

# Strategic Planning Board

## Agenda

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<b>Date:</b>	<b>Wednesday, 2nd June, 2010</b>
<b>Time:</b>	<b>2.00 pm</b>
<b>Venue:</b>	<b>The Capesthorpe Room - Town Hall, Macclesfield SK10 1DX</b>

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have made a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Two Meetings** (Pages 1 - 10)

To approve the minutes of the meeting held on 26 April 2010 and 5 May 2010 as a correct record.

4. **Public Speaking**

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For any apologies or requests for further information, or to arrange to speak at the meeting

**Contact:** Sarah Baxter  
**Tel:** 01270 686462  
**E-Mail:** [Sarah.Baxter@cheshireeast.gov.uk](mailto:Sarah.Baxter@cheshireeast.gov.uk)

A total period of 5 minutes is allocated for the planning application for Ward Councillors who are not members of the Strategic Planning Board.

A period of 3 minutes is allocated for the planning application for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- The relevant Town/Parish Council
- Local Representative Group/Civic Society
- Objectors
- Applicants
- Supporters

5. **09/4331N-Change of Use of Land as a Residential Caravan Site for 8 Gypsy Families, each with 2 Caravan, including Improvement of Access, Construction of Access Road, Laying of Hard-standing and Provision of Foul Drainage, Land Off, Wettenhall Road, Poole, Nantwich, Cheshire for Mr T Hamilton (Error on previous report which stated it was a Mr T Loveridge) (Pages 11 - 28)**

To consider the above application.

6. **10/0276W-Change of use from industrial land to composting and waste storage with associated overflow parking (Site A), Nick Brookes Skip Hire, Green Lane, Wardle, Nantwich for Mr Nick Brookes, Nick Brookes Recycling Ltd (Pages 29 - 44)**

To consider the above application.

7. **10/0277W-Temporary Use of Land for the Storage of Soils, Aggregates and Minerals (Site B), Nick Brookes Skip Hire, Green Lane, Wardle, Nantwich for Mr Nick Brookes, Nick Brookes Recycling Ltd (Pages 45 - 58)**

To consider the above application.

8. **10/0861N-Proposed New Campus for Disabled Sports, The Provision of Support Services for SEN Schoolchildren and Enabling Development in the Form of a Low Density Retirement Park, Land at Groby Road, Crewe for Cheshire Academy of Integrated Sports and Arts (Pages 59 - 84)**

To consider the above application.

9. **10/0692W-To carry out Development without Complying with Conditions Attached to 7/P05/1326 to Extend the Operation Life of the Maw Green Landfill Facility to 31 December 2017, Restoration by 31 December 2018, permit a Variation to the Sequence of Phasing of Operations along with Minor re-contouring to the South East of the Site, Maw Green Landfill Site, Maw Green Road, Crewe for 3C Waste Ltd (Pages 85 - 116)**

To consider the above application.

10. **10/0872W-Operation of drilling machinery and associated plant between the hours of 18:30 and 07:30 Monday to Friday and 16:00 to 07:30 Saturday and for continuous drilling operations on Sundays, Hill Top Farm, Warmingham for EDF Trading Gas Storage Ltd** (Pages 117 - 124)

To consider the above application.

11. **Conservation Area Appraisals-1.Moody Street, Congleton 2.West Street, Congleton** (Pages 125 - 130)

To consider the above report.

12. **Statement of Community Involvement** (Pages 131 - 182)

To consider the above report.

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## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Monday, 26th April, 2010 at Main Hall, Middlewich Civic Centre,  
Lewin Street, Middlewich

### **PRESENT**

Councillor H Gaddum (Chairman)  
Councillor J Hammond (Vice-Chairman)

Councillors Rachel Bailey, A Arnold, D Brown, P Edwards, M Hollins,  
D Hough, J Macrae, B Moran, C Thorley, G M Walton, S Wilkinson and  
J Wray

### **OFFICERS PRESENT**

Mr N Curtis (Principal Development Officer), Ms S Dillon (Senior Solicitor), (Mr  
A Fisher (Head of Planning and Policy), Mrs R Goddard (Senior Lawyer), Mr J  
Gomulski (Principal Environmental Planning Officer), Mr C Kearney (Principal  
Regeneration Officer, Environmental Protection), Mr S Molloy (Project Leader)

### 201 **APOLOGIES FOR ABSENCE**

None.

### 202 **DECLARATIONS OF INTEREST**

Councillor J Hammond declared a personal interest in application n09/0738W-  
Erection of an energy from waste facility with associated buildings, car park and  
hardstanding areas, Land off Pochin Way, Middlewich for Covanta Energy Ltd by  
virtue of the fact that he was a Member of the Cheshire Wildlife Trust who had  
been a consultee on the application and in accordance with the Code of Conduct  
he remained in the meeting during consideration of the application.

Councillors B Moran declared a personal interest in the same application by  
virtue of the fact that he had met with the applicant on one occasion as an  
Elected Member of the former Congleton Borough Council and in accordance  
with the Code of Conduct he remained in the meeting during consideration of the  
application.

Councillor P Edwards declared a personal interest in the same application by  
virtue of the fact that he had met with the applicant in his capacity as Ward  
Councillor for the area but had not formed a view on the application and in  
accordance with the Code of Conduct he remained in the meeting during  
consideration of the application.

All Councillors declared that they had received correspondence from both the  
applicant and CHAIN. In addition Councillor B Moran declared that he had  
received a number of letters from the public in relation to the application.

### 203 **PUBLIC SPEAKING**

The Council has adopted a Protocol governing public speaking at Strategic Planning Board meetings. It provides that "In exceptional circumstances the Chairman may, with the approval of the Board, extend the speaking period for some or all speakers, or allow more speakers if appropriate. This power will be treated with caution for controversial or complex schemes and if additional time is granted for objectors, a similar allowance will be given to supporters and/or to the applicant." The application below has attracted several thousand representations and the normal time limits for speaking will need to be extended.

When the full number of those wishing to speak, is clear, the Chairman will draw up a draft timetable which balances running the meeting expeditiously and allocating a broadly equal amount of time to hear those in favour and those against the application, promoting a fair hearing overall. She will propose this to the Board, at the outset of the Meeting, for their approval.

Following receipt of requests to speak, a draft list has been drawn up as indicated above which names the speakers, indicates the order in which they are to speak and the time allocated to them. The draft list has been circulated to members for their consideration.

RESOLVED

That the public speaking arrangements for this meeting be approved as set out in the draft list referred to above.

204        **09/0738W-ERECTION OF AN ENERGY FROM WASTE FACILITY WITH ASSOCIATED BUILDINGS, CAR PARK AND HARDSTANDING AREAS, LAND OFF POCHIN WAY, MIDDLEWICH FOR COVANTA ENERGY LTD**

Consideration was given to the above application as set out in the officer's report including an oral summary and report of a site visit, a written up date and an oral report of a letter received on 23 April 2010 from the Applicant.

The public speakers were as set out below:-

(Councillor Parsons, Ward Councillor, Councillor McGrory, Ward Councillor, Councillor Les Gilbert, Councillor Mrs G Merry, Councillor Miss S Furlong, Town Councillor Keith Bagnall, representing Middlewich Town Council, Town Councillor Holland, representing Sandbach Town Council, Mr Cartwright and Sula Stanley, representing CHAIN, Mr Macdonald, Holmes Chapel Action Group HCAG, Mr A Berwitz, an objector, Mr Wynne, an objector, Mr Wilson, an objector, Mrs Williams, an Objector and Mr Halman, the agent for the applicant).

Amongst other things those speaking against the application the following concerns were raised:-

- Health
- Size
- Visual impact
- Outside the waste plan
- Traffic

Amongst other things those speaking for the application raised the following

All relevant information was contained within the report  
The planning concerns had been addressed

It was noted that the agent for the applicant in his speech felt that the Board had sufficient information to make a decision without cause for any further delays.

(The meeting adjourned at 4.05pm and reconvened at 4.20pm)

### RESOLVED

The application be refused for the following reasons:-

1. The proposed site is not shown as a preferred site on the proposals map of the Cheshire Replacement Waste Local Plan as adopted by Cheshire East Borough Council and the applicant has not demonstrated that the preferred sites are no longer available or in view of the proximity to housing are less suitable for the proposed development. The proposal is therefore contrary to policy 5 of the Cheshire Replacement Waste Local Plan as adopted by Cheshire East Borough Council.

2. The applicant has failed to demonstrate that existing capacity with planning permission is inadequate to meet waste management needs. It is therefore considered that there is no requirement for further capacity to be released and that the proposal is contrary to policy 3 of the Cheshire Replacement Waste Local Plan as adopted by Cheshire East Borough Council.

3. The proposed development would result in the overprovision of waste facilities and lead to a requirement to import wastes from outside Cheshire, thereby undermining the objective of enabling waste to be disposed of in one of the nearest appropriate installations. The proposed development is therefore considered unsustainable and contrary to policy 1 of the Cheshire Replacement Waste Local Plan as adopted by Cheshire East Borough Council and Sections 9 and 10 of PPS1 Climate Change Supplement, DP1, DP5, DP9, EM10, EM12 and EM13 of the Regional Spatial Strategy.

4. It is considered that the objections to the proposed development, including the impact on the landscape, outweigh any benefits, and that as no overriding need for the facility has been demonstrated it is contrary to policies 2, 14 and 36 of the Cheshire Replacement Waste Local Plan as adopted by Cheshire East Borough Council, policy DP7 of the Regional Spatial Strategy, and policies GR1, 2, 5 and 6 of the Congleton Borough Local Plan.

5. The applicant has not satisfactorily demonstrated that the application makes adequate provision by means of a grid connection for the recovery and export of energy from the facility. The proposed development falls low on the waste

hierarchy and is considered contrary to policies 1, 12 and 34A of the Cheshire Replacement Waste Local Plan as adopted by Cheshire East Borough Council and EM11 of the Regional Spatial Strategy.

The meeting commenced at 2.00 pm and concluded at 4.50 pm

Councillor H Gaddum (Chairman)

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 5th May, 2010 at The Long Gallery, Oakley Centre,  
Victoria Community Centre, Crewe

### **PRESENT**

Councillor H Gaddum (Chairman)  
Councillor J Hammond (Vice-Chairman)

Councillors Rachel Bailey, A Arnold, D Brown, P Edwards, M Hollins,  
D Hough, J Macrae, B Moran, C Thorley, G M Walton and J Wray

### **OFFICERS IN ATTENDANCE**

Ms S Dillon (Senior Solicitor), Ms P Lowe (Development Manager), Mr S  
Penny (Planning Policy Manager), Mr I Andrew (Senior Planning Officer –  
Enforcement) and Mr M Scammell (Conservation Officer)

### **APOLOGIES**

Councillor S Wilkinson

### 205 **DECLARATIONS OF INTEREST**

Councillor H Gaddum declared a personal interest in agenda item 6  
(Planning Application No. 09/4331N – Land off Wettenhall Road, Poole,  
Nantwich) on the basis that Cobbetts LLP, who had corresponded with the  
Council on this application, had previously acted as her family's solicitors.

Councillor Rachel Bailey declared a personal interest in the same item on  
the basis that she was a Ward Councillor and had received  
correspondence from local residents and Cobbetts LLP.

Councillor M A Hollins declared a personal interest in agenda item 5  
(Planning Application No. 09/391C – Horseshoe Farm, Warmingham  
Lane, Moston Middlewich) on the basis that she had met with local  
residents.

Councillor J Wray declared a personal interest in the same item on the  
basis that he was a Ward Councillor.

Each Member of the Strategic Planning Board declared that they had  
received correspondence in respect of item 5 (Planning Application No.  
09/391C).

206        **MINUTES OF THE MEETING HELD ON 14 APRIL 2010**

RESOLVED:

That the minutes of the meeting held on 14<sup>th</sup> April 2010 be approved as a correct record.

207        **PUBLIC SPEAKING**

RESOLVED:

That the public speaking procedure be noted.

208        **09/3918C-EXTENSION TO EXISTING GYPSY CARAVAN SITE INCLUDING LAYING OF HARDSTANDING, STATIONING OF 9 CARAVANS FOR RESIDENTIAL PURPOSES (INCLUDING 3 STATIC CARAVANS) STORAGE OF 2 TOURING CARAVANS, ERECTION OF 9 UTILITY BUILDINGS AND INSTALLATION OF LIGHTING, HORSESHOE FARM, WARMINGHAM LANE, MOSTON, MIDDLEWICH, CHESHIRE FOR MR OLIVER BOSWELL**

The Board gave consideration to Planning Application No. 09/3918C.

RESOLVED:

That the application be REFUSED for the following reasons –

The scale of the development to which the application relates is inappropriate in this location within an area of predominantly open rural countryside and as such is contrary to criterion (III) of Local Plan Policy H8. In particular, the extension of the site further westwards and the parking area and associated 1.8 metre high earth mound projecting from the northerly end of the site into part of the adjacent field would have a detrimental effect upon the character and appearance of the surrounding locality contrary to Policies GR1 and GR2 of the adopted Congleton Borough Local Plan First Review.

(Notes: (1) Having arrived at the meeting during consideration of this application, Councillor D Brown did not participate in the debate or voting, in accordance with Paragraph 13.5 of the Planning Protocol of Conduct in Relation to the Determination of Planning Matters.

(2) The following speakers attended the meeting and addressed the Board on this matter –

(a) Councillor A Kolker (Ward Councillor); and

(b) Parish Councillor Scragg (on behalf of Moston Parish Council); )

209      **09/4331N-CHANGE OF USE OF LAND AS A RESIDENTIAL CARAVAN SITE FOR 8 GYPSY FAMILIES, EACH WITH 2 CARAVAN, INCLUDING IMPROVEMENT OF ACCESS, CONSTRUCTION OF ACCESS ROAD, LAYING OF HARD-STANDING AND PROVISION OF FOUL DRAINAGE, LAND OFF, WETTENHALL ROAD, POOLE, NANTWICH, CHESHIRE FOR MR T LOVERIDGE**

The Board gave consideration to Planning Application No. 09/4331N.

RESOLVED:

That the application be DEFERRED for a site visit to allow (a) an assessment of the impact of development on open countryside and the wider community; and (b) to assess any highways issues.

(Notes: The following speakers attended the meeting and addressed the Board on this application –

(1) Councillor W S Davies (Ward Councillor);

(2) Parish Councillor H Dutton (on behalf of Worleston Parish Council);

(3) Sara Allen (an objector to the application representing Home-Watch);

(4) Steve Adock (objector); and

(5) Philip Brown (agent for the applicant). Mr Brown had exceeded the deadline to register his intention to speak because of the intervening Bank Holiday. The Board agreed that this was an exceptional circumstance and the Chairman allowed him to speak in accordance with Paragraph 2.8 of the Protocol for Public Speaking Rights.)

210      **BRIEFING REPORT ON PLANNING POLICY STATEMENT (PPS) 5:PLANNING FOR THE HISTORIC ENVIRONMENT;DRAFT PPS CONSULTATION ON PLANNING FOR A NATURAL AND HEALTHY ENVIRONMENT;DRAFT PPS CONSULTATION ON PLANNING FOR A LOW CARBON FUTURE IN A CHANGING CLIMATE**

The Board received for information a Briefing Report of the Planning Policy Manager which provided an update on Planning Policy Statement (PPS)5 in respect of the historic environment. This had now been issued following a period of consultation.

The report also informed the Board of two draft PPS consultations on planning for (i) a natural and healthy environment and (ii) a low carbon future in a changing climate.

RESOLVED:

(a) That the Briefing Report be noted; and

- (b) That the appropriate Portfolio Holders be asked to respond to the consultation in respect of the “low carbon future in a changing climate”.

**211 SUMMARY OF THE NEW COMMUNITY INFRASTRUCTURE  
LEVY REGULATIONS**

The Planning Act 2008 provided broad powers to enable local authorities to introduce a planning charge on development, referred to as the “Community Infrastructure Levy (CIL)”, with the intention of helping to fund the infrastructure necessary to bring about proposals for development identified in Local Development Frameworks. The detailed legislative framework to bring this into effect came into force on 6th April 2010.

The Board considered the Briefing Report of the Planning Policy Manager which provided a summary of the key features of CIL, how it was to be implemented and the proposed relationship between CIL and planning obligations.

RESOLVED:

That the Briefing Report be noted.

**212 BRIEFING REPORT ON: THE INFRASTRUCTURE PLANNING  
COMMISSION**

The Infrastructure Planning Commission (IPC) was set up under the Planning Act 2008 and came into being on 1<sup>st</sup> October 2009. It was an independent public body with the dedicated task of examining and deciding applications for nationally significant infrastructure projects.

The Board considered the Briefing Report of the Planning Policy Manager which provided a guide on the role of the IPC and how it would affect Cheshire East.

RESOLVED:

That the Briefing Report be noted.

**213 APPEAL SUMMARIES**

The Board received a schedule summarising appeals against determinations made by the local planning authority, and the outcome of those appeals.

RESOLVED:

That the Appeals Summary be noted.

214      **CHAIRMAN'S CLOSING REMARKS**

In closing the meeting, the Chairman reminded Members that this was the last meeting of the Strategic Planning Board in the current Municipal Year. She thanked Members for their support over the previous twelve months.

The meeting commenced at 2.00 pm and concluded at 3.50 pm

Councillor H Gaddum (Chairman)

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<b>Planning Reference No:</b>	09/4331N
<b>Application Address:</b>	Land Off, Wettenhall Road, Poole, Nantwich, Cheshire
<b>Proposal:</b>	Change of Use of Land as a Residential Caravan Site for 8 Gypsy Families, each with 2 Caravan, including Improvement of Access, Construction of Access Road, Laying of Hard-standing and Provision of Foul Drainage.
<b>Applicant:</b>	Mr T Hamilton ( <i>Error on previous report which stated it was a Mr T Loveridge</i> )
<b>Application Type:</b>	Full
<b>Grid Reference:</b>	364027 345697
<b>Ward:</b>	Cholmondeley
<b>Expiry Dated:</b>	07 May 2010
<b>Date Report Prepared:</b>	23 April 2010
<b>Constraints:</b>	Open Countryside

#### **SUMMARY RECOMMENDATION – Approve with conditions**

##### **MAIN ISSUES**

- The need for and provision of gypsy and traveller sites in the area.
- Whether the development would provide a sustainable form of development.
- The impact of the development on the character and appearance of the area.
- Impact of the development on the ecology.
- Impact of the development on neighbouring amenity.

In order to provide an up to date report all relevant additional information, comments and any corrections have been consolidated into the report for convenience and are highlighted in italics.

#### ***Referral***

*This application is referred to the Strategic Planning Board due to the potential impact upon the provision of Gypsy and Traveller accommodation across the Borough set out by the North West Draft Regional Spatial Strategy Partial Review and GTAA process and addressed as part of the Local Development Framework for Cheshire East.*

*A decision on the application was deferred by Committee on 5<sup>th</sup> May 2010 in order to carry out a site visit.*

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site is situated within the open countryside, adjacent to an equine complex which includes a small stable block and outdoor manege. The site measures approximately 1.2 ha and comprises two fields, one adjacent to Wettenhall Road the other immediately behind. The access has been taken from an existing field gate with a gravelled drive way running through the first field towards the second field which provides for the main caravan parking area.

The site itself lies approximately 1.7km from the edge of Nantwich, west of Reaseheath Agricultural College. There are a number of residential properties within the vicinity, with the nearest being those located on Cinder Lane which is 250 metres to the *East*.

The boundaries of the site are defined by hedgerows comprising native species. The hedge line also contains a number of mature oak trees however, one appears to be dead.

The application was made invalid following its original validation after it was discovered that there was a discrepancy within the ownership certification. This matter has now been resolved. Additional information was requested around the same time due to the omission of pond on neighbouring land to the south and the lack of information relating to the impact on barn owls from the supporting Ecological Report. In light of these issues a limited re-consultation exercise was undertaken involving the Council's Ecologist, neighbours and the Parish Council.

