

Strategic Planning Board

Updates

Date: Wednesday, 24th August, 2016
Time: 10.30 am
Venue: Council Chamber, Municipal Buildings, Earle Street, Crewe
CW1 2BJ

The information on the following pages was received following publication of the committee agenda.

5. **16/1353M-Delivery of watersports and outdoor activity centre on the North and South Lakes of the former Mere Farm Quarry, including new vehicular access, car parking and multi use building, Former Mere Farm Quarry, Chelford Road/Alderley Road, Nether Alderley for Cheshire Lakes CIC (Pages 1 - 6)**

6. **16/1046N-Reserved matters application for the erection of 245 dwellings, highways, public open space, play facility and associated works following approved outline application (13/4301N) APP/R0660/A/14/2213304, Land off Crewe Road, Haslington for Mr Christopher Conlon, Bovis Homes Ltd (Pages 7 - 10)**

Please contact Gaynor Hawthornthwaite on 01270 686467
E-Mail: gaynor.hawthornthwaite@cheshireeast.gov.uk with any apologies, requests for further information or to arrange to speak at the meeting

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STRATEGIC PLANNING BOARD –24th August 2016

UPDATE TO AGENDA

APPLICATION NO:16/1353M

LOCATION: Former Mere Farm Quarry, Alderley Road, Nether Alderley

KEY ISSUES

REPRESENTATIONS

An additional letter of support has been received on 18/08/2016, raising the following issues:

- Salford Wake Park is a considerable distance away and is limited in what it offers
- The proposal is under threat from a biodiversity angle, however the proposal seems to want to take an old quarry and turn it into a recreational activity centre that the area is crying out for.
- Would urge the Council to give this type of proposal full support as it can help Cheshire become stronger and healthier.

CONSULTATIONS

Manchester Airport - Updated comments

This representation is made further to our original aerodrome safeguarding response dated 25th July 2016, and follows the receipt of an Outline Management Plan that was provided to us following discussions with the applicant on 17th August 2016.

The Aerodrome Safeguarding Authority for Manchester Airport has reviewed the Outline Management Plan in detail and can subsequently advise that it is sufficient to form the basis of a management plan that we could agree to. Therefore, we are now in a position to withdraw our aerodrome safeguarding objection to the proposed development, subject to the following:-

Should the application be minded for approval, the Aerodrome Safeguarding Authority for Manchester Airport would require the detail of the bird management plan to be conditioned and agreed by the Local Planning Authority in consultation with the Aerodrome Safeguarding Authority for Manchester Airport. Enforcement of “consequences” in the event of any failure of the management plan remains a primary concern for us and we would suggest that a S106 agreement would set out the means of resolving any such compliance issue. Obligating the applicant to monitor and report on the continued implementation of the bird management plan will ensure the ability for continued policing of the bird control measures therein. A S106 agreement also obliges the applicant (or future owners) to demonstrate their faith in their ability to deliver the management plan to our satisfaction. Both the condition and the S106 agreement are required in relation to aviation safety due to the need to avoid endangering the safe operation of aircraft through the attraction of specific bird species.

In summary, the Aerodrome Safeguarding Authority for Manchester Airport is willing to remove its objection to the proposed development subject to a condition and a S106 agreement between the parties. We would also recommend that conservation and air safety measures are separated into two different plans (albeit with some overlapping content) in order to focus the process of agreeing the final plans.

Council's Ecologist - Updated Comments

Revised comments as follows to reflect the recently submitted outline management plan for the proposed water sports centre.

As you are aware, the agreed restoration for Mere Farm Quarry seeks restoration to Nature Conservation amenity and agricultural uses this is in contrast to Dingle Bank Quarry part of which was identified by Macclesfield Borough Council in 2004 as being appropriate for a water sports centre.

Ornithological interest of the north and south lakes

A significant number of birds, included those considered to be a priority for nature conservation, have been recorded as being associated with Mere Farm Quarry and the two lakes associated with this application in particular.

Based on the survey data provided by the Cheshire and Wirral Ornithological Society the application site would readily meet the site selection criteria for selection as a Local Wildlife Site. The application site must therefore be considered to be of nature conservation value at the scale of the Cheshire Region.

