacts such as affecting key public services, transport or the use of open space for recreation (4.4.3).
- 20.1.2. The ES should identify potential adverse human health impacts, assess these effects for each element of the project and identify measures to avoid, reduce or compensate those impacts as appropriate (4.4.4). Indirect impacts should also be mitigated (4.4.6).
- 20.1.3. Generally, those aspects of energy infrastructure most likely to have a significant detrimental impact on physical health will be subject to separate regulation (for example air pollution) and mitigation. It is unlikely that physical health concerns will constitute a reason to refuse consent or require specific mitigation under the Planning Act 2008 (4.4.7).
- 20.1.4. The SoS will work on the assumption that the relevant pollution control regime and other environmental regulatory regimes will be properly applied and enforced by the relevant regulator and the SoS should act to complement these but not seek to duplicate them (4.12.10). For energy NSIPs covered by EN-1, some impact on amenity for local communities is likely to be unavoidable and the aim should be to keep impacts to a minimum and at a level that is acceptable (5.7.4). The applicant should assess the potential for emissions of odour, dust, steam and smoke to lead to effects on local amenity.

### Cheshire East Local Plan (2010-2030) – Adopted Policies

- 20.1.5. **LPS Policy SC3 Health and Well-Being** requires a screening for all major development proposals to review the possible health impacts of the proposal, which will determine if a full Health Impact Assessment is required.
- 20.1.6. **LPS Policy SE12 Pollution, Land Contamination and Land Instability** seeks to ensure that all development is located and designed to not result in harmful or cumulative impacts forms of pollution which may detrimentally harm human health, with any pollution expected to be adequately mitigated.
- 20.1.7. **SADP Policy INF7 Hazardous Installations** will only be supportive of development for hazardous installations where they do not introduce unacceptable risks to people in the surrounding area.
- 20.1.8. **LPS Policy SE6 Green Infrastructure** seeks to develop green infrastructure and green spaces as a means to provide health benefits.

## The National Planning Policy Framework (December 2024)

- 20.1.9. The current NPPF is dated December 2024. A revised NPPF is currently out for consultation until 10 March 2026. Any updates to this document will be considered at the time of preparing the ES.
- 20.1.10. **Paragraph 96** states that development should aim to achieve healthy and safe places, including by both promoting good health and preventing ill-health. **Paragraph 135** further seeks development to be created that is safe and promotes health and well-being.
- 20.1.11. **Paragraph 198** states that decisions should ensure that new development is appropriate to its location, including by taking account of effects of any pollution on health and living conditions. Potential adverse impacts should be reduced and mitigated to reduce impacts on health.

## 20.2. Legislation

- 20.2.1. The key legislation relevant to Population and Human Health are provided below:
- Countryside and Rights of Way Act 2000<sup>58</sup>
  - Health and Social Care Act 2012<sup>59</sup>
  - Equality Act 2010<sup>60</sup>.

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<sup>58</sup> UK Government. (2000) *Countryside and rights of way Act 2000*, *Statute Law Database*. Available at: <https://www.legislation.gov.uk/ukpga/2000/37/contents>.

<sup>59</sup> UK Government (2012) *Health and social care Act 2012*, *Statute Law Database*. Available at: <https://www.legislation.gov.uk/ukpga/2012/7/contents>.

<sup>60</sup> UK Government. (2010) *Equality Act 2010*, *Statute Law Database*. Available at: <https://www.legislation.gov.uk/ukpga/2010/15/contents>.

# 21. Major Accidents and Disasters

## 21.1. Policy

### **Overarching National Policy Statement for Energy NPS EN-1 (December 2025)**

- 21.1.1. EN-1 states that certain energy NSIPs will be subject to the Control of Major Accident Hazards (COMAH) Regulations 2015, which aim to prevent major accidents involving dangerous substances and apply throughout the lifetime of the facility, as enforced by the Health and Safety Executive (HSE) and Environment Agency (4.13.3). Other regulations may be set out in technology-specific NPSs where relevant (4.13.2).
- 21.1.2. Applicants should consult with the HSE on matters relating to safety and accidents and where seeking to develop infrastructure subject to the COMAH Regulations, should seek to make early contact (4.13.5-6). Where a safety report is required, it is important to discuss with the Competent Authority the type of information that should be provided at the design and development stage and what form it should take, to give the Authority sufficient time to assess the features of the design in relation to preventing and mitigating major accidents (4.13.7).
- 21.1.3. The SoS should be satisfied that a safety assessment has been prepared where required and that the Competent Authority has raised no safety objections (4.13.8).

### **Cheshire East Local Plan (2010-2030) – Adopted Policies**

- 21.1.4. **SADP Policy INF7 Hazardous Installation** requires that proposals for hazardous installations must not introduce unacceptable hazards or risks to people in the surrounding area or impose significant development restrictions upon surrounding land that could frustrate the sustainable development or regeneration of the area. Where development is proposed in the vicinity of a hazardous installation, planning permission will only be granted where it would not give rise to an unacceptable safety risk to the occupiers of the proposed development and not result in additional land uses that would potentially curtail the normal operation of the facility / equipment.
- 21.1.5. Cheshire East is the Hazardous Substances Authority (HSA) and responsible for determining applications for Hazardous Substance Consents (HSCs), in consultation with the HSE.