The site lies outside a flood risk area as identified by the Environment Agency's Flood Zone Map.

## **DETAILS OF PROPOSAL**

The proposal involves the creation of 8 family pitches designed to accommodate Gypsies. Each pitch will comprise one static/mobile home and one small touring sized caravan. Each pitch will be defined with a post and rail fence. The main caravan parking area has been predominately laid with self binding gravel to provide hard-standing for the caravans and to facilitate access and parking for the occupiers motor vehicles which includes 8 light goods vehicles. The submitted plan indicates a grassed area at the western side of the main parking area and either side of the access track.

## **RELEVANT HISTORY**

The use of the site has been the subject of enforcement action, including the service of two temporary Stop Notices to prevent more than eight caravans being stationed on the land and to prevent further hardcore from being deposited. Both of these notices have now expired. The site is now subject to an injunction issued by the Court which limits the size and number of caravans to a maximum of eight single unit trailer and prevents any further engineering work until such time that planning permission is granted. The purpose of the injunction is to prevent further

development and intensification in the use of the site without proper consideration of the impact via the planning application procedure.

## **POLICIES**

The development plan includes the Regional Spatial Strategy for the North West of England (RSS), and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

The relevant development plan policies are:

### **Local Plan Policy**

NE.2 (Open Countryside)  
NE.9 (Protected Species)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
E.6 (Employment Development within Open Countryside)  
RES.8 (Affordable Housing in Rural Areas Outside Settlement Boundaries)  
RES.13 (Sites for Gypsies and Travelling Showpeople)

Cheshire 2016 Structure Plan Alteration:

HOU6 (Caravan Sites for Gypsies)

### **Other Material Considerations**

PPS.1 (Delivering Sustainable Development)  
PPS.3 (Housing)  
PPG.13 (Transport)  
PPS. 25 (Development and Flood Risk) 2010  
RSS. L6 (Draft) (Scale & Distribution of Gypsy and Traveller Pitch Provision)  
Cheshire Partnership Area Gypsy and Traveller Accommodation and Related Services Assessment (GTAA) 2007.  
Circular 01/2006 (ODPM) Planning for Gypsy and Traveller Caravan Sites.  
Circular 06/2005 (ODPM) Biodiversity and Geological Conservation – Statutory Obligations and their Impact on the Planning System.  
Designing Gypsy and Traveller Sites: Good Practice Guide May 2008.  
English Nature: Barn Owls on Site; A Guide for Developers and Planners 2002.

## **CONSIDERATIONS (External to Planning)**

**Environment Agency** – No comments to make in relation to the application.

**Environmental Health** – No objection however recommends conditions relating to drainage, boundary treatment and internal layout.

**Highways** - No objection subject to a condition requiring access arrangements to be submitted and agreed.

**Housing** – The GTAA identified a need for 54 pitches to be delivered by 2016 within Cheshire East. There is still a significant shortfall and therefore a need for the additional pitches.

**Ecologist** – It cannot be satisfactorily concluded that Great Crested Newts are not present within the ponds close to the site however, due to the retrospective nature of the application and the lack of information to the quality of the habitats lost to the recently created hard standing area I am unable to offer advice on the impact. I can advise that minor future works within the present area of hard standing are unlikely to result in a significant adverse impact on newts if present.

### **VIEWS OF THE PARISH / TOWN COUNCIL**

Objects to the application for the following reasons:-

1. The site is in open countryside and there is no viable or historical for it to be there.
2. The manner in which the occupation took place was conducted in order to present a fait accompli to the planning authority.
3. The dates on the application will bear some scrutiny compared with the facts of the case.
4. The GCN survey is dubious give it was undertaken in the depths of the hibernation period.
5. Work started prior to the application.
6. There is potential for pollution of the nearby brook and into the river from any outfall drainage.
7. This issue is very disquieting for parishioners, and undermines the whole credibility of the planning system.

### **OTHER REPRESENTATIONS**

Objections have been received from : The occupiers of Foxcroft; Cinder Lane Farm; The Cottage; Chestnut Cottage; No 9; Lime Tree Cottage; OakView; Poole Green Cottage; East View & Brook House which are all situated in Cinder Lane, Reaseheath. Additionally, objections have been received from the occupiers of Lengthmen's Cottage & Poolehill Cottage both on Poole Hill Road together with the occupiers of Holders House and Copper Beach which is on Wettenhall Road, Oak View and Willow Cottage, in the Poole area.

Objections have also been received on behalf of Reaseheath College.

Cobbetts Law firm have also submitted representations on behalf of residents living in Cinder Lane and the occupiers of Pool Hall. The submission includes an additional ecological assessment carried by TEP ecological consultants and a written statement from Walsingham Planning Consultants regarding the planning merits of the application.

The key issues raised by these objections are:

The scale of the development is inappropriate to the area and will lead to difficulties of integration with the existing community;  
Development of this nature is not part of the Regional Spatial Strategy;  
There is insufficient existing infrastructure;  
No public transport serves the site;  
The development will lead to an increase in traffic along a road that is already over-stretched;  
Questions over the surface water drainage of the site, ditches now appear to be blocked;  
The existing settled community have human rights also;  
Concerns over the method of foul water discharge;  
The proposal will result in over-development of a small site;  
The development is contrary to the character of the area;  
The development was carried out without pre-application discussions with the local authority contrary to the provisions of Circular 01/2006;  
Commercial vehicles are parked on the site;  
The site is too far from local services and therefore unsustainable and consequently fails to meet policy set out in Cheshire 2016 Structure Plan Alterations Policies GEN1, GEN.3, HOU3 & HOU6 and Policy L6 of the Draft North West Plan Partial Review;  
Access to the nearest facilities is dangerous by foot;  
Commercial activities already taking place are objectionable given the rural location;  
There are inaccuracies in the submitted Ecological Report therefore the Authority should carry out an independent survey;  
The proposal conflicts with Local Plan Policies RES.8; RES.13; RES.5; BE.1 & NE.2;  
The site is subject to a high water table and flooding;  
The proposal will result in harm to the natural conservation resource of the immediate area and be harmful to the character and amenity of the area by reason of the proposed layout, design, materials of construction, appearance and its degree of permanence within the open countryside;  
Further ecological work is required to confirm or rule out the presence of Great Crested Newts, Bats and Barn Owls;

Should the Authority consider approval the application, the following suggestions have been made:

Consideration should be given to granting a temporary permission to allow the Authority to identify more suitable sites through the LDF process;  
The number of caravans should be limited to a total of six to minimise the impact on the existing small community;  
Additional screening should be required;  
No continuous 24 hour lighting.

*Officer Comment: Policies GEN.1; GEN3 & HOU3 have not been saved and have been replaced by RSS Policy.*

***Additional Letter Addressed to Members of the Strategic Planning Board dated 4<sup>th</sup> May 2010 from the Occupier of Poole Green Cottage, Cinder Lane, Reaseheath.***

*The letter suggests that the views of the local residents have not been taken into account by the Council's Officers and that approval of the application would set a precedent which would make it difficult for the Council to refuse similar applications in the future. The letter confirms support of the neighbours views who will speaking at the meeting on the 5<sup>th</sup> May.*

*In response, whilst it is not practical to reproduce all representations verbatim within the planning report, it is considered that all comments received that are material to the application were considered within the report.*

**APPLICANT'S SUPPORTING INFORMATION** – The applicant has submitted a Design and Access Statement. The main points are;

Caravans are capable of assimilation within rural areas through the use of natural screening. It is considered that the site is already satisfactorily screened but the applicant is willing to carry out additional planting if required.

The existing access will be improved and the crossing made up to Highway specification. Wettenhall Road is a lightly trafficked and the sight stopping distances contained in Manual for Streets have been taken into account.

The site is only 1.5km from the edge of Nantwich and even closer to the bus stops on the A51. Having regard to the recent Wybunbury Lane appeal decision, the application site must be regarded as being reasonably sustainable for a gypsy site.

Draft Policy L6 of the RSS Partial Review stipulates that provision will be made for at least 60 additional permanent pitches in Cheshire East between 2007 – 2016. the supporting text explains that “there is an urgent need to address the shortage of suitable accommodation for Gypsies and Travellers”.

The Inspector in the recent appeal concerning a proposed gypsy site at Wybunbury Lane stated there is undoubtedly an immediate need for further pitch provision both in Cheshire East and regionally. This is particularly the case because the GTAA found that the need was for small private family sites.

Structure Plan Policy HOU6 and Local Plan Policy RES.13 relate to the provision of gypsy sites but either are based on a quantitative assessment of need therefore this application should be determined in accordance with the more up to date circular advice (01/2006).

The Authority has not produced a site allocations DPD, and suitable alternative sites have not been identified as part of the Local Development Framework process and the Authority is unlikely to remedy this situation before 2014.

The countryside location is not subject to special planning constraints and therefore according to paragraph 54 of Circular 01/2006, is acceptable for use as a gypsy site in principle subject to being in a sustainable location and not subject to flooding.

## OFFICER APPRAISAL

### Principle of Development

PPS.1 states that where the development plan contains relevant policies, planning applications should be determined in line with the plan, unless material considerations indicate otherwise. In this particular case the policies contained in the adopted local and structure plan relating to the provision of gypsy and traveller accommodation have been superseded by ODPM Circular 01/2006 requires local planning authorities to identify sites to accommodate for the gypsy and traveller community following a needs assessment (GTAA) for their area in the same way that sites are allocated for conventional dwellings for the settled population.

### Need for Gypsy and Traveller Sites

The residential accommodation need for the three former Boroughs now comprising Cheshire East was summarised in the GTAA as follows:

*(Amended as per previous updates)*

Former Authority	Current authorised provision (pitches)	Total additional residential need (pitches) 2006 – 2011	Supply of pitches (1 pitch per year allowance for turn over)	Total additional residential need (pitches) 2011 – 2016	Estimated supply of pitches 2011 - 2016	Total additional residential need (pitches) 2006 – 2016
Congleton	74	22 – 30	5 + 5 Horseshoe Fm + 3 Five Acre Fm	14 – 16	5	26 – 36
Crewe & Nantwich	27	5 – 11	Nil + 3 at Wybunbury	5 – 6	Nil	10 – 17
Macclesfield	0	0 – 1	Nil	*0*	Nil	*1*

The assessment identifies a need for 10-17 pitches in the former Crewe and Nantwich Borough during the period 2006 to 2016 of which 5 to 11 pitches are identified as being required by 2011. The draft RSS indicates that provision for Cheshire East should be at least 60 permanent residential pitches during the period 2007 to 2016.

The RSS requires pitch provision to be made between 2007-2016. The supporting text table 7.2 of the RSS which sets out the scale and distribution of pitch provision across the region (referred to above), explains that there is an urgent need to address the shortage of suitable accommodation for Gypsies and travellers.

The need described above is in addition to any existing sites or planning permissions which existing at the time of the GTAA. It was argued at the recent Planning Enquiry relating to an application for 3 Gypsy/traveller pitches on land off Wybunbury Lane, Stapeley and an appeal hearing for 3 Gypsy families and 2 transit pitches that the extant permission at Three Oaks, Middlewich for the provision of an additional 24 pitches should be taken into account and deducted from the need identified in the GTAA. However, in both cases the respective Inspector ruled that

this permission did not amount to supply because there was no certainty that the pitches would be provided. There were also question marks over the future occupiers of the pitches inasmuch as they would not be made available to traditional Gypsy families. Similarly, a site in Sound, New Meadowside/Pondarosa which formed part of the baseline figures for the GTAA has subsequently been removed from the last Gypsy/Traveller count within Cheshire East because there are no restrictions controlling the ethnic status of the occupants.

Nevertheless, the Middlewich site is relatively large and the preferred type of site as identified in the GTAA is for small private family sites.

*A small private family site is not defined therefore it is a matter of fact and degree dependant on the proposal. In this particular case the agent states that the proposal involves the formation of a small private site of the type identified as a preference within the GTAA*

Given the aforementioned it is clear that there is an immediate need for Gypsy and Traveller accommodation within the area. It is also noted that the Council's Spatial Planning Section have not raised an objection, as part of the internal consultation process to the application, on policy grounds.

## **Sustainability**

ODMP Circular 01/2006 advocates a sequential approach to the identification of sites in Development Plan Documents (DPDs), requiring authorities to consider locations in or near existing settlements with access to local services first before windfall sites. Neither Cheshire East nor the legacy authorities have produced a Development Plan Document in response to the RSS and no suitable alternative sites have been identified as part of the Local Development Framework process.

Policy RES.13 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policy HOU6 of the Cheshire 2016 Structure Plan Alteration both support the provision of sites for the accommodation of gypsies and traveller subject to certain criteria. One of the criteria requires that site should be within easy reach of local services and facilities. Policy HOU6 requires, wherever possible, that sites should be within 1.6km of local services and frequent public transport. However, this Policy was adopted before Circular 01/2006 was issued. The Circular is designed to meet urgent need for sites therefore, the weight given to preferences contained within the Policy is materially reduced.

The agent's submission states that the site is 1.5km from the edge of Nantwich however, the important distance is the distance to the nearest facilities. A convenience store lies 2.4km from the site with a supermarket and hardware store approximately 2.8km away. The nearest primary school lies 3km away with the high school being 2.2km from the site. Beam Heath Medical Centre is approximately 3km from the site and the nearest bus stop is on Welsh Row which is close to the High School.

Wettenhall Lane although, unlit and does not contain a separate footway, is relatively lightly trafficked. However, A51 route into Nantwich is a very busy derestricted road with a speed limit of 60mph and there is little or no highway verge along some stretches of the road and is therefore not considered to afford a safe route for pedestrians especially when using pushchairs or wheelchairs. Although pedestrian access to Nantwich Town Centre is possible using Welshmans Lane which runs from Welsh Row to the A51 at its junction with Wettenhall Road, the road conditions are similar to Wettenhall Road. PPG 13 suggests that 2km is not an unreasonable walking distance and 5km is considered an acceptable cycling distance. Using average walking speeds it would take around 32 minutes to the bus stop and 43 minutes to the centre of Nantwich, by cycle it would take 5 and 10 minutes respectively.

From the aforementioned, it is clear that the location of the site raises some significant concerns over its sustainability due to its distance from local facilities and potential danger of the road conditions for pedestrians. Circular 01/2006 advises that when rural locations are being assessed local planning authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. The Circular also states that transport mode and distances from services is not the only consideration when assessing the sustainability. Other considerations should include; the promotion of peaceful and integrated co-existence with the local community; the wider benefits of easier access health services; children attending school on a regular basis; the provision of a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment.

Circular 01/2006 advises a sequential approach to identifying Gypsy and Traveller sites in DPD's, giving priority over sites that are located in or close to settlements with access to local services first. These identified sites should be used before windfall sites. However, at present the Authority has not produced a DPD and no suitable alternative sites have been identified as part of the Local Development Framework process. Whilst the site may not score high in a sequential assessment against other sites, there are no other sites currently available in the area.

Transitional arrangement guidance in Circular 01/2006 suggests that a temporary permission maybe appropriate subject to the advice contained in paragraphs 108-113 of Circular 11/96 (The Use of Conditions in Planning Permissions) which states that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permission. The Authority is working towards preparing a site allocation DPD, the timetable for adoption was quoted as being 2014 during the public enquiry for the Wybunbury Lane site. However, the Circular states in such circumstances that local planning authorities are expected to give substantial weight to unmet need in considering whether a temporary permission is justified. Given the remaining unmet need of up to 8 pitches in the former Crewe and Nantwich area the Council would have to demonstrate that there was likelihood that this need would be met within the timeframe by more suitable sites in order to justify imposing a temporary permission. In this instance given the poor accessibility and sustainability of the site, and the considered view that appropriate need will be satisfied over the coming years as Cheshire East develops its policies, that a temporary permission can be

justified. It is therefore considered that a 5 year temporary permission could be issued to give certainty for the next few years for the applicants, but then enable alternatives to be considered for more sustainable sites to come forward in the future.

Designing Gypsy and Traveller Sites: Good Practice Guide; suggests (para.5.35) that “where a site is isolated from local facilities and is large enough to contain a diverse community of residents rather than an extended family, provision of a communal building is recommended”. It is considered that such a building can offer facilities for visitors and the residents. *Given the location of the site a condition requiring the provision of an appropriate building is recommended.*

### **Impact on the Countryside.**

The site is located in an area of open countryside characterised by open fields separated by native hedgerows. Development along Wettenhall Lane is made up for the most part by sporadic individual dwellings with the exception of the adjacent equine stables and manege. A more formal group of residential properties are located in Cinder Lane which is approximately 250m to the south of the site. Beyond lies Reaseheath College which comprises a number of agricultural and office style buildings, Crewe Alexandra Academy is located close to the College on Wettenhall Road.

The main parking area for the caravans is set back from the highway and is completely surrounded by existing hedgerows of varying heights between 2m to 3m. The caravans can still be seen from both Wettenhall Road and a number of the properties within the locality and public footpath: Poole No 5 which runs east to west approximately 150 towards the north of the site.

The entrance to the site utilises an existing field access although the width has been increased to 5.5m. The access track has been formed using dark colour hardcore similar to that used for the main caravan parking area, a simple post and rail fence identifies the boundaries of the track. The land either side of the track is currently unimproved grassland the submitted plan indicates that this will be retained. It is advisable that additional appropriate planting within the site is secured by a condition.

With the introduction of additional landscaping it is considered that the site can be adequately and appropriately screened given that some degree of intrusion is inevitable when Gypsy and Traveller sites are developed in rural areas.

### **Ecology**

*The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,*

- *in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic*

*nature and beneficial consequences of primary importance for the environment*

*and provided that there is*

- *no satisfactory alternative and*
- *no detriment to the maintenance of the species population at favourable conservation status in their natural range*

*The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection*

- *a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and*
- *a licensing system administered by Natural England.*

*Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."*

*PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm .... [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."*

*PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."*

*The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.*

***Additional email correspondence received from Corbetts on behalf of residents in Cinder Lane, Reaseheath on 5<sup>th</sup> May 2010.***

*The correspondence suggests that an ecological survey was undertaken on behalf of the applicant prior to the development of the site and that this should be obtained and considered before a decision is made.*

*In response, Mr Hamilton, who represents the applicant, has confirmed that an ecological survey was not undertaken prior to the occupation of the site. Whether a*

*survey was carried or not and what was said to the Police at the time that the hard core was being laid is not for consideration at this time it is however, the Council's duty to consider the merits of proposals based on the information provided by the applicant at the time the application is submitted and any subsequent information submitted in support of the application.*

*In this particular case an ecological survey was submitted by the applicant and an additional survey submitted on behalf of the local residents. The conclusions and recommendation of both reports were summarised in this report.*

*On the basis of this advice the conclusions set out within the main report remain the same.*

The application is supported by a walkover ecological assessment undertaken by Peak Ecology, the report was updated after it was discovered that there was an additional pond near to the site which is not recorded on the ordinance survey map for the area. The accuracy of the survey was somewhat hampered due to access difficulties to land outside the applicant's control.

The report concluded using the Habitat Suitability Index (HSI) that the presence of Great Crested Newts was unlikely in the two ponds which are within 250m of the site and that newts occupying ponds beyond that distance would not be impacted by the development.

The report also concluded that the barn owl box located close to the site showed no sign of occupation and given the retention of the existing trees and hedgerows there would not be a detrimental impact on bats or other protected species.

The ecological survey undertaken by TEP concludes that one of the two ponds mentioned above did have potential using the HSI index. The survey also observed an additional pond just over 100m from the site. This pond was also considered to potential for newt habitation. This particular survey was afforded direct access to the ponds in question and therefore carried greater weight.

The TEP report also questions findings of the Peak Ecology report in relation to the impact on barn owls because whilst the existing box was not occupied, the use of the site would discourage the barn owls from nesting.

Both surveys included an assessment of the hedgerows and trees within the site however, the application does not propose removal of any of the trees or hedgerows.