The usage of the site by birds would have been likely to change as quarrying and restoration has progressed. Species for which the quarry meets the Local Wildlife Site Selection criteria have however been present throughout the extraction and restoration stages of the quarry to date. I visited the site this month (June 2016), when restoration of the lakes was part complete, and it is evident that a number of bird species remain including those considered to be a priority for nature conservation.

It is difficult to fully predict precisely which of the existing species of bird would remain once restoration of the lakes is complete and which new species would arrive to take advantage of the maturing habitats. The completely restored quarry however is in my opinion likely to continue to be of significant value for birds. This conclusion is in part based on the species recorded at other similar quarries in the region by local ornithologists.

The submitted ecological assessment was based on a single visit in January. I advise that this is insufficient survey effort to inform an accurate assessment of the value of the site for wintering and breeding birds. The submitted assessment concludes that the site may be of local value for birds. I advise that this is an under evaluation of value of the site for birds.

In the absence of mitigation, this application for activities on both the north and south lake is likely to have a significant adverse impact upon the nature conservation value of the lakes as a result of the increase in disturbance and the potential risk posed to birds posed by the network of wires associated with the wakeboarding infrastructure. These impacts will be for the duration of the operational life of the centre.

A number of outline mitigation proposals seeking to minimise the impacts of the scheme on birds have now been submitted. I advise that the impacts of the proposed development on birds are difficult to fully mitigate or compensate for. Some of the proposed mitigation methods may be successful and some are unlikely to make a significant contribution to reducing the impacts of the proposed scheme on birds.

In the event that planning consent is granted I recommend that a condition be attached requiring the submission of a detailed ecological mitigation strategy and landscape plan informed by the submitted outline management plan.

Overall, I advise that the proposed mitigation measures would only result in a slight reduction in the severity of the impacts of the proposed scheme.

LPAs have a duty to consider impacts on wild birds under paragraph 3 of the Habitat Regulations 2012. This regulation requires local authorities to take such steps they consider appropriate to secure the preservation, maintenance and re-establishment of sufficient diversity and area of habitat for wild birds.

There is some guidance on the implementation of this legislation on the www.gov.uk website which states competent authorities under the legislation should: 'consider bird populations when consulting on or granting consents, such as planning permissions, environmental permits, development or environmental consents, and other consents'.

The disturbance of birds associated with the proposed development is being promoted by the applicant as a benefit from the scheme as a contribution towards the safeguarding of Manchester Airport. I advise that an airport safeguarding condition is attached to the mineral extraction permission for the quarry and so appropriate bird control measures would be implemented under this condition. I understand the airport are providing further comment on this application.

In conclusion, I advise that the proposed development is likely to result in a significant loss of biodiversity.

Hedgerows

Hedgerows are a priority habitat and a material consideration. The proposed development is likely to result in the loss of a section of species poor hedgerow to facilitate the site access.

Great Crested Newts

Only limited survey effort has been undertaken to assess the potential impacts of the proposed development on great crested newts. The submitted assessment concludes that the implementation of Reasonable Avoidance Measures during the construction phase of the proposed development would be appropriate to address the potential impacts of the development upon great crested newts.

Great Crested Newt surveys were however undertaken to inform the quarry application and the restoration of the site and several hundred great crested newts were recently translocated to allow restoration works to proceed lawfully. I therefore advise that the ecological assessment submitted in respect of this application should make use of the available great crested newt data to enable a confident and informed assessment of the potential impacts of the development to be made.

Bats

Three trees with bat roost potential have been identified during the submitted ecological assessment. The submitted ecological assessment states that these trees would not be affected by the proposed development. The submitted phase one plan and the submitted masterplan are however not detailed enough to clearly show the retention of these trees.

I therefore recommend that the applicant submits a plan clearly showing the location of these trees and illustrating how they would be retained as part of the proposed development.

The submitted assessment states that the site is of County level value for foraging bats. I recommend that the applicant's consult be requested to provide further information as to why the site is considered to be of this level of importance.

Badgers

Two minor badger setts have been recorded on site. The setts are located sufficiently faraway that it is unlikely that they would be directly affected by the proposed development. The setts could however be affected if materials were stored in close vicinity to them or if the movement of construction vehicles was not managed appropriately. I advise that these impacts could be controlled by means of a condition.

However, as the status of badgers on a site can change within a short timescale. I recommend that if planning consent is granted a condition should be attached requiring an updated badger survey to be undertaken and a report of this survey and an updated mitigation method statement be submitted prior to the commencement of development.