### **The National Planning Policy Framework (December 2024)**

- 21.1.6. The current NPPF is dated December 2024. A revised NPPF is currently out for consultation until 10 March 2026. Any updates to this document will be considered at the time of preparing the ES.
- 21.1.7. **Paragraph 46** states the LPAs should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines or for development around them.
- 21.1.8. **Paragraph 102** states that planning decisions should promote safety, including by anticipating and addressing possible malicious threats and other hazards, whether

natural or man-made. Appropriate steps can be taken to reduce vulnerability and increase resilience.

## 21.2. Legislation

21.2.1. The key legislation relating to Major Accidents and Disasters includes:

- Construction (Design and Management) Regulations 2015 (CDM Regulations)<sup>61</sup>;
- Health and Safety at Work etc Act 1974<sup>62</sup>;
- Planning (Hazardous Substances) Regulations 2015<sup>63</sup>;
- COMAH Regulations 2015<sup>64</sup>;
- Pipelines Safety Regulations 1996<sup>65</sup>;
- Pressure Systems Safety Regulations 2000 (PSSR)<sup>66</sup>;
- Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR)<sup>67</sup>;
- Borehole Sites and Operations Regulations 1995<sup>68</sup>; and
- Environmental Permitting (England and Wales) Regulations 2016 (EPR)<sup>69</sup>

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<sup>61</sup> *The construction (design and management) regulations 2015* (2015) Gov.uk. Available at: <https://www.hse.gov.uk/construction/cdm/2015/index.htm>.

<sup>62</sup> UK Government. (1980) *Health and safety at work etc. Act 1974*, Statute Law Database. Available at: <https://www.legislation.gov.uk/ukpga/1974/37/contents>.

<sup>63</sup> UK Government. (2015) *The planning (hazardous substances) Regulations 2015*, Statute Law Database. Available at: <https://www.legislation.gov.uk/uksi/2015/627/contents>.

<sup>64</sup> UK Government. (2015) *The control of major accident hazards Regulations 2015*, Statute Law Database. Available at: <https://www.legislation.gov.uk/uksi/2015/483/contents>.

<sup>65</sup> UK Government. (1996) *The pipelines safety regulations 1996*, Statute Law Database. Available at: <https://www.legislation.gov.uk/uksi/1996/825/contents>.

<sup>66</sup> UK Government. (200) *The pressure systems safety regulations 2000*, Statute Law Database. Available at: <https://www.legislation.gov.uk/uksi/2000/128/contents>.

<sup>67</sup> UK Government. (2002) *The dangerous substances and explosive atmospheres regulations 2002*, Statute Law Database. Available at: <https://www.legislation.gov.uk/uksi/2002/2776/contents> (Accessed: November 18, 2025).

<sup>68</sup> UK Government. (1995) *The borehole sites and operations regulations 1995*, Statute Law Database. Available at: <https://www.legislation.gov.uk/uksi/1995/2038>.

<sup>69</sup> UK Government. (2016) *The Environmental Permitting (England and Wales) Regulations 2016*, Statute Law Database. Available at: <https://www.legislation.gov.uk/uksi/2016/1154/contents>.

## 22. Cumulative Effects

### 22.1. Policy

#### **Overarching National Policy Statement for Energy NPS EN-1 (December 2025)**

- 22.1.1. Applicants should consider how residual impacts will be compensated for, including the range of cumulative impacts of multiple developments (4.2.25) within the ES.
- 22.1.2. In considering any proposed NSIP and weighing adverse impacts against benefits, the SoS should account for any potential cumulative adverse impacts, in addition to mitigation measures to avoid, reduce or compensate such impacts (4.1.5).

#### **Cheshire East Local Plan (2010-2030) – Adopted Policies**

- 22.1.3. **LPS Policy SE8 Renewable and Low Carbon Energy** will measure and weigh the wider benefits of low carbon energy schemes against both individual and cumulative effects on the surrounding landscape, residential amenity and pollution.
- 22.1.4. **LPS Policy SE12 Pollution, Land Contamination and Land Instability** further seeks to ensure that all development will not result in harmful cumulative impacts on air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment or detrimentally affect amenity or cause harm. Potential pollution should be minimised during both construction and operation. Furthermore, **SADP Policy ENV14 Light Pollution** requires the cumulative effect of lighting to not cause significant adverse effects on residential or other amenity.
- 22.1.5. **SADP Policy ENV3 Landscape Character** requires proposals to take account of cumulative effects on local landscape character
- 22.1.6. **LPS Policy IN2 Developer Contributions** establishes the principle that development may be required to contribute financially or through other means to mitigate adverse cumulative impacts, to ensure that the combined effects of multiple developments are addressed holistically, rather than in isolation.

#### **The National Planning Policy Framework (December 2024)**

- 22.1.7. The current NPPF is dated December 2024. A revised NPPF is currently out for consultation until 10 March 2026. Any updates to this document will be considered at the time of preparing the ES.
- 22.1.8. **Paragraph 198** outlines that planning decisions should ensure that new development takes into account the likely cumulative effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from development. Cumulative impacts should be mitigated and reduced.

## 22.2. Legislation

22.2.1. No key legislation of relevance to cumulative effects.