Circular 06/2005 imposes a duty on local authorities to consider the impact on protected species before planning permission is granted and advises that consents requiring an ecological survey should only be granted in exceptional circumstances.

In this particular case a major issue has been made of the fact that the site was development without the benefit of planning permission in respect to the improvement of the access, construction of the access track and hard-standing area for the caravans. The site was visited immediately after the track and hard-standing

were formed by the Council's Ecologist and the Police Countryside and Wildlife Liaison Officer. The main purpose of the visit was to ascertain the impact of the development on ecology and whether there was evidence that an offence had been committed under the Wildlife and Countryside Act. It was concluded by both the Police and the Council officers that there was no evidence that an offence had been committed or because the work was substantially complete that there had been loss of an important ecological resource. Nevertheless, the Council did stop further development on the site by obtaining a Court injunction. The Injunction remains in force until such time that a grant of express planning permission is made or until a further Order of the Court.

*Given that it is not possible to assess the conditions of the site before the hardcore was laid and that any impact during the construction process has happened, it is considered that it is only the retention of the hardcore, the intended use and the work that is required to complete the development that can be assessed in relation to their impact on ecology.*

*The retention of the hardcore on the site is not considered to have an adverse impact on Great Crested Newts, should they be present within the vicinity of the site because of the inert nature of the aggregate and the fact that there is sufficient unimproved grassland within the immediate vicinity to facilitate foraging habitat. The ecological impact assessment submitted by TEP (para 5.4) accepts that the conditions within the site (assuming that it was unimproved grassland - Officer Comment) are replicated in the wider landscape and therefore development of the site is unlikely to affect the conservation status of the species (if present) assuming the use of appropriate reasonable avoidance measures during the works.*

The main areas of work required to complete the development involve the installation of a private sewer treatment plant, fresh water supply pipe, additional fencing between each pitch, formation of the amenity area and surface finishing of the hard core areas. The applicant's agent has confirmed that the sewage treatment plant will be located on the existing disturbed areas within the site. The installation of the water pipe can be carried out along the line of the existing track thereby minimised ground disturbance.

The Authority's ecologist has confirmed that these activities would constitute minor works unlikely to have an impact on protected species even if it were proven that they are populating the surrounding land.

A barn owl nest box is located within a tree on the boundary of the site. Under the Wildlife and Countryside Act it is an offence to disturb an owl during the nesting period. Neither of the ecology surveys found any evidence of owl occupation and therefore an offence is unlikely.

Great Crested Newts are often found within domestic gardens therefore the existence of humans and associated residential activity would not have a detrimental impact on their environment. Similarly, guidance issued by English Nature (Barn Owls on Site: A Guide for Developer and Planners) states that owls and people can

co-exist and that regular human activity can be tolerated, as long as the birds have a dark cavity, well above ground level, in which they can safely roost out of sight. Given this evidence it is clear that the use of the land as a residential caravan site will not have a detrimental impact on protected species.

The applicant has offered to create a wildlife area on land within his ownership to the side of the access track as part of any landscape mitigation measures.

### **Impact on Neighbouring Amenity**

Circular 01/2006 advises that Gypsy and Traveller sites should not dominate the existing community. The scale of the site is similar to other sites within the rural area in Cheshire East which manage to co-exist with the settled community within the vicinity of the site. It is considered that the scale of the site will not dominate the existing community within the vicinity of the site.

It is accepted the activities associated with the operation of a caravan site can have an adverse impact on amenity due mainly to the comings and goings of the vehicles. The site is at least 250m from the nearest dwelling and well screened by existing hedgerows. There will be some disturbance to the neighbouring equestrian site however, any disturbance is not considered materially greater than that experienced by the site from vehicle movements along Wettenhall Road which lies adjacent to it.

It is common for gypsy and Traveller to operate business from which their caravans are stationed. This fact is recognised by Circular 01/2006 which states that mixed use sites are not permitted on rural exception sites. The current occupiers of the site appear to park commercial vehicles on the site however, this is not an uncommon occurrence at any residential property. The fact that this activity is taking place does not automatically result in a material change of use. However, a condition is recommended to limit any commercial activity to a non-material level.

### **Other Matters.**

Surface water run-off of the site is not considered to be a major issue as the surface treatment is pervious. Foul water drainage is to be provided by a private treatment plant, which is considered to be acceptable in principle, subject to siting and design being agreed. Given the length of the access track and the existing cluster of waste bins adjacent to the highway it would be prudent to require the submission of appropriate storage details.

The Council's Highway Engineers have not raised an objection in principle but have asked for detailed drawings of the access arrangements to be submitted for approval.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

It is acknowledged that retrospective applications can be very emotive especially where development is knowingly undertaken without consent however, the development and subsequent proposal have to be considered on their merits.

Following the results of the GTAA undertaking in 2007 it is clear that there is an unmet need for Gypsy and Traveller sites within Cheshire East. The site itself appears adequate to accommodate for 8 family pitches without detrimental impact on highway or neighbouring amenity.

The impact of the already introduced hard-core on ecology cannot be evaluated with any certainty after the event and it is concluded that the operations required to complete the development are not likely to have an adverse impact on ecology

Given the current situation in respect of identified need, a refusal at this time would be difficult to sustain. However, the site nonetheless raises significant concerns in respect of sustainability as highlighted. It is therefore considered that in this instance a temporary consent can be justified, albeit for a 5-year period, providing certainty for the next few years for the applicants, but then to enable alternatives to be considered for more sustainable sites to come forward in the future.

## **RECOMMENDATION: APPROVE**

### **Conditions**

- 1. Temporary consent for 5 years**
- 2. Site occupation limited to Gypsy and Travellers**
- 3. No vehicle over 3.5 tonnes to be parked or stored on the site**
- 4. No commercial activities to take place on the land including storage of materials.**
- 5. No more than 8 pitches and no more than 2 caravans on each pitch.**
- 6. The use hereby permitted shall cease following the failure to meet any of the requirements set out below.**
  - i. Within 3 months of the date of this decision a scheme for: Internal layout of the site including any concrete hard-standing; means foul and surface water drainage; proposed external lighting; visibility of splays and road crossing; communal building; installation of service/utilities; landscaping scheme which shall include gapping up of existing hedgerows and environmental improvement measures in mitigation for the loss of grassland; type and location of additional barn owl nest box; and details of measures to ensure that any potential harm to protected species is satisfactorily minimised shall have been submitted for written approval and the said scheme shall include a timetable for implementation.**
  - ii. The approved scheme shall be carried out and completed in accordance with the approved timetable**

### **7. Maintenance of the landscaping.**

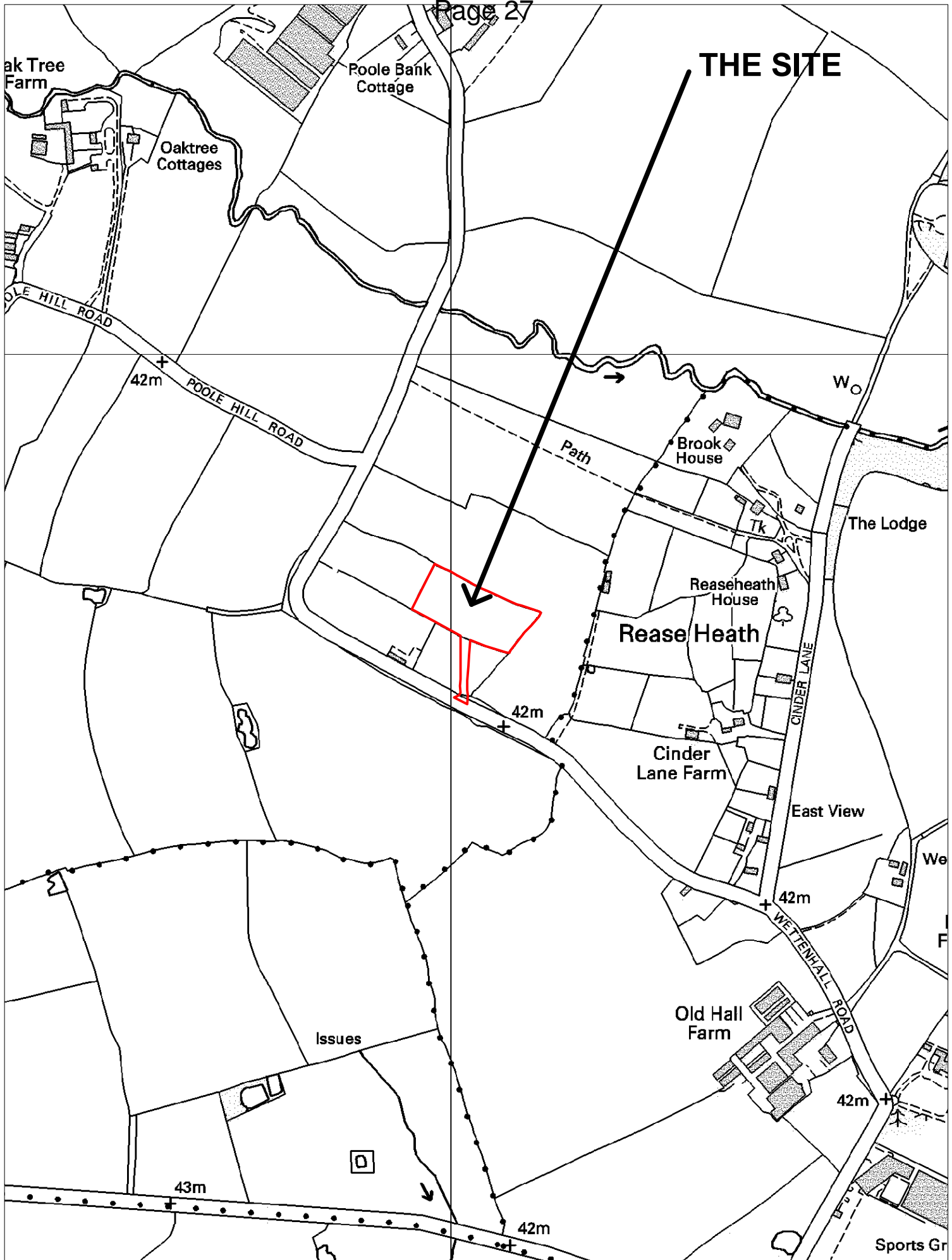
#### *Additional Conditions*

*In order to ensure that the retention of the hardcore will not lead to contamination of the surrounding ground water a detailed analysis of the hardcore shall be submitted for approval together with any remedial measures.*

**8. Contaminated land survey.**

*Following further consideration an additional condition is recommended requiring re-instatement of the site once the use of the site ceases. This re-instatement would be subject to the submission of an ecological assessment of the impact of the scheme for agreement.*

**9. Reinstatement of the site shall be carried out in accordance with an ecological impact assessment, this assessment should be submitted for approval prior to the reinstatement.**



LAND OFF, WETTENHALL ROAD, POOLE, NANTWICH, CHESHIRE

NGR - 364,010 : 354,710

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<b>Planning Reference No:</b>	10/0276W
<b>Application Address:</b>	Nick Brookes Skip Hire, Green Lane, Wardle, Nantwich, CW5 6DB
<b>Proposal:</b>	Change of use from industrial land to composting and waste storage with associated overflow parking (Site A)
<b>Applicant:</b>	Mr Nick Brookes, Nick Brookes Recycling Ltd
<b>Application Type:</b>	Full (Partially Retrospective)
<b>Ward:</b>	Cholmondeley
<b>Constraints:</b>	Open Countryside

**SUMMARY RECOMMENDATION:**

- Approve subject to conditions

**MAIN ISSUES**

- Development in the Open Countryside
- Landscape and Visual Impact; views from A51
- Potential noise from composting operations and machinery
- Air quality, dust and odour from composting operations and storage of waste materials
- Hydrology and water quality with regards to storing waste and composts on site

**1. REASON FOR REPORT**

1.1 This application has been referred to the Strategic Planning Board as the proposal would be considered to be a Major Waste application, and under the Council's scheme of delegation should be automatically referred to the Strategic Planning Board for determination.

1.2 The application was submitted in response to potential enforcement action as the applicant has been storing waste materials on this site for over 12 months.

**2. DESCRIPTION OF SITE AND CONTEXT**

2.1 The site is located in the Open Countryside on Wardle Industrial Estate, Green Lane, off the A51 in Wardle, approximately 5 miles to the north east of Nantwich. The site is part of the existing Wardle Industrial Estate which is a brownfield site, consisting of existing large industrial buildings and activities. The application site consists of existing buildings and a hardcore and concrete surface. The application site is located to the north, and adjacent to the existing Nick Brookes aggregate washing plant, recycling/skip business and waste transfer station. This application proposes an extension to the existing waste transfer operations on site. At present waste materials are imported to the waste transfer station via skips and containers, sorted,

and processed/treated and recyclable materials baled and stored, and then disposed of elsewhere, off site.

2.2 The current designated planning land use of the application site is B1, B2 and B8 by virtue of existing extant planning permissions. Neighbouring properties are of a general industrial and agricultural nature located adjacent to the Nick Brooks complex on Wardle Industrial Estate. NWF Agriculture is located approximately 260 metres to the north west, the A51 is approximately 400 metres to the north east, and the nearest residential property is approximately 400 metres to the south west of the application site.

2.3 The application site is currently being used by the applicant to store skips, vehicles associated with the adjacent waste operations, the storage of recyclable materials; plastics and construction and demolition waste, therefore this application is partially retrospective.

### **3. DETAILS OF PROPOSAL**

3.1 The application is partially retrospective and seeks planning permission which would involve the change of use of existing industrial B2 and B8 land which benefits from existing planning permission for land and buildings, to open windrow composting operations (windrow composting is the production of compost by piling organic matter or biodegradable waste), storage of compost for maturation, and also open storage of pre-sorted wastes collected by the applicant via the existing skip business having been pre-sorted on the adjacent waste transfer station site to the south of the application site. The application also seeks to provide additional parking provision to compensate for the loss of car parking on an adjacent site (subject to planning application 10/0277W).

3.2 For the composting operation element of the application, the site operations would involve the importation, sorting, treatment (via open windrow composting) and open storage, (to a maximum height of 3 metres) of green and biodegradable waste that have been imported and sorted at the existing adjacent waste transfer station.

3.3 The green waste types that would be accepted at the site would comprise of dry non-hazardous controlled wastes in the form of biodegradable/green waste from a number of sources which may include; biodegradable residue from the aggregate washing process at the existing waste transfer station (grass and twigs), pruning material/hedge clippings, leaves, dead plant matter, grass cuttings, chipped wood, paper and cardboard. Putrescible waste such as food wastes would not be accepted at the site. The applicant wishes to create a useable product out of the biodegradable waste arisings from the waste transfer station rather than disposing of these wastes to landfill. The finished compost product would be used to spread on agricultural land within the applicant's ownership, off site.

3.4 This application seeks permission to regularise this activity for the change of use of the land to enable the storage of pre-sorted and recyclable materials (including baled paper, cardboard, plastics in accordance with the Environment Agency exemptions) pending recovery off site. The maximum height of recyclable material requested would be 4 metres in line with the current consented stockpiles of waste materials on site. It also seeks permission for the storage of skips (stored to a maximum height of no more than 4 metres) and waste containers (which are also being stored on site at present), the use of existing buildings as workshops, and also storage and maintenance in connection with the waste operations.

3.5 The application also seeks permission for the construction of 40 no. parking spaces for staff connected with the waste operations including 2 no. disabled parking spaces, 2 no. motorcycle and 2 no. cycle spaces (cycles can also be stored within the buildings on site). The parking is proposed to compensate for the loss of parking provision on the adjacent land subject to planning application 10/0277W (report item on this agenda, subject to planning approval) for recycled aggregate storage, where, should planning permission be granted, this land would no longer be available for use as a car park. Access to the proposed car parking area would be via a separate existing entrance point to the compost/waste storage area.

3.6 Existing boundary treatment for the site consists of a low level timber post and wire fence. The applicant intends to create a boundary on the north eastern boundary by creating a bund with landscaping, to be approved, and a 3 metre concrete wall, and on the north western and south eastern boundary by a 3 metre high concrete push-wall to protect the existing well established boundary hedgerows. The remaining boundaries would be bounded by 2.4 metre high steel palisade fencing. Existing buildings to the west of the site screen the site from views from the west.

3.7 The application proposes no changes in the operating hours to that of the existing operating hours at the waste transfer station which are: 0700 – 1800 Monday to Saturday. The repair and maintenance of on-site plant, machinery and vehicles may take place outside of these hours but shall not involve the arrival or departure of vehicles from the site. No other operations shall take place outside these hours Sunday, bank or public holidays without prior written agreement of the Waste Planning Authority.

3.8 The applicant hopes that this proposal would enable him to employ a further 5 people in the short term, in addition to the 101 existing employees already employed by the business.

3.9 A small skip would be provided in the composting area for the deposit of any litter or materials removed during the screening process that would not be considered to be biodegradable green waste and disposed of off-site.

3.10 The nature of this change of use application presents an extension to the existing Nick Brookes waste transfer station. All materials stored or processed on site would have already been sorted and segregated at the

adjacent transfer station prior to their storage or further processing (in the case for compost) on this application site, with the exception of pre-sorted loads received that would be pre-sorted off site prior to importation, thus ensuring that the waste types match those permitted on site. This pre-sorted element would be limited to 10 loads per day.

#### **4. RELEVANT HISTORY**

4.1 The application site has a number of planning permissions relating to B1, B2 and B8 uses granted by Crewe and Nantwich Borough Council

- 7/06048 – Building for Manufacturing Timber (1979)
- 7/09584 – Change of Use from packaging to general engineering (1983)
- 7/15960 – Construction of offices (1988)
- 7/17597 – Extension to building and offices (1989)
- P/93/0147 – Warehouse (1993)

4.2 The existing Nick Brookes waste transfer station has several extant planning permissions granted by Cheshire County Council:

- 7/20202 – Operation of a Waste Transfer Station; granted 24.02.1992
- 7/P69/0840 – Operation of a waste transfer station and storage/recovery facility; granted 23.12.1999
- 7/P00/0008 – New extension and alterations to proposed waste transfer station; granted 31.03.2000
- 7/2006/CCC/1 – Change of use of adjacent land to increase storage area; granted 22.02.2006
- 7/2007/CCC/12 – Extension to a waste transfer building and replacement 3 metre perimeter fence with 1.2 metre netting on top

#### **5. POLICIES**

5.1 The Development Plan comprises the North West of England Regional Spatial Strategy 2021 (RSS), Cheshire Replacement Waste Local Plan 2007 (CRWLP) and Borough of Crewe and Nantwich Adopted Local Plan (CNLP).

5.2 The relevant Development Plan Policies are:

##### **Regional Spatial Strategy (RSS)**

Policy DP7: 'Promote Environmental Quality'

Policy EM11: 'Waste Management Principles'

Policy EM12: 'Locational Principles'

Policy EM13: 'Provision of Nationally, Regionally and Sub-Regionally significant Waste Management Facilities'

##### **Local Plan Policy**

##### ***Cheshire Replacement Waste Local Plan (CRWLP)***

Policy 1: 'Sustainable Waste Management'

Policy 2: 'The Need for Waste Management Facilities'

Policy 12: 'Impact of Development Proposals'

Policy 14: 'Landscape'

Policy 15: 'Green Belt'  
Policy 17: 'Natural Environment'  
Policy 18: 'Water Resource Protection and Flood Risk'  
Policy 20: 'Public Rights of Way'  
Policy 23: 'Noise'  
Policy 24: 'Air Pollution; Air Emissions Including Dust'  
Policy 25: 'Litter'  
Policy 26: 'Odour'  
Policy 27: 'Sustainable transportation of materials'  
Policy 28: 'Highways'  
Policy 29: 'Hours of Operation'  
Policy 36: 'Design'

***Borough of Crewe and Nantwich Adopted Local Plan 2011 (CNLP)***

BE.1: Amenity  
BE.2: Design Standards  
BE.3: Access and Parking  
BE.4: Drainage, Utilities and Resources  
NE.2: Open Countryside  
NE.9: Protected Species  
NE.17: Pollution Control  
NE.19: Renewable Energy

**Other Material Considerations**

Cheshire Landscape Character Assessment (2009)  
Waste Strategy (2007)  
On-Farm Green Waste Composting; An Advice Note (2002)

***National Planning Policy and Guidance***

PPS 1: Delivering Sustainable Development  
PPS 4: Planning for Sustainable Economic Growth  
PPS 7: Sustainable Development in Rural Areas  
PPS 9: Biodiversity and Geological Conservation  
PPS 10: Planning for Sustainable Waste Management  
PPG 13: Transport  
PPS 23: Planning and Pollution Control  
PPG 24: Planning and Noise  
PPS 25: Development and Flood Risk  
MPS 2: Controlling and Mitigating the Environmental Effects of Mineral Extraction in England (including waste disposal); Annex 2 - Noise

**6. CONSULTATIONS (External to Planning)**

**6.1 The Strategic Highways and Transport Manager** does not object to this application subject to condition regarding access specification.