RECOMMENDATION

As a result of the comments from Manchester Airport, it is considered that the second reason for refusal relating to potential bird hazard should now be withdrawn – subject to conditions on any approval.

However the first reason for refusal will remain as existing. As the Council's ecologist advises - the impacts of the proposed development on birds are difficult to fully mitigate or compensate for. Some of the proposed mitigation methods may be successful and some are unlikely to make a significant contribution to reducing the impacts of the proposed scheme on birds.

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APPLICATION NO: 16/1046N

LOCATION: LAND OFF CREWE ROAD HASLINGTON

Background

The biodiversity enhancement plan (reference C120518-06-01) included with the submitted Ecological Mitigation Strategy includes areas of formal grassland around the southern most breeding pond.

This plan indicates that there will be a reduction in the volume of water entering the existing pond which is used by great crested newts.

To address this issue the applicant is proposing that the SUDS scheme for the site discharges into the existing pond to the rear of 194 Crewe Road, to essentially use the SUDS scheme to keep the water levels of the pond filled up.

REPRESENTATIONS

Further representation has been received which raises concern about the pond structure of the pond to the rear of 194 Crewe Road and its capability to be utilized with specific regard for GCN habitat.

The neighbor considers the Submitted Environmental Report to be inaccurate and considers the pond to not be clay based (as submitted in the application), rather sandy soil based. There is no clay in the area to the south of Crewe Road and none imported to construct this pond. Accordingly, the neighbor advises the ponds dry out in the summer months.

This indicates that there will be a reduction in the volume of water entering the existing pond which is used by great crested newts. This could result in a loss of habitat.

CONSULTATION

Council's Ecologist

The Council's Ecologist has discussed this issue with the applicant. To address this issue the applicant is proposing that the SUDS scheme for the site discharges into the existing pond. This water would be at the end of the treatment chain

The Council seeks to ensure, in determining applications, that GCN ponds and ponds associated with SUDS are kept separate to avoid any risk of contamination. However, in this instance it is important to ensure that the existing pond receives sufficient water as part of the proposed development to maintain water levels in the pond.

There are two issues here; firstly it must be ensured that the water entering the pond is sufficiently clean to not affect newts and; secondly it must be ensured that sufficient water enters the pond to ensure the existing water levels in the pond are maintained.

In order to ensure that the water entering the newt pond is of sufficient quality the applicant is proposing that the water from the site discharges into the newt pond at the end of the SUDS 'treatment train'. Therefore water entering the pond would already have been filtered through gravel/reedbeds prior to reaching the pond which should remove any contamination.

The Council's Flood Risk Manager advises that the proposal is feasible that the SUDS could be designed to maintain the existing flow of water to the newt pond. To ensure the above was taken forward a detailed design for the SUDS would need to be submitted prior to the commencement of development. This could be a planning condition which is provided below.

OFFICER COMMENT

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

With respect to these matters; the development has the benefit of outline planning permission and the benefits to the housing land supply position of the Council are considered to be of overriding public interest and that there are no suitable alternatives in the vicinity of the site which could be utilised to deliver the housing development, however, at this time it is not possible for the ecologist to conclude that the favourable conservation status of the great crested newt can be maintained.

In order for this to be assessed the extent of dedicated GCN terrestrial habitat is needed at this stage. The ecologist advises that all of the open space around the existing pond and proposed ponds be given over to GCN terrestrial habitat and also that the newts be provided with a suitable swath of habitat around the boundary of the site. An indicative proposals to provide an amphibian tunnel under the site access should also be included.

A small block of woodland is located towards the northern boundary of the application site. This woodland was shown as being retained on the illustrative layout plan submitted with the outline application. The woodland is however lost under the reserved matters layout to facilitate the proposed attenuation pond. The ecologist advises that the submitted layout plan must be amended to include the retention of the woodland both as GCN habitat and also a habitat within its own right.

RECOMMENDATION

In addition to the further consultation period, the submission of an amended plan/information for retention of the woodland should Delegated to the Head of Planning Regulation in consultation with the Chairman of Strategic Planning Board and to approve subject to the following additional condition:

19. SUDS scheme produced for the site to include proposals to ensure that water levels of the identified great crested newt ponds are maintained in accordance with the pre-development levels. To be provided prior to commencement of development and implemented as approved

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