**6.2 The Borough Council's Landscape Officer** does not object to this

application but has concerns with regards to the boundary treatment and the heights of stockpiles which should be reduced and conditioned, and the potential impact on visual amenity and the landscape character of the area.

**6.3 The Borough Council's Nature Conservation Officer** does not object to this application and does not anticipate there being any significant ecological issues associated with the proposed development.

**6.4 The Borough Council's Environmental Protection Officer** does not object to this proposal subject to the submission of a noise mitigation scheme, bio-aerosol monitoring scheme, the conditioning of mitigation measures for bio-aerosol reduction, and that windrows are limited to a height of 3 metres and that height bars are installed on site to control this and to enable monitoring. With regards to dust, the monitoring and mitigation measures outlined in the application should be conditioned to ensure dust nuisance is minimised.

**6.5 The Borough Council's Environmental Health Officer** does not object to this proposal subject to conditions relating to hours of operation to be in-line with existing operating hours and concurs with the Borough Council's Environmental Protection Officer with regards to noise attenuation and environmental control being undertaken by the operator.

**6.6 The Borough Council's Land Contamination Unit** does not object to this application and has no comments to make.

**6.7 The Environment Agency** does not object to this application.

**6.8 United Utilities** does not object to this application subject to conditions in relation to drainage.

## **7. VIEWS OF THE PARISH / TOWN COUNCIL**

Wardle Parish Council have been consulted and have no concerns or comments to make in relation to the application.

## **8. OTHER REPRESENTATIONS**

At the time of writing the report, no letters of objection or support have been received in relation to this application

## **9. APPLICANT'S SUPPORTING INFORMATION**

The planning application was accompanied by a planning statement which included information in relation to the proposals, policies and legislation, environmental information, plant, equipment and infrastructure, site management, reception and handling procedures, dust monitoring and control, environmental controls, the proposed composting procedure, traffic management, access details and noise control, a design and access statement, supporting plans, and a bio-aerosol risk assessment.

## **10. OFFICER APPRAISAL**

### ***10.1 Principle of Development***

10.1.1 The rising cost for landfilling waste via the introduction of the landfill tax, and the various waste policies including the Landfill Directive, the National Waste Strategy and various other waste policy at European, National and Local level has increased the need for recycling/recovery operations to reclaim a wide range of wastes and re-usable products. The applicant seeks to recycle or recover up to 90% of its inputs (by weight).

10.1.2 The composting facility proposed on this site would enable the existing waste transfer station operator to recycle even more of the imported biodegradable waste stream. The application would facilitate the reduction of the disposal of biodegradable green waste to landfill. Furthermore, it would enable the site operator to compost biodegradable green wastes that are received and sorted at the existing waste transfer station, rather than transporting these green wastes off site to either alternative compost facilities or landfill, which is supported by European, National and Local policy.

10.1.3 This application would also reduce the number of vehicle movements to the local landfill by diverting green waste, and creating compost. Furthermore, it would provide additional storage capacity on site for other recyclable materials/products until a suitable market has been secured.

10.1.4 The capacity of materials permitted to be imported/ treated/ stored on site would be restricted per annum to 10,500 cubic metres for green waste composting, 5,300 cubic metres for maturation and storing matured compost and 5,400 cubic metres for open storage of recyclable materials.

10.1.5 Whilst the application is partially retrospective, there have been no complaints regarding this unauthorised operation.

### ***10.2 Policy Considerations***

10.2.1 On careful consideration of the application against the relevant policies set out above, it is considered that the proposal is in accordance with the Development Plan. Relevant policy compliance will be examined in further detail within the text below.

### ***10.3 Open Countryside***

10.3.1 Whilst the proposal is situated in the Open Countryside in which policy NE.2 of the CNLP applies, the site has an existing B2/B8 use pursuant to extant planning consents and located within an existing industrial estate. It is considered that, the proposed development would not therefore have an impact on the character or amenity of the Open Countryside, and the activity proposed would be of a similar nature to what has been occurring on site. An

element of the proposal (composting) is related to agricultural activities which is seen as an appropriate method of the management of green waste, and is not dissimilar to many agricultural activities. As such, it is considered that this proposal is not contrary to Policy NE.2 of the CNLP.

#### **10.4 Transportation and Traffic**

10.4.1 The site would be accessed via the dedicated existing access to the Wardle Industrial Estate off Green Lane and is considered to be a sufficient width to accommodate operations without need for specialist traffic controls. The access from the main highway (A51) has already been specifically designed and adapted to accommodate large numbers of heavy vehicle movement and facilitates suitable visibility in both directions to allow for safe access and egress of vehicles. All vehicles that visit the existing transfer station use this access. Use of the site would not increase the overall vehicle movements at the junction with Green Lane and the A51 as all waste vehicles accepted are already designated for the existing transfer station.

10.4.2 The existing extant planning consents permits 350 vehicle movements to the adjacent transfer station site (175 in, 175 out). There are no plans to increase the existing vehicle movements than is already permitted on site approved by virtue of the existing planning consents for Nick Brookes transfer station. It is considered that the potential additional 20 vehicle movements from the additional 10 loads per day proposed (from the pre-sorted waste) would not give rise to any operational difficulties on the local highway network as these vehicle movements would not be in addition to the already permitted movements to the site. The majority of the vehicles would already be accessing the site in relation to the existing waste transfer station. Therefore no additional vehicle trips would be generated by the proposed development.

10.4.3 The parking spaces are required to accommodate existing staff parking displaced from the existing car park on the adjacent site subject to planning application 10/277W. With the exception of the five additional new jobs that are anticipated, there would be no additional vehicles proposed.

10.4.4 The Strategic Highways and Transportation Manager has assessed this application and offers no highways objections subject to condition in relation to access specifications. However, no new access arrangements or alterations to access arrangements are proposed. Therefore, it is considered that this condition would not be necessary and would be added as an informative for future reference should alterations to the access be required in the future.

10.4.5 It is considered that the extension to the operations and storage capacity at Nick Brookes' site would not give rise to any operational impacts upon the capacity of Green Lane or its junction with A51. As such, it is considered that there are no over-riding reasons for which the development should be refused on highway grounds, and that this proposal accords with

Policies 12 and 28 of the CRWLP and Policies BE.1 Amenity, BE.2 Design Standards and BE.3 Access and Parking of the CNLP.

### **10.5 Landscape and Visual assessment**

10.5.1 The Landscape Character Assessment of Cheshire East identifies this area as the Ravensmoor Character Area ELP1. This is characterised as a predominantly flat landscape, *'near the A51 in the north of the area the landscape is open and expansive, with larger fields and thin or low hedges with few trees, allowing extensive views across the plain'*. However, as stated previously, whilst this site is located in the Open Countryside, this site is located within an existing industrial estate, with existing consents for industrial uses and the views across the plain are already obscured by the existing industrial buildings, thus not having a materially additional adverse impact on the landscape character of the area.

10.5.2 As stated previously, this application is partly retrospective, as at present, the applicant is using this site to store recyclable materials and construction and demolition waste/rubble. These stockpiles are currently in excess of 6 metres which in the opinion of the Borough Council's Landscape Officer, is causing an unacceptable visual impact from views from the A51 approximately 400 metres to the north east of the site, and is also having an unacceptable impact on the Ravensmoor Character Area.

10.5.3 At present, the northern boundary of the site is demarcated by a low timber post and wire fence which provides no visual mitigation for the current and proposed activities or storage of material. To minimise the visual impact the applicant has proposed to screen the site on the northern boundary with a concrete wall and a planted embankment bund, which would go some way to screen views of the site from the A51 road.

10.5.4 It should be noted that, should planning permission be granted the materials currently on site that are clearly visible from the A51, would be moved from the northern part of the site as this area is proposed for the composting operations. Furthermore, it is recommended that these stockpiles of recyclable materials be reduced to a height of 4 metres within 3 months of the planning permission being issued. Any additional stockpiles should be maintained to a height of no more than 4 metres for the life of the development.

10.5.5 With regards to the proposed 'Planted Embankment', the ability of a concrete wall to support a 2m high half bund with trees/shrubs will depend on the construction detail, as well as trees species proposed. Should planning permission be granted, a boundary treatment scheme for the entire site including the fencing specification, concrete wall/panel specification and planting scheme would be required subject to condition to ensure the appropriate screening is provided and achieved.

10.5.6 Subject to reduced and maintained stockpile heights to no higher than 4 metres, and the compost stockpiles being restricted to 3 metres, it is considered that the site could be suitably screened with appropriate boundary treatment. As such, there are no over-riding reasons for which the development should be refused on landscape or visual impact grounds, and that this proposal accords with Policies 12 and 14 of the CRWLP and Policy BE.1 Amenity of the CNLP.

## **10.6 Residential Amenity**

10.6.1 It is considered, due to the existing neighbouring uses being predominantly of an industrial nature, and that the existing land use is industrial B2 and B8 uses, that the site would appear to be a reasonable location for the proposed type of activities as they are similar to that of an industrial nature. The nearest residential property is Wardle Hall Farm about 400 metres to the south west, and some offices nearby; adjacent and 40 metres to the west and 50 metres to the south of the site.

10.6.2 The main issues that this proposed activity could give rise to affecting amenity include noise, air quality, dust, bio-aerosols and odour.

## **10.7 Noise**

10.7.1 Potential noise impacts would be from vehicles and plant; particularly from the shredder and trammel (this is a screened cylinder used to separate materials by size). Best practical means would be used in all waste handling and other operations to ensure that noise levels do not exceed background levels by more than 5dBA. It is considered that there are few sensitive receptors in the surrounding area and operational hours would be restricted to the same as those existing at the waste transfer station. In spite of the fact that there are no nearby residential properties, the Council's Environmental Protection and Environmental Health Officers have requested that a scheme for the mitigation of noise to be submitted to ensure that noise is controlled. The approved scheme should consider the need to operate the various plant/machinery simultaneously, location of plant and other good practice. Furthermore, the noise attenuation measures described in the application statement should be undertaken by the applicant.

10.7.2 With the appropriate noise mitigation scheme, it is considered that the activity should not give rise to unacceptable noise, and as such, the proposal is considered to be in accordance with Policies 12 and 23 of the CRWLP and Policy BE.1 Amenity and BE.17 Pollution Control of the CNLP.

## **10.8 Air Quality, odour and dust**

10.8.1 Site operations would be carried out to minimise the creation of dust. The sites existing water bowser would be available for use on site to ensure that dust is kept to a minimum on all vehicle running surfaces and stockpiles of materials. A vacuum tanker/road sweeper, or brush and shovel would also be used to clean the site access road and the adjacent highway if necessary, as existing. Harvested roofwater drainage would be utilised for water supply in preference to mains water supply where the use allows.

10.8.2 The application's planning statement includes measures for dust monitoring and control. The Council's Environmental Protection Officer considers the control and mitigation measures detailed in the application to be sufficient to control any nuisance from dust. These should be conditioned.

10.8.3 Composting can produce odour, which if not managed may become a nuisance. No putrescible wastes would be accepted on site which is likely to cause a smell nuisance. If malodorous wastes were to be deposited on site, it would be consigned to a quarantine skip and would be removed from the site immediately. The planning application details the proposed management practises that would ensure that the windrows are regularly checked and turned to ensure that they remain aerobic to prevent excessive odour production with regards to the composting process.

10.8.4 Subject to limits and controls on stockpile heights, dust control and monitoring, and odour management, as stated within the application, it is considered that this application should not give rise to unacceptable levels of dust or odour. As such, it is considered that in respects to air quality and dust that this proposal is in accordance with PPS 23, Policies 12, 24 and 26 of the CRWLP and Policy BE.1 Amenity and BE.17 Pollution Control of the CNLP.

## **10.9. Bio-Aerosols**

10.9.1 The action of shredding and turning of green wastes and compost windrows leads to the formation and release of bio-aerosols, which can carry concentrations of bacteria and micro-organisms which can potentially be harmful to human health. Consequently, the Environment Agency has an adopted policy statement where there is a presumption against granting planning permission for any new compost facilities where the boundary of the facility is within 250 metres of a work place or the boundary of a dwelling, unless the application is accompanied by a site specific risk assessment, based on clear, independent scientific evidence which shows that bio-aerosol levels are and can be maintained at appropriate levels at the dwelling or workplace.

10.9.2 Other than industrial buildings/offices on Wardle Industrial Estate, there are no other properties within 250 metres of the proposed application site. The nearest residential property to this proposal is 400 metres to the south west of the application site. The planning application has

been accompanied by a full risk assessment, providing details of the proposed activities, assessing the risks of the proposal and also providing recommendations for management and monitoring.

10.9.3 The issue of bio-aerosols is difficult to quantify, however the risk assessment concludes that the outcome for the distribution of airborne pathogens is low. It is considered that composting of green waste represents less of a risk to human health than composting food and other putrescible wastes. As such, the restrictions on the waste types as stated in the application would ensure that bio-aerosol production would be greatly reduced. Also, the prevailing wind direction is south westerly; away from offices and the nearest residential property.

10.9.4 The composting risk assessment accompanying the application gives recommendations for the control of the release of these substances from the site. It also recommends that, despite the lack of nearby residential properties, a scheme of monitoring is undertaken. It advises that background levels are recorded at certain locations stated within the risk assessment.

10.9.5 Whilst there are places of work within a 250 metres radius of the proposed site, the planning application is supported by a site specific risk assessment which concludes that the risk outcome for the distribution of airborne particles would be low. The Environment Agency have been consulted and have raised no objections to the proposals. The Council's Environmental Protection and Environmental Health Officers have requested that the proposed mitigation measures are conditioned, as is the submission of a scheme for monitoring including assessing current background levels and the proposed frequency during operation. In addition it is considered that windrows should be limited to a height of 3 metres, and that height bars are installed on site to control this. As such, it is considered that, in relation to bio-aerosols that this proposal accords with the provision of PPS 23, Policies 12 and 24 of the CRWLP and Policy BE.1 Amenity and BE.17 Pollution Control of the CNLP.

## **10.10 Hydrology**

10.10.1 The existing site drainage would remain for the majority of the site, with the exception of the composting operation area which would drain to a sealed underground holding tank, the capacity of which would be prior agreed with the Environment Agency. The holding tank would capture runoff and leachate from the composting process to enable it to be re-circulated within the windrows. United Utilities and the Environment Agency were consulted and have no objection to the proposed compost operations and recyclable materials storage.

10.10.2 This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of

the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. Subject to the above, it is considered that this application accords with the provisions Policies 12 and 18 of the CRWLP and Policy BE.4 of the CNLP.

### **10.11        *Employment***

10.11.1        The proposed development would provide a continuance and extension to existing employment opportunities for the local area. The development is likely to employ a minimum of 5 people in addition to the 101 existing employees already employed by the business. This application is considered to be a sustainable form of development for the reasons set out above and would support the principles of PPS 4 in assisting to deliver sustainable economic growth.

## **11.        CONCLUSIONS**

11.1            It is considered that the proposed change of use from B2 and B8, for the use of land for the composting of green waste and the subsequent storage and maturation of compost, and the storage of recyclable materials would be acceptable, and not dissimilar to that which is already permitted on site as it is of an industrial nature. It is considered that the proposal would not have an adverse impact on the character and amenity of the Open Countryside as it would be a replacement of existing industrial operations and an extension to an existing site. The additional parking proposed is required for the existing staff and a replacement for parking provision that would be lost should planning application 10/0277W be granted.

11.2            It is considered that the proposal would not give rise to additional traffic movements, so therefore it would not have an adverse impact on the local highway network. With effective management controls and mitigation, the proposal would not lead to an adverse impact in terms of noise, dust, odour or bio-aerosols to the local environment. A robust boundary treatment scheme and reductions of the existing stockpiles and restrictions on the heights of any further stockpiles and stacked skips would ensure that the visual impact is minimised.

11.3            The proposal accords with the provisions of the development plan and the principles of the Waste Hierarchy. Furthermore, it presents an opportunity to create another product from biodegradable and green waste arisings produced at the transfer station that would be disposed of to landfill, which is supported at a European, National and Local level. There are no material planning reasons why this proposal should be refused.

## **12. RECOMMENDATION**

**THAT; Planning permission should be granted subject to conditions covering in particular: -**

- **Standard conditions;**
- **Approved plans;**
- **Boundary treatment scheme submitted within 1 month and implemented within 3 months and planted in the next available planting season;**
- **Noise limits set;**
- **Noise mitigation scheme submitted for approval;**
- **Bio-aerosol best practice, mitigation and monitoring as per risk assessment;**
- **Odour management and best practice as per application;**
- **Dust monitoring, control and best practice as per application;**
- **Open windrows stockpile heights limited to no more than 3 metres height bars provided;**
- **Recyclable waste material stockpiles reduced to 4 metres in height within 3 months of the date of the permission and maintained at a maximum of 4 metres throughout the life of the development;**
- **Stacked skips limited to 4 metres in height;**
- **Drainage;**
- **Waste/materials stated in the application only permitted;**
- **Standard compost conditions detailing waste types in accordance with the EA permit excluding putrescible and food waste;**
- **No burning of wastes on site;**
- **Hours of operation as stated with the application;**
- **Waste treatment and storage shall only take place on the concreted areas of the site;**
- **Standard operational conditions; and**
- **Limits on volume of material as stated within the planning application.**

***The following informatives should be attached to any decision notice***

### **Highways**

The applicant will need to obtain the consent of the highways authority (CEC) for any work in, or that may affect the public highway. The applicant should contact Crewe area office (CEC) before constructing or altering any access. This work should be carried out under a section 184 licence.

Any new access or alterations to an existing access must be approved by the LPA prior to development and constructed in accordance with the approved drawings and to CEC specification. Any new gates should open inwards and be set back from the edge of the highway to allow the largest of vehicles using this site to park off highway.

**United Utilities**

Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers

United Utilities offers a fully supported mapping service at a modest cost for our electricity, water mains and sewerage assets. This is a service, which is constantly updated by our Map Services Team (Tel No: 0870 7510101) and I recommend that the applicant give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

**Environment Agency**

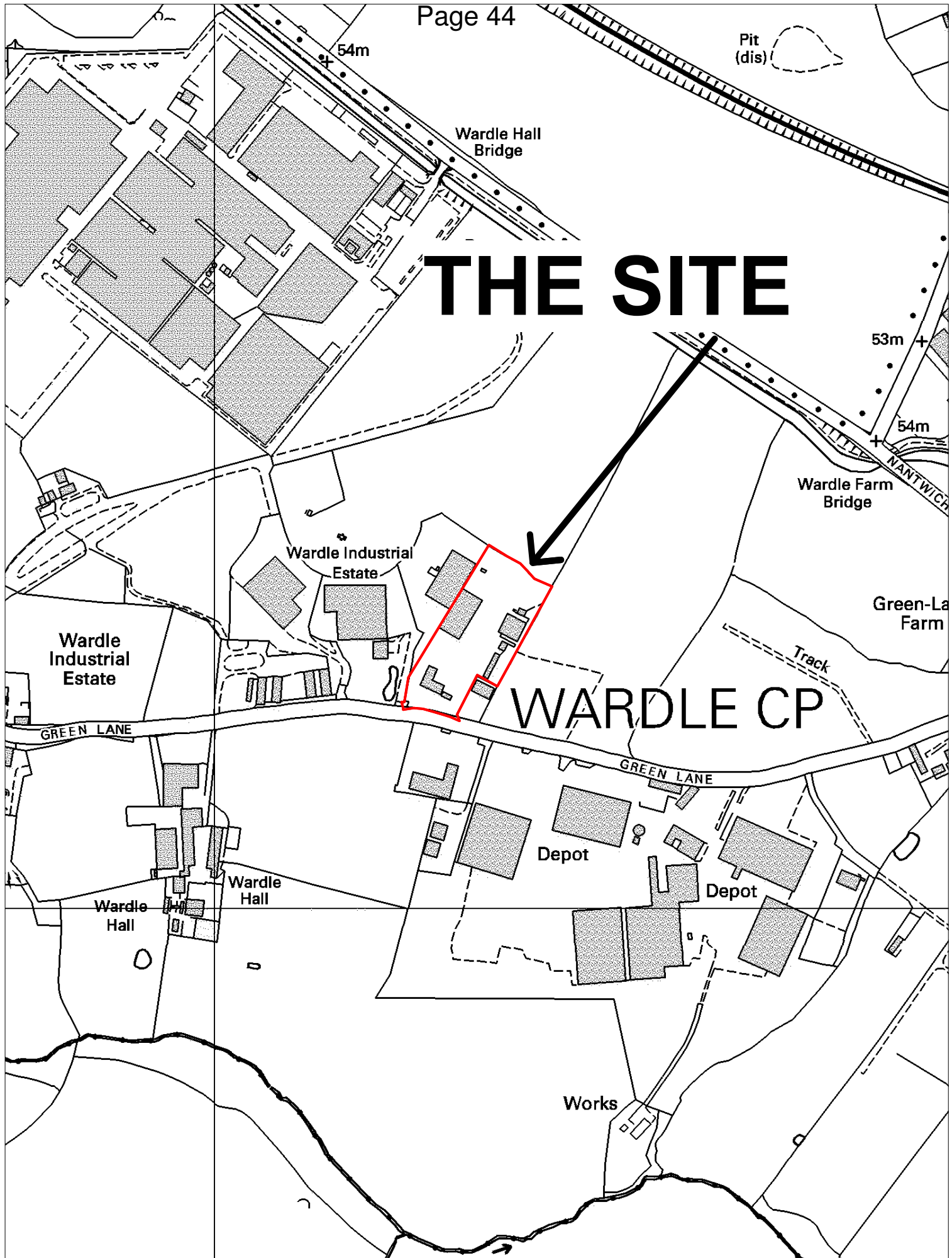
This development will require an Environmental Permit under the Environmental Permitting Regulations 2007 from the Environment Agency, unless an exemption applies.

The Duty of Care regulations for dealing with waste materials are applicable for any off-site movements of wastes. It should be ensured that all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with the Duty of Care regulations.

It should be ensured that there is no possibility of contaminated water entering and polluting surface or groundwater.

If any controlled waste is to be removed off site, it must be ensured that a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

For more specific advice please see available guidance at: [www.environment-agency.gov.uk/subjects/waste/](http://www.environment-agency.gov.uk/subjects/waste/)



10/0276W NICK BROOKES SKIP HIRE, GREEN LANE, WARDLE, NANTWICH, CW5 6DB

NGR: 360,330m - 357,330m

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#  
Scale 5150

<b>Planning Reference No:</b>	10/0277W
<b>Application Address:</b>	Nick Brookes Skip Hire, Green Lane, Wardle, Nantwich, CW5 6DB
<b>Proposal:</b>	Temporary Use of Land for the Storage of Soils, Aggregates and Minerals (Site B)
<b>Applicant:</b>	Mr Nick Brookes, Nick Brookes Recycling Ltd
<b>Application Type:</b>	Full (Temporary and Retrospective)
<b>Ward:</b>	Cholmondeley
<b>Constraints:</b>	Open Countryside

**SUMMARY RECOMMENDATION:**

- **Approve subject to conditions**

**MAIN ISSUES**

- **Development in the open Countryside**
- **Landscape and Visual Impact; views from A51**
- **Potential Noise from machinery**
- **Air quality and dust from the storage of secondary aggregates**

**1. REASON FOR REPORT**

1.1 This application has been referred to the Strategic Planning Board as the proposal is related to a major waste application also being considered by the Strategic Planning Board 10/0276W. Whilst this site would not be considered to be a major planning application, it has been brought to the Strategic Planning Board for consistency.

1.2 The application was submitted in response to potential enforcement action as the applicant has been storing waste materials on this site for over 12 months.

**2. DESCRIPTION OF SITE AND CONTEXT**

2.1 The site is located in the Open Countryside on Wardle Industrial Estate, Green Lane, off the A51 in Wardle, approximately 5 miles to the north east of Nantwich. The site is part of the existing Wardle Industrial Estate which is a brownfield site, consisting of adjacent existing large industrial buildings and activities. The application site consists of an existing hardcore surface and is currently being used for staff parking associated with Nick Brookes and the storage of recycled aggregate and construction and demolition materials which this application seeks to regularise. The application site is located to the north, and adjacent to the existing Nick Brookes aggregate washing plant, recycling/skip business and waste transfer station. This application proposes a temporary extension to the existing waste transfer operations on site. At present waste materials are imported to the waste transfer station via skips and containers, sorted, and processed/treated and recyclable materials baled and stored, and then disposed of elsewhere, off site.

2.2 The current designated planning land use of the existing site is B2 and B8 by virtue of existing extant planning permissions. Part of the site is currently partly used for car parking. Neighbouring properties are of a general industrial and agricultural nature located adjacent to the Nick Brooks complex on Wardle Industrial Estate. NWF Agriculture is located approximately 260 metres to the north west, the A51 is approximately 400 metres to the north east, and the nearest residential property is approximately 400 metres to the south west of the application site.

### **3. DETAILS OF PROPOSAL**

3.1 The application seeks a temporary planning permission for a period of 12 months to store inert construction and demolition products, soils, stone, recycled aggregates and minerals. After which time the site would be restored in accordance with an approved restoration scheme. The applicant only seeks a temporary permission as they anticipate more space to be accommodated on his property by virtue of planning application 10/0276W (report item on this agenda, subject to planning approval) which would increase the storage capacity on site. The down-turn in the construction industry, caused by the economic recession has led to the situation where the operator has had to store more product and construction/demolition waste on site rather than selling and exporting for further use. Therefore, it is anticipated that when the economic recession recovers, the market will increase for these products, thus reducing the volume on site, and the need for storage capacity.

3.2 Most waste materials would be delivered to the site within fixed-body tipper vehicles originating from the transfer station. Other loads which are known to be inert waste materials, which do not require sorting would be delivered directly to the application site rather than to the waste transfer station, thus ensuring that the waste types match those permitted on site. This would be limited to 10 loads per day.

3.3 The applicant seeks to store these materials in stockpiles no more than 6 metres in height from existing ground level.

3.4 The application is partly retrospective as waste/products are currently being stored on the site on a hardcore surface.

3.5 The nature of this change of use application presents an extension to the existing Nick Brookes waste transfer station. All materials stored on site would have already been sorted and segregated at the transfer station prior to their storage on this application site, with the exception of pre-sorted loads.

3.6 Existing boundary treatment for the site is a low level timber post and wire fence.

3.7 The application proposes no changes in the operating hours to that of the existing operating hours at the waste transfer station which are: 0700 – 1800 Monday to Saturday. The repair and maintenance of on-site plant, machinery and vehicles may take place outside of these hours but shall not involve the arrival or departure of vehicles from the site. No other operations shall take place outside these hours Sunday, bank or public holidays without prior written agreement of the Waste Planning Authority.

#### **4. RELEVANT HISTORY**

4.1 The application site has a number of planning permissions relating to B2 and B8 uses granted by Crewe and Nantwich Borough Council

- 7/03791 – Storage of timber (1978)
- P92/0046 – Change of use from Agriculture to Industrial purposes (1992)
- P97/0056 – Renewal of land for Industrial Purposes (1997)
- P02/0254 – Renewal of land for Industrial Purposes (2002)

4.2 The existing Nick Brookes waste transfer station has several extant planning permissions granted by Cheshire County Council:

- 7/20202 – Operation of a Waste Transfer Station; granted 24.02.1992
- 7/P69/0840 – Operation of a waste transfer station and storage/recovery facility; granted 23.12.1999
- 7/P00/0008 – New extension and alterations to proposed waste transfer station; granted 31.03.2000
- 7/2006/CCC/1 – Change of use of adjacent land to increase storage area; granted 22.02.2006
- 7/2007/CCC/12 – Extension to a waste transfer building and replacement 3 metre perimeter fence with 1.2 metre netting on top

#### **5. POLICIES**

5.1 The Development Plan comprises the North West of England Regional Spatial Strategy 2021 (RSS), Cheshire Replacement Waste Local Plan 2007 (CRWLP) and Borough of Crewe and Nantwich Adopted Local Plan (CNLP).

5.2 The relevant Development Plan Policies are:

##### **Regional Spatial Strategy (RSS)**

Policy DP7: 'Promote Environmental Quality'

Policy EM11: 'Waste Management Principles'

Policy EM12: 'Locational Principles'

Policy EM13: 'Provision of Nationally, Regionally and Sub-Regionally significant Waste Management Facilities'

##### **Local Plan Policy**

##### ***Cheshire Replacement Waste Local Plan (CRWLP)***

Policy 1: 'Sustainable Waste Management'

Policy 2: 'The Need for Waste Management Facilities'  
Policy 12: 'Impact of Development Proposals'  
Policy 14: 'Landscape'  
Policy 15: 'Green Belt'  
Policy 17: 'Natural Environment'  
Policy 18: 'Water Resource Protection and Flood Risk'  
Policy 20: 'Public Rights of Way'  
Policy 23: 'Noise'  
Policy 24: 'Air Pollution; Air Emissions Including Dust'  
Policy 25: 'Litter'  
Policy 26: 'Odour'  
Policy 27: 'Sustainable transportation of materials'  
Policy 28: 'Highways'  
Policy 29: 'Hours of Operation'  
Policy 36: 'Design'

***Borough of Crewe and Nantwich Adopted Local Plan 2011 (CNLP)***

BE.1: Amenity  
BE.2: Design Standards  
BE.3: Access and Parking  
BE.4: Drainage, Utilities and Resources  
NE.2: Open Countryside  
NE.9: Protected Species  
NE.17: Pollution Control  
NE.19: Renewable Energy

**Other Material Considerations**

Waste Strategy (2007)  
Cheshire Landscape Character Assessment (2009)

***National Planning Policy and Guidance***

PPS 1: Delivering Sustainable Development  
PPS 7: Sustainable Development in Rural Areas  
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**6. CONSULTATIONS (External to Planning)**

**6.1 The Strategic Highways and Transport Manager** does not object to this application subject to condition regarding access specification.

**6.2 The Borough Council's Landscape Officer** does not object to this application but has concerns with regards to the boundary treatment and the heights of stockpiles which should be reduced and conditioned, and the potential impact on visual amenity and the landscape character of the area.

**6.3 The Borough Council's Nature Conservation Officer** does not object to this application and does not anticipate there being any significant ecological issues associated with the proposed development.

**6.4 The Borough Council's Environmental Protection Officer** does not object to this proposal subject to the submission of a noise mitigation scheme. With regards to dust, the monitoring and mitigation measures outlined in the application should be conditioned to ensure dust nuisance is minimised.

**6.5 The Borough Council's Environmental Health Officer** does not object to this proposal subject to conditions relating to hours of operation to be in-line with existing operating hours and concurs with the Borough Council's Environmental Protection Officer with regards to noise attenuation and environmental control being undertaken by the operator.

**6.6 The Borough Council's Land Contamination Unit** does not object to this application and has no comments to make.

**6.7 The Environment Agency** does not object to this application.

**6.8 United Utilities** does not object to this application subject to conditions in relation to drainage.

## **7. VIEWS OF THE PARISH / TOWN COUNCIL**

Wardle Parish Council have been consulted and have no concerns or comments to make in relation to the application.

## **8. OTHER REPRESENTATIONS**

At the time of writing the report, no letters of objection or support have been received in relation to this application

## **9. APPLICANT'S SUPPORTING INFORMATION**

The planning application was accompanied by a planning statement which included information in relation to the proposals, policies and legislation, environmental information, plant, equipment and infrastructure, site management, reception and handling procedures, dust monitoring and control, environmental controls, traffic management, access details and noise control, a design and access statement, and supporting plans.

## **10. OFFICER APPRAISAL**

### ***10.1 Principle of Development***

10.1.1 Due to the down turn in the economy, the demand for recycled aggregate has decreased. Whilst imports of construction and demolition wastes into the waste transfer station have remained steady, the demand for the end product has reduced, resulting in the applicant needing additional space on site for the temporary storage of this recycled aggregate for a period of 12 months.

10.1.2 As a result of lack of space on site, the applicant has been storing recycled aggregate product on this application site for over 12 months. This application is therefore retrospective and seeks to regularise this activity to avoid potential enforcement action. There have however been no complaints from members of the public in relation to this unauthorised activity. 12 months from the date of the permission, should planning permission be granted, the site shall be restored back to the original condition in accordance with an approved restoration and aftercare scheme.

10.1.3 The principle of storing recycled aggregate products and construction and demolition materials in the locality on the adjacent site has been approved by virtue of the previous planning consents as detailed above.

### ***10.2 Policy Considerations***

10.2.1 On careful consideration of the application against the relevant policies set out above, it is considered that the proposal is in accordance with the Development Plan. Relevant policy compliance will be examined in further detail within the text below.

### ***10.3 Transportation and Traffic***

10.3.1 The site would be accessed via the dedicated existing access to the Wardle Industrial Estate off Green Lane and is considered to be a sufficient width to accommodate operations without need for specialist traffic controls. The access from the main highway (A51) has already been specifically designed and adapted to accommodate large numbers of heavy vehicle movement and facilitates suitable visibility in both directions to allow for safe access and egress of vehicles. All vehicles that visit the existing transfer station use this access. Use of the site would not increase the overall vehicle movements at the junction with Green Lane and the A51 as all waste vehicles accepted are already designated for the existing transfer station.

10.3.2 The existing extant planning consents permits 350 vehicle movements to the adjacent transfer station site (175 in, 175 out). There are no plans to increase the existing vehicle movements than is already permitted on site approved by virtue of the existing planning consents for

Nick Brookes transfer station. It is considered that the potential additional 20 vehicle movements from the additional 10 loads per day proposed (from the pre-sorted waste) would not give rise to any operational difficulties on the local highway network as these vehicle movements would not be in addition to the already permitted movements to the site. The majority of the vehicles would already be accessing the site in relation to the existing waste transfer station. Therefore no additional vehicle trips would be generated by the proposed development.

10.3.3 The Strategic Highways and Transportation Manager has assessed this application and offers no highways objections subject to condition in relation to access specifications. However, no new access arrangements or alterations to access arrangements are proposed. Therefore, it is considered that this condition would not be necessary and would be added as an informative for future reference should alterations to the access be required in the future.

10.3.4 It is considered that the extension to the storage capacity at Nick Brookes' site would not give rise to any operational impacts upon the capacity of Green Lane or its junction with A51. As such, it is considered that there are no over-riding reasons for which the development should be refused on highway grounds, and that this proposal accords with Policies 12 and 28 of the CRWLP and Policies BE.1 Amenity, BE.2 Design Standards and BE.3 Access and Parking of the CNLP.

#### **10.4 Landscape and Visual assessment**

10.4.1 The Landscape Character Assessment of Cheshire East identifies this area as the Ravensmoor Character Area ELP1. This is characterised as a predominantly flat landscape, *'near the A51 in the north of the area the landscape is open and expansive, with larger fields and thin or low hedges with few trees, allowing extensive views across the plain'*. However, this site is located within an existing industrial estate and the views across the plain are already obscured by the existing industrial buildings. Therefore, it is considered that the storage of recycled aggregate on this site would not having a materially additional adverse impact on the landscape character.

10.4.2 At present, the site is being used for the storage of recycled aggregates, soils and minerals, and this application would regularise this retrospective activity; albeit temporary. The materials are currently being stored in stockpiles in excess of 7 metres in height from existing ground level. Due to the landscape character of this area, it is possible to see these stockpiles while travelling along the A51, approximately 400 metres to the north east of the site; even at this distance the Borough Council's Landscape officer considers them to be incongruous.

10.4.3 It is important to note that there are limited views from nearby residential properties of the application site. Furthermore, there have been no complaints from third parties in relation to this issue. Whilst some of the

stockpiles are approximately 7 metres high, and therefore would be difficult to screen, the surrounding buildings are considerably higher. Viewed in relation to the heights of the existing buildings, the stockpiles themselves do not obscure the view over the plain. Therefore, it is considered that the stockpiles do not have a materially unacceptable additional impact on the landscape character of the area. However, it is considered that a height of 7 metres is excessive and the visual impact of the stockpiles would be improved should the stockpiles be reduced and maintained to a maximum height of 6 metres for the duration of the temporary permission. Furthermore, this would be a temporary consent and also should planning application 10/0276W be approved there would be more space at the southerly end of the site to store materials, moving the stockpiles further away from the A51.

10.4.4 The Borough Council's Landscape Officer has suggested that the existing low timber post and wire fence provides no visual mitigation for the storage mounds, and has suggested that, whilst it would be impractical to establish a hedge to provide any mitigation in the shorted term, he has recommended that it would be practical to erect a solid boundary fence to a height of 3 metres. However, on balance, taking into account the fact that this application is for only a temporary period, and also, that the stockpiles would be of a natural and uniform nature, it is considered that it would not be appropriate to require permanent boundary treatment. Furthermore, a fence of a height of 3 metres would not screen stockpiles of 6 metres.

10.4.5 It is considered that, with reduced stockpile heights, maintained no higher than 6 metres, and the limited views from residential properties and the lack of complaints, that the storage of construction and demolition materials and aggregates for a short term period of 12 months would not create an unacceptable permanent visual impact, and as such this proposal accords with Policies 12 and 14 of the CRWLP and Policy BE.1 Amenity of the CNLP.

## **10.5 Open Countryside**

10.5.1 Whilst the proposal is situated in the Open Countryside in which policy NE.2 of the CNLP applies, this application is for a temporary period of 12 months and therefore, it would not have a permanent impact on the openness, character and amenity of the open countryside. Stockpile heights would be restricted to a height of no more than 6 metres and maintained at this height, which would go some way to minimise the visual impact. They have been on site for over 12 months with no third party complaints, and furthermore, they are viewed to a backdrop of existing industrial buildings. Therefore, it is considered the impact on the open countryside is not materially different to the existing industrial features on site.

10.5.2 As the proposal would be of a temporary nature, and the surrounding land use is of an industrial nature, with the neighbouring associated waste recovery and treatment activities, it is considered that the proposed development would not therefore have a permanent impact on the

character or amenity of the Open Countryside. As such, it is considered that this proposal is not contrary to Policy NE.2 of the CNLP.

### **10.6 Residential Amenity**

10.6.1 It is considered, due to the existing neighbouring uses being predominantly of an industrial nature, that the site would appear to be a reasonable location for the proposed type of activities as they are similar to that of an industrial nature. The nearest residential property is Wardle Hall Farm about 400 metres to the south west, and some offices nearby; 120 metres to the west and 40 metres to the south of the site.

10.6.2 The main issues that this proposed activity could give rise to affecting residential amenity include noise, air quality, and dust.

### **10.7 Noise**

10.7.1 Potential noise impacts would be from vehicles and plant moving the inert waste. Best practical means would be used in all waste handling and other operations to ensure that noise levels do not exceed background levels by more than 5dBA. It is considered that there are few sensitive receptors in the surrounding area and operational hours would be restricted to the same as those existing at the waste transfer station. In spite of the fact that there are no nearby residential properties, the Council's Environmental Protection Officer and Environmental Health Officers have requested that a scheme for the mitigation of noise to be submitted to ensure that noise is controlled. The approved scheme should consider the need to operate the various plant/machinery simultaneously, location of plant and other good practice.

10.7.2 With the appropriate noise mitigation scheme, it is considered that the activity should not give rise to unacceptable noise, and as such, the proposal is considered to be in accordance with Policies 12 and 23 of the CRWLP and Policy BE.1 Amenity and BE.17 Pollution Control of the CNLP.

### **10.8 Air Quality and Dust**

10.8.1 Site operations would be carried out to minimise the creation of dust. The sites existing water bowser would be available for use on site to ensure that dust is kept to a minimum on all vehicle running surfaces and stockpiles of materials. A vacuum tanker/road sweeper, or brush and shovel would also be used to clean the site access road and the adjacent highway if necessary, as existing. Harvested roofwater drainage would be utilised for water supply in preference to mains water supply where the use allows.

10.8.2 The application's planning statement includes measures for dust monitoring and control. The Council's Environmental Protection Officer considers the control and mitigation measures detailed in the application to be sufficient to control any nuisance from dust. These should be conditioned.

10.8.3 Subject to limits on stockpile heights, dust control and monitoring, as stated within the application, it is considered that this application should not give rise to unacceptable levels of dust. As such, it is considered that in respects to air quality and dust that this proposal is in accordance with PPS 23, Policies 12, and 24 of the CRWLP and Policy BE.1 Amenity and BE.17 Pollution Control of the CNLP.

## **10.9 Hydrology**

10.9.1 United Utilities and the Environment Agency were consulted and have no objection to the proposed temporary storage of inert wastes and product produced at Nick Brookes waste transfer station, subject to the site being drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the SUDS as stated on the application form; it is considered that this application accords with the provisions Policies 12 and 18 of the CRWLP and Policy BE.4 of the CNLP.

## **11. CONCLUSIONS**

11.1 The proposal supports activities related to best practice in waste management as recycling aggregates is high up in the Waste Hierarchy. By creating products from waste arisings produced at the transfer station and construction/demolition waste, this diverts waste that would be disposed of to landfill, which is supported at a European, National and Local level.

11.2 It is considered that the proposal would not give rise to additional traffic movements, so therefore it would not have an adverse impact on the local highway network. With effective management controls and mitigation the proposal would not lead to an adverse impact in terms of noise, and dust to the local environment. Restrictions on the heights of any further stockpiles would ensure that the visual impact is minimised.

11.3 The need for the storage on site has arisen due to the down-turn in the economy, and has had an effect on the need for recycled aggregate and construction/demolition materials. It is hoped that within 12 months that market demand will increase for these products. Furthermore, within 12 months, the applicant should have secured additional capacity on site by virtue of planning permission 10/0276W, should this be granted. Within three months of the expiry of the temporary permission, the operator would be required to restore the site fully back to its original condition in accordance with a submitted restoration and aftercare scheme. There are no material planning reasons why this proposal should be refused.

## **12. RECOMMENDATION**

**THAT: Planning permission should be granted subject to conditions covering in particular: -**

- **Approved plans;**
- **Temporary permission for 12 months from the date of the permission and site restored within 3 months in accordance with a submitted restoration and aftercare scheme;**
- **Site only used for storage of recycled aggregate products and construction and demolition waste that has been pre-sorted as stated in the application**
- **Hours of operation as stated with the application;**
- **Written notification of completion of restoration;**
- **Noise limits set;**
- **Noise mitigation scheme submitted for approval;**
- **Dust monitoring, control and best practice as per application;**
- **Stockpile heights reduced and restricted to 6 metres within 3 months of the date of the permission and maintained to a maximum of 6 metres throughout the life of the permission;**
- **Standard operational conditions; and**
- **Drainage;**

***The following informatives should be attached to any decision notice***

### **Highways**

The applicant will need to obtain the consent of the highways authority (CEC) for any work in, or that may affect the public highway. The applicant should contact Crewe area office (CEC) before constructing or altering any access. This work should be carried out under a section 184 licence.

Any new access or alterations to an existing access must be approved by the LPA prior to development and constructed in accordance with the approved drawings and to CEC specification. Any new gates should open inwards and be set back from the edge of the highway to allow the largest of vehicles using this site to park off highway.

### **Untied Utilities**

Should this planning application be approved, the applicant should contact UU Service Enquiries on 0845 7462200 regarding connection to the water mains/public sewers

United Utilities offers a fully supported mapping service at a modest cost for our electricity, water mains and sewerage assets. This is a service, which is constantly updated by our Map Services Team (Tel No: 0870 7510101) and I

recommend that the applicant give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

**Environment Agency**

This development will require an Environmental Permit under the Environmental Permitting Regulations 2007 from the Environment Agency, unless an exemption applies.

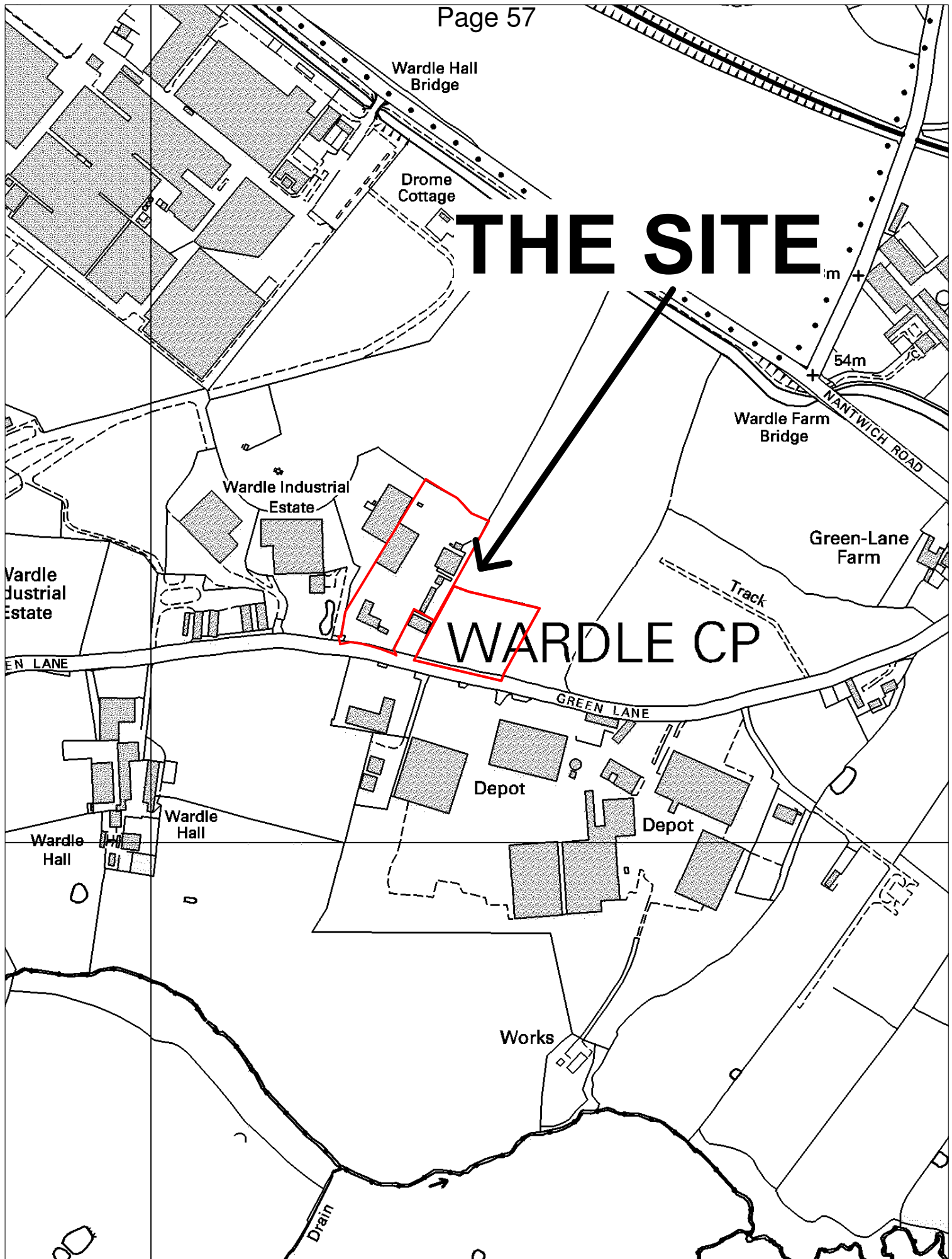
The Duty of Care regulations for dealing with waste materials are applicable for any off-site movements of wastes. It should be ensured that all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with the Duty of Care regulations.

It should be ensured that there is no possibility of contaminated water entering and polluting surface or groundwater.

If any controlled waste is to be removed off site, it must be ensured that a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

For more specific advice please see available guidance on:

[www.environment-agency.gov.uk/subjects/waste/](http://www.environment-agency.gov.uk/subjects/waste/)



# THE SITE

## WARDLE CP

10/0277W NICK BROOKES SKIP HIRE, GREEN LANE, WARDLE, NANTWICH, CW5 6DB  
NGR: 360,280m - 357,280m

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<b>Planning Reference No:</b>	10/0861N
<b>Application Address:</b>	Land at Groby Road, Crewe.
<b>Proposal:</b>	Proposed New Campus for Disabled Sports, The Provision of Support Services for SEN Schoolchildren and Enabling Development in the Form of a Low Density Retirement Park
<b>Applicant:</b>	Cheshire Academy of Integrated Sports and Arts
<b>Application Type:</b>	Outline Planning Permission
<b>Grid Reference</b>	370960 358036
<b>Ward</b>	Crewe East
<b>Earliest Determination Date:</b>	29 <sup>th</sup> April 2010
<b>Expiry Dated:</b>	3 <sup>rd</sup> June 2010
<b>Date Report Prepared:</b>	19 <sup>th</sup> April 2010
<b>Constraints:</b>	Open Countryside

#### **SUMMARY RECOMMENDATION**

**REFUSE on grounds relating to:-**

1. Inappropriate development in the Open Countryside which should be protected for its own sake.
2. The proposed development would be a dominant and intrusive feature which would be detrimental to the open character and appearance of the surrounding countryside
3. An unsustainable location
4. Impact of the proposal on flooding on-site and elsewhere
5. Impact on protected species or important habitats
6. Insufficient archaeological, historical or ecological information has been submitted regarding the hedgerow
7. Lack of affordable housing

#### **MAIN ISSUES**

**The main issues are:-**

- The acceptability of the development in principle
- Whether the site is situated in a sustainable location
- The scale and visual impact of the proposals
- Amenity implications for neighbouring and prospective occupiers
- Impact on ecology both within the site and in surrounding areas.
- The impact of the proposals on highway safety
- Impact of the proposals on drainage and flood risk

## **REFERRAL**

The application has been referred to the Strategic Planning Board because it is a major development and a departure from the Development Plan.

### **1. SITE DESCRIPTION**

This application relates to 6 hectares of land at the junction of Stoneley Road and Groby Road on the outskirts of Crewe, outside the Settlement Boundary, as defined in the Local Plan. It comprises 'greenfield' undeveloped agricultural land which is generally flat and under grass. The site is bounded by Groby Road to the east, Stoneley Road to the south and undeveloped agricultural land to the north and west. Its boundaries are defined by native mixed hedgerow, incorporating a number of trees of varying size and type.

### **2. DETAILS OF PROPOSAL**

Outline planning permission is sought for a mixed use sports academy and retirement park. All details are reserved for a subsequent approval, with the exception of access and siting. The proposal is identical to one which was submitted early in 2009. (P09/0021 refers).

### **3. RELEVANT PLANNING HISTORY**

P09/0021      Proposed Academy Building and Associated Facilities together with Retirement Park (Enabling Development)

Refused 5<sup>th</sup> March 2009 for the following reasons:-

1. Inappropriate development in the Open Countryside;
2. The development of the retirement park will not ensure that the new Academy building and facilities are provided;
3. The proposed development would be detrimental to the open character and appearance of the surrounding countryside;
4. The site is in an unsustainable location;
5. Failure to demonstrate that the additional traffic generated by the proposal can be accommodated on the local highway network;
6. Failure to adequately demonstrate that the proposals will not create or exacerbate flooding on-site or elsewhere;
7. Failure to provide sufficient information quantify and mitigate any impact on protected species;
8. Insufficient archaeological, historical or ecological information has been submitted to determine whether the hedgerow to be removed is of significance;
9. Failure to demonstrate that the scheme would deliver appropriate levels and make up of affordable housing

#### **4. PLANNING POLICIES**

The development plan includes the North West of England Plan – Regional Spatial Strategy to 2021, and the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The relevant development plan policies are:

##### **Regional Spatial Strategy**

Policy DP 1 Spatial Principles  
Policy DP 2 Promote Sustainable Communities  
Policy DP 4 Make the Best Use of Existing Resources and Infrastructure  
Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility  
Policy DP 7 Promote Environmental Quality  
Policy DP 9 Reduce Emissions and Adapt to Climate Change  
Policy RDF 1 Spatial Priorities  
Policy RDF 2 Rural Areas  
Policy L 1 Health, Sport, Recreation, Cultural and Education Services Provision  
Policy L 2 Understanding Housing Markets  
Policy L 5 Affordable Housing  
Policy RT 2 Managing Travel Demand  
Policy RT 3 Public Transport Framework  
Policy RT 4 Management of the Highway Network  
Policy RT 9 Walking and Cycling  
Policy EM 15 A Framework For Sustainable Energy In The North West  
Policy EM 16 Energy Conservation & Efficiency  
Policy EM 17 Renewable Energy  
Policy MCR 4 South Cheshire

##### **Policies in the Local Plan**

NE.2 (Open countryside)  
NE.5 (Nature Conservation and Habitats)  
NE.9: (Protected Species)  
NE.20 (Flood Prevention)  
NE.21 (Land Fill Sites)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
RES.5 (Housing In The Open Countryside)  
RT.6 (Recreational Uses on the Open Countryside)

TRAN.3 (Pedestrians)

TRAN.5 (Cycling)

**Other relevant planning guidance:**

PPS1 (Delivering Sustainable Development)

PPS3 (Housing)

PPS4 (Planning for Sustainable Economic Development)

PPS7 (Sustainable Development in Rural Areas)

PPS9 (Biodiversity and Geological Conservation)

PPG13 (Transport)

PPG17 (Open Space Sport and Outdoor Recreation)

PPS25 (Development and Flood Risk)

**5. OBSERVATIONS OF CONSULTEES**

**Strategic Highways Manager**

No highways objections subject to the following conditions:

- 1) No development shall take place until detailed drawings outlining the site's access arrangements and footway improvements have been submitted to and approved by the LPA.
- 2) No part of the development shall be occupied until the access and footway improvements have been constructed in accordance with approved drawings.

Prior to the commencement of development, the developer will enter into and sign a Section 278 Agreement with CEC Highways Authority. This S278 Agreement will include the combined suite of plans for all off-site highway works included in the above Conditions: 1 & 2.

- 3) An agreed travel plan must be agreed prior to first occupation and secured through section 106 agreement.

**Environment Agency**

- A letter from the Environment Agency of 13th February 2009, in accordance with current practice, confirmed that a discharge rate of 7.311litres/second (based on a 100-year return period and with no attempt to reduce the volume of run-off generated) is not acceptable. The letter has also confirmed that the FRA should be revised accordingly.
- A further letter of 17th February 2009, in accordance with current practice, confirmed that having a surface water regulation system with a variable discharge (rate) would

be acceptable in principle. Such a system would be accepted where it is demonstrated that the volume of run-off from the developed site would not increase above the same volume of run-off for the existing undeveloped site during 30- and 100-year rainfall events on the site.

-

Unfortunately, the flood risk assessment remains unaltered from its original position and no confirmation has been received by the Environment Agency that a drainage scheme is proposed that will ensure that run-off discharge volumes pre- and post-development will remain unchanged. Therefore, at the present time the proposal remains contrary to current guidance on sustainable drainage design practice and they would maintain their previous objection until such time as the proposed rate of discharge/volume is resolved.

### **United Utilities**

- Have no objection to the proposal provided that the following conditions are met: -
  - In accordance with PPS25 surface water should not be allowed to discharge to foul/combined sewer. This prevents foul flooding and pollution of the environment.
  - Surface water should discharge to the watercourse and may require the consent of the Environment Agency. Foul drainage should be connected to the existing 225mm diameter public sewer off Stoneley Road.
  - All surface water drains must have adequate oil interceptors.
  - The applicant has not stated whether provision of an extra water supply is required. Therefore, use of the existing metered service must be considered as a means of supply. Water pressure in this area is regulated to around 20metres head. This should be taken into account when designing the internal plumbing. If not, a separate metered supply will be required at the applicant's expense.
  - If any sewers on this development are proposed for adoption then the developer should contact the Sewer Adoptions Team

### **Public Rights of Way Team**

- The property is adjacent to public footpath no.8 in Crewe as recorded on the Definitive Map. From the sketch proposal – site layout development plan it appears that the proposed orbital exercise walkway would be outside of the development boundary and along the public footpath. This needs to be verified by the agents and if confirmed, discussions held with the area maintenance and enforcement officer.
- The Public Rights of Way Team would also expect that the developer be made aware of their obligations during the construction period and requests that relevant informatives be attached the decision notice.

### **Cheshire Fire and Rescue Service**

- Access and facilities for the fire service should be in accordance with the guidance given in Document B of the Building Regulations 2000
- The applicant is advised to submit details of the water main installations in order that the fire hydrant requirements can be assessed.
- If planning approval is granted, the applicant should be advised that means of escape should be provided in accordance with current Building Regulations.
- The applicant should consider the inclusions of an automatic water suppression system to enhance any proposed design.

### **Regional Development Agency**

- The proposed Academy would meet many of the principles of policies DP2 and L1 which promote services for all members of the community.
  - o We note the applicants have submitted more information with this application than the previous application, in particular:
    - A travel plan with details of proposed bus services and a grocery delivery service.
    - Proposals for sustainable design and construction, and green infrastructure provision.
    - Details of proposed funding.
- However concerns with the location remain, particularly in relation to RSS policies DP4 and RDF2. The Council will still need to be satisfied that a sound justification has been provided for the development of this greenfield location in the open countryside, and that possible alternative sites have been fully considered for the proposed Academy and the enabling development.

### **Sport England**

- No objection subject to compliance with Sport England Guidance in respect of layout design and specification of new sports facilities.
- The absence of an objection to this application does not in any way commit Sport England's support for any related application to the National Lottery Sports fund.

### **Natural England**

- At present, Natural England advises that insufficient information has been provided in relation to the potential impact of the proposal on the bird species found within the Sandbach Flashes SSSI site and which may be using fields in the vicinity of the SSSI. Therefore, they are unable to confirm that there will be no significant impact on the site. They also believe that there is currently insufficient information to

confirm that that there will be no significant impact on the site as a result of any discharge of surface water from the development.

- The proposal may also affect statutory protected species (Great Crested Newts, Bats, Badgers and Breeding Birds). The site is predominantly grassland. However there are also a number of trees and hedgerows that may be affected. Natural England advises that there is insufficient information accompanying the planning application, from which to ascertain the possible impact of this development on protected species. If there have been further surveys, they would require sight of the data. Updated/further surveys in relation to bats, badgers and breeding birds may also be required in light of the indications of their potential presence within the Phase 1 Habitat survey.
- They are, however, satisfied that the proposal does not have any significant impacts upon Natural England's other interests, including National Trails, Access Land, or the areas of search for new national landscape designations.

## **6. VIEWS OF THE PARISH / TOWN COUNCIL**

N/A

## **7. OTHER REPRESENTATIONS**

### **Objections**

44 Standard letters of objection were received from the occupiers of 11 Rigg Street, Crewe; 33 Birchin Lane, Nantwich; 22 Hill Terrace, Audley; 1 Bleeding Wolf Lane, Scholar Green; 66 St. Oswalds Crescent, Brereton Green; 7 Scott Close, Elworth; 28 Handforth Road, Wistaston; 54, 33A, 49, 301, 327, 303, 62, 56 and 307 Stoneley Road, Crewe; Oak Tree Farm, 16A, 20, Apple Tree House, Groby Road, Crewe; 6 Rona Avenue, Ellesmere Port; 114 Remer Street, Crewe; 10 Bidvale Way, Crewe; 149 Beech Road, Hertford; making the following points:

### ***The Local Plan***

- The area for the proposed development is designated as Open Countryside outside settlement boundaries. It is quite clearly stated in Policy NE.2: Open Countryside that,
- *"All land outside the settlement boundaries defined on the proposals map (see also policies res.5 and res.6) will be treated as open countryside." and "within open countryside only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted."*
- The proposal fails to fall into any of the above categories;
- Policy RES.5: Housing In The Open Countryside also points out that, *"outside settlement boundaries all land will be treated as open countryside."* and *"new*

*dwellings will be restricted to those that meet the criteria for infilling contained in policy NE 2;"*

- The 64 retirement housing units proposed to enable the Academy to fund the building and maintenance of the sports facility are for private, unrestricted sale and are not within the parameters of the previously mentioned policies;

### **Sustainability**

- Planning Policy Statement 7 states that, *"Accessibility should be a key consideration in all development decisions. Most developments which are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking and cycling, in line with the policies set out in PPG13, Transport;*
- *Decisions on the location of other developments in rural areas should, where possible, give people the greatest opportunity to access them by public transport, walking and cycling, consistent with achieving the primary purpose of the development;"*
- Groby Road and Stoneley Road are derestricted 60mph country roads with no street lighting from the junction of Stoneley Road to near to the Warmingham Road end. They have no pavements and soft verges with deep ditches along the hedgerows. The verges are regularly flooded by rain water and destroyed by large heavy skip wagons accessing the Maw Green site. Access from all directions to this site is poor and any increase in traffic would be detrimental to the area;
- The nearest public transport is approx 1km away from the proposed entrance to the development and is an erratic service at best; the nearest shop is approx 2.5km away. The many bends of Groby Road coupled with the excessive speed of vehicles on Groby Road and Stoneley Road would not make cycling or walking a safe transport choice for the proposed users of the development; therefore the majority of the users of the sports facility and retirement community would be forced to use cars;

### **Biodiversity.**

- There are many different plants and wildlife on the site and in the area, including bats, badgers, and barn owls. Newts have been seen in the area but we do not know if the newts are of the Great Crested variety. Any building on the proposed site would potentially reduce the biodiversity, which is discouraged in Planning Policy Statement 9 which states that *"the broad aim is that planning, construction, development and regeneration should have minimal impacts on biodiversity and enhance it wherever possible;"*
- The study on local wildlife that was undertaken on behalf of the applicant was done in Oct/Nov, which is not the optimal time of year to see the full biodiversity of the site; especially Great Crested Newts which would be hibernating at this time of the year;

**Noise and Light Pollution.**

- People living adjacent to the development would be subject to increased noise and light. The concerns are that the additional light emitted from the proposed sports facilities would be prejudicial to health and would be a nuisance. The proposed floor lighting for the outside sports area is only 5m away from bedrooms and living rooms. The Clean Neighbourhoods and Environment Act 2005 makes light nuisance subject to criminal law. Another concern is that an increase volume of traffic in the area will have a negative impact on all residents quality of life as they currently live in a quiet and peaceful environment.

**Flooding.**

- The ditches and fields along Groby Road are often flooded due to the poor drainage in this area – Car parks and building will only increase the likelihood of effluent etc leaking onto the roads and even into the nearby SSSI (Site of Scientific Interest) which is only 400m away from the entrance to the development.
- There are other concerns raised by this proposal – the electrical requirements of this size of development will be huge, Sewers are unable to cope with the current demand from households in the area also.

Additional letters of objection have been received from Race Farm and 2 Waldrons Lane, Crewe; 492 Underwood Lane, Crewe and 40 Stoneley Avenue, Crewe making the following additional points:

- The area is rich in mature meadows, hedges and wildlife and attracts walkers and bird watchers
- The application was rejected in 2009. Nothing is different and it should be rejected again.
- The Academy deserves every success but this is the wrong location to construct it
- There are narrow roads, no public transport, no speed restrictions, no street lighting, no pavements and vehicles cannot pass.
- The Academy has been offered many alternatives by Cheshire County Council.
- A developer from Cyprus is funding this to open the floodgates for further development.
- The development would grid-lock Coppenhall
- It would open up the whole of Cheshire East to development
- The site is in an unsuitable location
- The development would exacerbate flooding
- The development would be detrimental to the open Countryside
- It is against policy

## **8. APPLICANT'S SUPPORTING INFORMATION**

### **Design and Access Statement**

- The indicative scheme shows a purpose built campus comprising a national standard gymnasium, a four court hall, a child development centre, a dance and performing arts suite. The campus will also require toilets, changing rooms, first aid room, cleaning store, office and reception.
- These will be augmented by a restaurant facility for pupils, parents and guests.
- Room space will be made available for peripatetic provision of essential services that the disabled struggle to access such as dentistry, eye testing and hair cutting.
- Outside will be 5 a side football pitches, a wheelchair accessible bowling green and stocked lake
- The proposed building is based on a simple agricultural theme and is designed to achieve minimal visible impact. In this sense the 2 sports halls are seen to converge as two furrows. The furrows being formed by a plough which is formed by the entrance vestibule and associated ancillary space. In the indicative concept, the plough elevation is fully glazed with heat reflective glass to present a view of the surrounding landscape when remotely viewed from transient receptors.
- Grass and sedum covered roofs to the sports halls – the furrows – roll off the plough sweeping down into the landscape. The roof curves are lined with solar panels to maximise the suns power for space and water heating; further underpinning the schemes sustainable and ecological credentials.
- A total of 54 car parking spaces would be provided and 10 disabled bays. In addition there would be a dropping off area immediately adjacent to the entrance. All would be served by a single means of access onto Groby Road. Groby Road is served by a signposted cycle route. As part of the scheme a new pedestrian footpath would be provided on the southern side of Stoneley Road.
- The retirement park would consist of 64 single storey one or two bedroom units set in around 7.5 acres. The scheme would be eco-friendly and would hope to adopt rainwater harvesting for gardens, washing cars and WC's. Communal under floor heating and solar electricity generation.
- The whole development will be bounded on its inside edge by a perimeter path to provide the opportunity for leisurely walking. A level path, it would be accessible by people on foot, the inform or those in wheelchairs. The walk would be available for the occupiers of the retirement park to use as well. Parents could also use it whilst their children attended classes. Gabions with planting would shelter the walkers from the elements, would safeguard remote receptors from visual impact and would provide a haven for flora and fauna in its varied forms.
- The applicant places great emphasis on creating a pleasurable environment with enhanced levels of natural amenity. The proposed scheme will seek to improve baseline levels of ecology by managing the retained boundary hedgerow on an ongoing basis, new areas of tree planting using native species, planting of wildflower meadow and the ongoing management of existing grassland.

## Planning Statement

- A new CAISA Campus would take forward a unique local institution which achieves so much for disabled children and their families and which makes a positive contribution to the Councils aims to promote social inclusivity, diversity and equality.
- CAISA is a proven and reliable specialist provider to local authorities, regional health authorities and higher education establishments.
- CAISA meets the needs of individual parents and carers of disabled children within the Cheshire East Local Authority Area; meets the needs of SEN children attending mainstream schools within the Cheshire East local authority area and meets needs of SEN children attending special schools within and beyond the Cheshire east Local Authority Area.
- CAISA staff and pupils are very successful on the world stage
- They now need to relocate. Their existing building is structurally unsound; it leaks; the central heating does not function and the ancillary facilities such as kitchens are inadequate for the needs of CAISA. The deterioration of the building means that health and safety issues constantly have to be addressed and the comfort and welfare of the children using the facility is being compromised.
- A decade long search for an alternative location has proved fruitless. A purpose built facility would allow them to gain Ofsted accreditation and enhance their service provision. It also would allow them to roll out their service to those disabled / SEN children currently excluded.
- The new CAISA Campus has committed funding to the tune of at least £2 million from a charitable foundation to enable the project to come to fruition. If planning permission is obtained, a new state of the art CAISA can be constructed with no financial burden to the local authority and its tax payers. This opportunity allows Cheshire East freely to retain a proven local authority service provider with valued specialist skills sets.
- The proposed CAISA campus will be of national significance from the outset.
- Jayne Whetnall, CAISA Co-Director is a Head Coach at the Special Olympics in Athens 2011. Her current team of athletes hail from as far afield as Scotland and Jersey. CAISA would be the focus for team selection and preparation. This is a flagship development that would promote Cheshire East throughout the worlds Paralympics and Special Olympic Movements
- Future generations of disabled British Sports People would be able to avail themselves of the same opportunity.
- The new CAISA Campus requires enabling development to pay back the loan and to raise an annual financial contribution to their ongoing costs. The enabling development is proposed to be a retirement park of sixty four dwellings
- A school in the Billericay Greenbelt has successfully carried out a similar enabling development, and details have been provided in the planning statement.
- The subject site is set within a draft SHLAA Growth Corridor that is likely to be development out before 2021. In this eventually a new CAISA Campus on Groby Road would have matured into a well established facility standing alongside newer residential neighbourhoods.

- The unique circumstances will allow planning consent to be granted free from the fear of setting a development precedent that the planning authority is not able rigorously to defend. It would not undermine or compromise in anyway the existing Development Plan overarching regional policy or national planning guidance.

### **Flood Risk Assessment**

- The site is situated in flood zone 1 when viewed on the Environment Agency's web site.
- Any surplus water from Groby Road that cannot drain into the highway drainage system along the site frontage will flow northwards away from the site.
- Storage required is 1,076.65m<sup>3</sup>. This will attenuate the enhanced 1 in 100 year (x 130%) storm water run off to a discharge limit of 40.94l/s.
- This volume will be confirmed by micro drainage simulation during the detailed design of the on site surface water drainage system. This will ensure that there are no uncontrolled off site flood flows during a 1 in 100 year (climate change) site critical storm event.
- Consideration has been given to the use of SUDs to attenuate the surface water drainage flows this will take place within the water butts, the porous paving and the pond.
- A total attenuation volume of 1076.65m<sup>3</sup> will be provided to ensure that there are no off site flood flows during a 1 in 100 (climate change) storm
- The discharge of surface water will be limited to a maximum rate of 40.94 litres/second.
- The provision of on site attenuation will reduce the run off from the site to the green field rate of run off.
- There will be no loss of operational flood plain resulting from the development.
- There is no evidence to indicate that there will be any impact on the flora and fauna that depends on the watercourse for its survival.

### **Ecological Report – Avian Ecology**

- The aims of the study were to assess the conservation value of the survey area, the likely presence of rare or protected species, and identify any features, habitats or species which would constitute potential constraints to the proposed development of Cheshire Sports Academy and Retirement Park. The appraisal comprised an Extended Phase I Habitat Survey and a desk-based study;
- The former is an initial site walk-over that determines the baseline habitat of the study area, outlining the potential ecological value and significance of habitats for protected and notable flora and fauna. This was conducted on 20<sup>th</sup> October 2008;
- The desk based study summaries information retrieved from data searches and on-line searches, also detailing nearby sites designed for nature conservation. An overview of the relevant legislative framework was also presented;
- The site comprises two small fields of improved grassland. The site is bordered by species poor hedges, with inter-dispersed mature trees;

- The habitat is, in general, poor for wildlife. The areas with most potential on the site are the hedgerows and trees contained within them;
- The wider area contains some ponds and some consideration should be taken for them within the context of the scheme in order to minimise direct and indirect impacts;
- However, the pond closest to the proposed site did not contain the key components that constitute good Great Crested Newt habitat. Other ponds within 500m of the site were fragmented by roads and natural barriers;
- Therefore it is suggested that no further ecological surveys are required.

### **Transport Statement – Singleton Clamp & Partners**

- The local highway network near to the site has been surveyed for both traffic flows and vehicle speeds. Also the most recently available three year person-injury accident record of the local network has been examined. The accident record shows that there have been no accidents that represent a material concern in the context of the proposed development;
- The proposed development will take vehicular access onto the local network via two priority controlled junctions with Groby Road, which have been designed to a sufficient standard to accommodate the largest vehicles likely to use them. With regard to the internal layout of the site, emphasis has been placed on the needs of all road users, with various elements of shared surface environments throughout the site. Pedestrian and vehicle access will also be available from each end of the site;
- Parking levels for the proposed academy have been based on the anticipated demand calculated from an accurate “first principles” approach to the visitor numbers at each session. Parking for the retirement park element is in accordance with the guidance in the CNBC Local Plan document.
- The sustainability of the site has been assessed in terms of its accessibility by walking, cycling and public transport modes. Although the site is not ideally situated to encourage sustainable forms of travel, nonetheless the site is reasonably accessible by all the major non-car transport modes and can therefore help to contribute towards the encouragement of alternative travel modes.
- To enhance the accessibility of the site, a new 480m length of footway along the southern side of Stoneley Road is proposed as part of this scheme, which will link the site to the rest of the footway network. Furthermore, as part of the initiatives in the accompanying Draft Travel Plan, car borne trips to and from the retirement park element will be minimised by the promotion of the Flexi-rider bus service to residents, the provision of a regular grocery delivery service and by a potential new / diverted bus service to service the site in due course.
- The impact of the traffic arising from the development has been assessed in detail at a number of key junctions around the site, for a 2014 assessment year. The detailed capacity assessment has shown that the junctions will not be materially affected by the scheme.

## 9. OFFICER APPRAISAL

### Principle of Development

#### ***Academy Facility***

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

Whilst it could be argued that the proposed sports pitches and some modest changing / spectator facilities would fall within the definition of “outdoor recreation” an indoor sports complex of the size and nature proposed would be contrary to Policy NE.2. Similarly the proposed retirement complex would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The issue in question is whether there are very exceptional circumstances associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

The applicant’s case is that their current premises in Macon Way are inadequate. The size of the building restricts the nature and type of activities that the Academy could run. The building does not have an adequate hot water and heating supply and it is in a poor state of repair. The maintenance costs, which are the responsibility of the Academy, are rising each year and the Council has refused to grant a long term lease.

The applicants are of the opinion that the Council will want to dispose of the academy site, and the adjacent fire station, at the same time in order to create a larger parcel of land for redevelopment. They are also under the false impression that the area is zoned for retail development. Consequently, they are seeking an alternative site. However, this is not a material planning consideration.

Notwithstanding this point, it is acknowledged that the existing Academy facilities are in a poor state of repair and that there is insufficient space to meet all of the applicant’s aspirations.

They argue that they have been actively seeking a new site over many years and have investigated, and dismissed, for various reasons, numerous alternatives. The principal reasons for discounting buildings and sites were that they were too small to accommodate all the facilities, parking, etc. which the Academy aspire to provide. In other cases the buildings were “not properly fit for purpose”, or extensive alterations were required which, in

some cases, the holders of the lease were unable to consider. Some sites were earmarked for housing and owners were unwilling to consider offers from the Academy, wishing to maximise the value of the site through residential development. Other sites were too far from Crewe.

The problems, which the Academy is experiencing with inadequate accommodation and their difficulties in obtaining an alternative site of appropriate size, in a suitable location within the settlement boundary and at a price which is within their means, are not unusual. These are fundamental problems which are experienced by many companies, organisations and individuals at some point, and consequently, they are not considered to be sufficient reason, in themselves, to set aside the requirements of planning policy.

Consideration must therefore be given to whether there are any circumstances surrounding the Cheshire Academy that would justify exceptional treatment. The supporting documentation explains, at great length, the excellent work which the academy undertakes with disabled children and those with Special Education Needs (SEN). It also includes many letters of support which have been received from organisations and individuals, which emphasise the excellent work which the Academy does.

Ministerial advice relating to the extent to which public opinion or personal pleading may be a material consideration is mainly to be found in The Planning System: General Principles, which accompanies PPS1. Para. 21 states that exceptionally the personal circumstances of an occupier, personal hardship, or the difficulties of businesses which are of value to the welfare of the local community, may be material to the consideration of a planning application. However, the guidance warns that such arguments will seldom outweigh more general planning considerations, which would include the strong presumption against new development in the open countryside.

In this case, the scale of the departure itself is very significant. Not only does it involve the development of a major new indoor and outdoor leisure facility, it also includes the construction of a large retirement park, along with associated landscaping, infrastructure and engineering works. The impact of this development on the openness of the countryside in this location would be enormous.

Previous appeal decisions and court rulings have established that precedent is also a proper and material consideration where it is likely that similar future proposals in closely parallel situations could not be resisted and cumulative harm to planning principles or policies would result. There are many charities and other worthy causes within Crewe, which require new premises and could undoubtedly provide more for the community that they serve if they were not constrained by the requirement to be located within the Settlement Boundary. Approval of this scheme would make it difficult to resist similar applications for new facilities and any accompanying development in an Open Countryside or setting and would serve to undermine well established national policy.

Therefore, whilst the Academy's predicament is acknowledged, it is not considered it to be a sufficient material consideration to outweigh well established development plan policy intended to protect the character and appearance of the rural areas.

### ***Retirement Park***

Enabling development is that which would normally be rejected as clearly contrary to other objectives of national, regional or local planning policy, but is permitted on the grounds that it would achieve a significant public benefit, in terms of funding the restoration of a heritage asset. However, it is very unusual for enabling development to be used to finance the provision of any other community assets. There is no policy within the Crewe & Nantwich Local Plan which makes provision for enabling development under any circumstances, and any such application would need to be treated as a departure from the development plan.

Notwithstanding this point, there are many instances where Local Planning Authorities have accepted development which is contrary to policy because it will result in some overriding "planning gain" which is sufficient material consideration to justify the departure. Such proposals are put forward on the basis that the benefit to the community would outweigh the harm to other material interests.

In this case the retirement park proposed is contrary to planning policies because it is located within the Open Countryside, where, under the provisions of policies NE.2 and RES.5, there is a general presumption against new residential development. The case for the development is that the funds that would be generated would enable the Academy to be developed and that this new facility would constitute a public benefit. However, as stated above the new academy building itself is contrary to policy and by definition harmful to the public interest, and it is not considered that the material considerations set out in the applicants supporting information are sufficient to outweigh this harm or to justify the setting aside of established local plan policy.

If members are minded to agree with the view that the development of a new academy on Groby Road is unacceptable, the case for the retirement park development falls by default.

Notwithstanding this point, information submitted with the application explains that money would be loaned to the project from the Helping Hands Foundation. This would fund the land purchase, planning and professional fees, provision of infrastructure, landscaping and the construction of the retirement village but not the construction of the academy building. The sale of the retirement homes would cover the cost of repaying the loan. The financial information submitted states that the applicant would be eligible to apply for grant funding from many sources including Sport England and the National Lottery to pay for the construction. Many of these bodies will not confirm any grant aid until planning permission is granted and there is no guarantee that the total cost of the build would be covered. The retirement park, therefore, will not ensure the delivery of the academy building, merely the purchase of the land, infrastructure and landscaping as well as providing a long term source of revenue for maintenance. In the event that other funding streams were not forthcoming,

there is a danger that the retirement park would be completed but the Academy would remain undelivered.

The applicants propose to address this issue through a Section 106 Agreement which states that the sequence of events should be as follows

1. Outline planning approval and 106 agreement
2. Implement option to buy land
3. Commence infrastructure
4. Approval of reserved planning matters for academy
5. Donate land to academy
6. Grants released for academy construction
7. Approval of reserved matters for retirement park
8. Construction of academy
9. Construction of retirement park

The legal agreement would prevent each stage from commencing until the previous stage had been completed.

Concerns remain, however, that if the grant applications exceed their target funding level, there is the possibility that the scale of the retirement park development is more than that which is absolutely necessary to ensure the success of the scheme and a surplus profit could be generated. The legal agreement would need to include provision for such an eventuality to ensure that any excess profits were used for the benefit of the academy and not a private developer.

Additionally, the supporting financial information which has been provided gives no justification or breakdown for the development costs that have been quoted for the groundwork, infrastructure or retirement park. This also makes it difficult to assess whether the overall figures quoted are reasonable estimates.

Nevertheless, it is considered that the second reason for refusal of the previous application has been addressed in that, whilst the development of the retirement park will not ensure the construction of the new academy, the situation whereby the retirement park may be constructed without the academy building coming to fruition can be avoided through the use of the Section 106 agreement.

This is not sufficient, however, to outweigh the first reason for refusal of the original application. The development is contrary to Planning Policy, which has been formulated to protect the public interest, and therefore it is inevitable that some degree of harm will result from the development. In this case the harm caused is the effect on the character and appearance of the Open Countryside, as well as the unsustainable location of the site. The nature and magnitude of the harm caused must be balanced against the benefits in terms of the development of the academy. However, in this case it is considered that this will also be harmful, because the proposed academy will have a significant adverse impact on the

countryside and this would outweigh any benefits resulting from the provision of a new community facility.

### **Employment Generation**

The Government's policy on determining applications which involve an element of economic development is set out in PPS4. Policy EC.10 states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably. However, the following considerations must be taken into account. The impact of the development in terms of CO2 emissions and climate change, the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured, whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions, the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives and the impact on local employment.

Policy EC.12 of PPS4 deals specifically with economic development proposals in the open countryside. It states that conversions of existing buildings will be preferable. However, new development may be appropriate where it enhances the vitality and viability of market towns and other rural service centres, it provides the most sustainable option in villages, or other locations, that are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport

The proposed academy and retirement village will create 11.5FTE jobs as well as numerous voluntary opportunities. However, it will not involve the re-use of any existing buildings, it is not located within a rural service centre, market town or village, the site is not in need of regeneration and it is not located within a deprived area.

According to PPS4 regard must also be had to the potential impact on the countryside, landscapes and wildlife, local economic and social needs and opportunities, settlement patterns and the level of accessibility to service centres, markets and housing, the need to conserve, or the desirability of conserving, heritage assets. Matters of sustainability, design, traffic generation, impact on the landscape and wildlife are dealt with in more detail below.

### **Site Location & Sustainability**

Due to its Open Countryside location, the site is inherently unsustainable and its development runs contrary to the general principle of locating new housing and other development within and adjacent to existing centres of population in order to minimise car travel.

According to PPG13 walking distance is considered to be up to 2km, and the site is located 2.99km from the town centre. The site is accessed via narrow unlit country lanes which would also discourage walking and cycling. The applicant has attempted to address these concerns through the submission of a draft travel plan which would promote travel awareness, travel surveys and targets, public transport information provision, walking, cycling, car sharing, car parking management, personalised journey planning and personalised home shopping. In addition a new 480m length of footway along the southern side of Stoneley Road is proposed as part of this scheme, which would link the site to the rest of the footway network. Car borne trips to and from the retirement park element would be minimised by the promotion of the Flexi-rider bus service to residents, as well as the provision of a regular grocery delivery service and by a potential new / diverted bus service to service the site in due course.

Notwithstanding the proposed footway improvements and travel plan, the development of this site would not be as conducive to walking and cycling as one located within the settlement boundary, which would by default, be closer to existing development, the town centre and in accordance with planning policy. Furthermore, given the nature of the proposed uses, which would cater for the elderly and those with mobility problems, who are unlikely to be able to travel long distances on foot or by bike, the site would be highly car orientated and unsustainable.

According to the Design and Access Statement, a number of sustainable design features would be incorporated within the building such as ground source heating, sedum roof and solar panels. Further measures could be included at the detailed design and reserved matters stage to ensure compliance with the RSS policy requirements. However, any environmental benefits which this would bring would undoubtedly be outweighed by the harm to the principles of sustainable development resulting from the fact that this is a green field site in a remote location.

### **Scale and Visual Impact**

According to the Design and Access Statement, the proposed retirement park would be single storey and an earth bund would be created around the site in order to screen it from the surrounding countryside. Whilst it is acknowledged that this would render the buildings almost invisible from outside the site, the bund itself would have a significant visual impact. The land in this area is predominantly flat and such a large earthwork, even if planted with trees the bund would be an alien and intrusive feature.

The academy building and associated carparking and pitches would be significantly more visible. Whilst it is acknowledged that the sympathetic nature of the proposed design the employment of a sedum roof and suitable materials would lessen its impact, a building with a footprint of 65m x 65m rising to 15m in height would be highly intrusive in this otherwise undeveloped rural landscape. Given the isolated nature of the site, it would not be viewed against the backdrop of other significant built development. The level topography and lack of any substantial tree cover on or around the site would exacerbate the effect.

It is therefore concluded that the proposed development would, in principle, represent a dominant and intrusive feature within the rural landscape to the detriment of the open character and appearance of the surrounding countryside, contrary to local plan policies.

### **Amenity**

The nearest neighbouring dwellings are sited on the opposite side of Groby Road to the east and Stoneley Road to the south. Although these properties are close to the site boundary, a distance of over 50m would be maintained between them and the nearest buildings and subject to the provision of adequate boundary treatment and landscaping it is considered that the development could be constructed without detriment to their privacy or residential amenity. The property known as Race Farm, stands approximately 90m away on the opposite side of the adjoining field to the west. In view of the distance involved, the occupants of this property are also unlikely to suffer any significant adverse impact on living conditions.

Adequate separation distances would be maintained between the proposed dwellings to ensure an adequate standard of privacy and amenity within the development as a whole.

The site is opposite the Maw Green landfill site. Policy NE. 21 states that strict control will be exercised over the location of residential or other development in close proximity to existing or former landfill sites. Permission will not be granted for such development where there is considered to be a substantial risk to the development. There are two key implications to consider. Firstly the impact of the landfill on the amenity of the future residents and secondly any potential ground contamination issues. With regard to amenity, given that the site is located to the west of the landfill site, the prevailing wind will blow any odour away from the new development. With regard to ground contamination a preliminary risk assessment has been carried out which has concluded that the site has been farmland and thus free from significant contaminative land use. As with all farmland there could have been the ad hoc dumping of spoil, farm waste and the disposal of treated sewerage to enhance the soil structure. Therefore a detailed assessment of the contamination risk to the proposed occupied structures and the planting areas should be carried out as part of the detailed planning investigation. This is compliant with Policy NE21 which states that any proposals that are permitted will be subject to conditions to ensure that site investigations are carried out and adequate precautionary measures are incorporated to secure the long-term safety of the structure and its occupants.

### **Ecology**

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate "in the interests of public health and

public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment" among other reasons.

The Directive is then implemented in England and Wales by the Conservation (Natural Habitats etc) Regulations 1994 ("the Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

Regulation 3(4) of the Regulations provides that the local planning authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in paragraph 116 of PPS9.

In line with guidance in PPS9, appropriate mitigation and enhancement should be secured if planning permission is granted.

The applicant has submitted a Habitat Study in support of the application. Natural England have examined this and commented that insufficient information has been provided in relation to the potential impact of the proposal on the bird species found within the Sandbach Flashes SSSI site and which may be using fields in the vicinity of the SSSI. Therefore, they are unable to confirm that there will be no significant impact on the site. They also believe that there is currently insufficient information to confirm that there will be no significant impact on the site as a result of any discharge of surface water from the development.

The proposal may also affect statutory protected species (Great Crested Newts, Bats, Badgers and Breeding Birds). The site is predominantly grassland. However there are also a number of trees and hedgerows that may be affected. Natural England advises that there is insufficient information accompanying the planning application to ascertain the possible impact of this development on protected species.

It is therefore concluded on this issue that the ecological report commissioned by the applicant has failed to demonstrate that the proposed development will not be harmful to protected species, contrary to development plan requirements.

### **Landscape**

According to the applicant's submissions, the development would result in the loss of a 115m length of hedgerow running through the middle of the site. Insufficient archaeological, historical or ecological information has been submitted to determine whether the hedgerow is of significance according to the criteria set out in the Hedgerow Regulations. Further hedgerow would need to be removed to provide for the visibility splays and highway access.

Two large hedgerow trees would also need to be removed and no assessment has been carried out of their condition. It is therefore difficult to determine their amenity value or whether they should be retained within the layout. The proposals are therefore contrary to NE.5 (Nature Conservation and Habitats)

### **Highway Safety**

A Transport Statement has been submitted with the application. This has been considered by the Highway Department, which is satisfied with its conclusion that the development will not have any adverse impact in terms of traffic generation or highway safety. They have, however, recommended that a number of conditions be imposed relating to construction of access and the provision of a travel plan. Whilst the concerns of local residents are noted, in the absence of any objection from the Highways Department it is not considered that a refusal on highway safety grounds could be sustained.

### **Drainage and Flooding**

In response to the previous application on this site, the Environment Agency raised concerns that the mean annual run-off has been incorrectly calculated because a 100 year Growth Factor of 2.1, had been applied, which is not correct. The FRA therefore needed to be revised to recalculate the amount of attenuation required.

The Environment Agency have also raised concerns that during a severe rainfall event the sites surface water drainage system could become surcharged leading to overland flow. This is termed 'event exceedance' in PPS 25. The FRA failed to demonstrate how this overland flow was to be managed such that new buildings and adjacent land and buildings are not affected by flooding. The FRA must also include how safe access and egress to and from new buildings will be provided during any such flooding.

In response to the current application the Environment Agency have commented that, the flood risk assessment remains unaltered from its original position and no confirmation has been received by them to confirm that a drainage scheme is proposed that will ensure that run-off discharge volumes pre- and post-development will remain unchanged. Therefore, at the present time, the proposal remains contrary to current guidance on

sustainable drainage design practice and they would maintain their previous objection until such time as the proposed rate of discharge/volume is resolved.

It is therefore concluded that the applicant has still failed to demonstrate that the proposals will not create or exacerbate flooding on-site or elsewhere contrary to the requirements of Policy NE.20 of the local plan and PPS25.

## **Affordable Housing / Mixed Communities**

Local Plan Policies stipulate that new development sites should deliver a proportion of affordable housing and this applies to developments of 15 units or more within settlement boundaries and for developments in areas where there is a proven need a lower threshold of 5 units applies. In each of these cases the proposal exceeds the relevant triggers and the affordable housing policies, in line with national and regional planning guidance stipulate a requirement for 35% of the development to be affordable. It is acknowledged that the site is not located within a settlement boundary, and Policy RES.8, which is titled “affordable housing in the open countryside” refers only to, 100% affordable, rural exceptions schemes, as it is based on an assumption that market housing will not be permitted in these areas. However, given that the site is located in a rural area, where there is an established need, that has been identified in the Borough housing needs survey, it is considered that the site should deliver at least 35% affordable housing, unless an economics of provision argument indicates otherwise. This view is supported by Policy L5 (Affordable Housing) of the North West of England Plan Regional Spatial Strategy to 2021 and advice contained in PPS.3

However this issue has not been adequately addressed by the applicant. Within the supporting documentation the applicant explains that they consider that the proposed retirement homes will be priced at a sufficiently low level (£120,000) to make them affordable. However, to be considered as affordable housing, within the context of planning policy, the housing must be subsidised by a Registered Social Landlord. There is no indication, within the applicant’s submissions that this would be the case, or alternatively, any economics of provision argument to justify why an exemption to this policy should be made. In the absence of this information it is not possible to recommend that the application be approved as it would not in its current form deliver any affordable units and would therefore conflict with national and local planning policies which seek to establish sustainable rural communities.

Furthermore, the supporting documentation indicates that the retirement park would be a “gated community”. This would not encourage social integration or the creation of mixed communities and would be contrary to government guidance, including PPS3.

## **Other Matters**

A significant number of letters ition have been received in respect of the proposal. Paragraph 27 of PPS1 states that the members of the local planning authority are elected to represent the interests of the whole community in planning matters. When determining

planning applications they must take into account planning considerations only. This can include views expressed on relevant planning matters. However, the paragraph concludes that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid planning reasons.

Therefore, in considering letters of representation, Members must consider the validity of the points that have been raised and not the number of letters received.

## **10. CONCLUSION**

It is considered that this site, in the open countryside, is unsuitable in principle for the construction of the proposed academy and retirement village being contrary to Policy NE.2 of the Borough of Crewe & Nantwich Replacement Local Plan 2011 and the circumstances of the Academy are insufficient material considerations to outweigh the provisions of development plan policy.

Furthermore, there are significant concerns regarding the creation of mixed communities, as well as its flooding and ecological implications. It is therefore contrary to both development plan policy and national guidance.

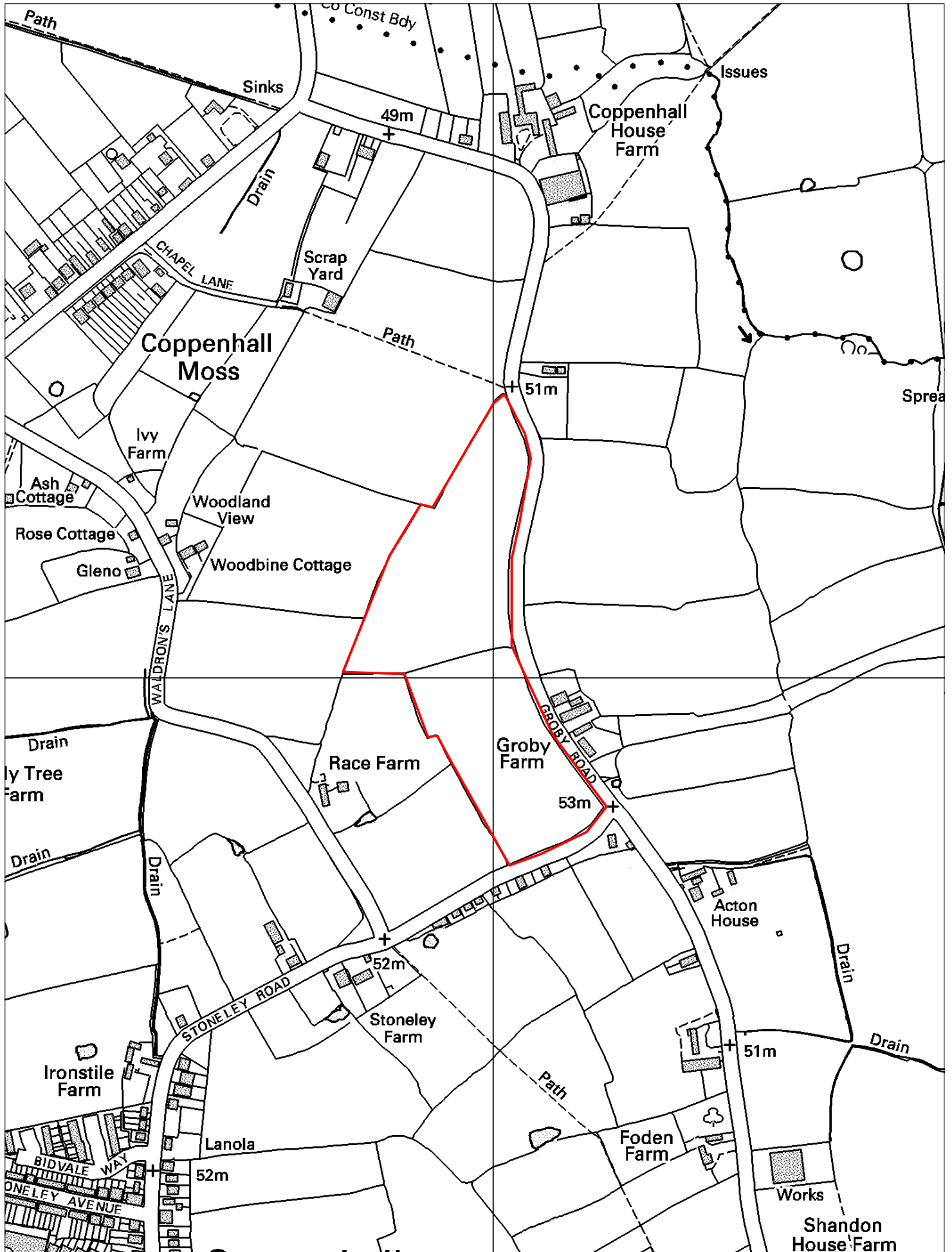
## **11. RECOMMENDATIONS**

### **REFUSE            Reasons**

**1. The erection of the proposed academy and retirement park within the open countryside would be contrary to the provisions of Policies NE.2 (Open Countryside), RT.6 (Recreational Uses on the Open Countryside) and RES.5 (Housing In The Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policies DP1 (Spatial Principles), DP2 (Promote Sustainable Communities) DP4 (Make the Best Use of Existing Resources and Infrastructure) and Policy RDF1 (Spatial Priorities) of the North West of England Plan Regional Spatial Strategy to 2021, which seek to safeguard the open character and appearance of the countryside for its own sake. In the opinion of the Local Planning Authority the applicant's circumstances and the community benefits arising as a result of the development, are insufficient material considerations to outweigh the provisions of development plan policy and the disbenefits to the community resulting from development in the Open Countryside.**

**2. The proposed development by virtue of its scale, size and siting would represent a dominant and intrusive feature within the rural landscape, when viewed from surrounding roads and other public vantage points, to the detriment of the open character and appearance of the surrounding countryside, contrary to policies NE.2 (Open Countryside), BE.1 (Amenity), BE.2 (Design Standards) and RT.6 (Recreational Uses on the Open Countryside.) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policy DP 7 Promote Environmental Quality of the North West of England Plan Regional Spatial Strategy to 2021.**

3. The site is in an unsustainable location, which is remote from the town centre and would not be conducive to the use of sustainable modes of transport contrary to Policies TRAN.3 (Pedestrians) and TRAN.5 (Cycling) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policies DP1 (Spatial Principles), DP2 (Promote Sustainable Communities) DP5 (Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility), DP9 (Reduce Emissions and Adapt to Climate Change), RT2 (Managing Travel Demand), RT3 (Public Transport Framework) RT9 (Walking and Cycling) of the North West of England Plan Regional Spatial Strategy to 2021 and the provisions of PP3 (Housing) and PPS13 (Transport)
4. The applicant has failed to adequately demonstrate that the proposals will not create or exacerbate flooding on-site or elsewhere contrary to the requirements of Policies BE.4 (Drainage, Utilities and Resources) and NE.20 (Flood Prevention) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, and the provisions of PPS.25 (Development and Flood Risk).
5. The application fails to provide sufficient information to ensure the protection, preservation or enhancement of the nature conservation habitat within the site and surrounding area or to quantify and mitigate any impact on species protected under the Wildlife and Countryside Act 1981 in accordance with Policies NE.5 (Nature Conservation and Habitats) and NE.9: Protected Species of the Crewe and Nantwich Replacement Local Plan 2011, Policy DP7 (Promote Environmental Quality) of the North West of England Plan Regional Spatial Strategy to 2021 and the provisions of PPS9 Biodiversity and Geological Conservation
6. Insufficient archaeological, historical or ecological information has been submitted to determine whether the hedgerow to be removed is of significance according to the criteria set out in the Hedgerow Regulations, contrary to policies Policy NE.5 (Nature Conservation and Habitats) of the Crewe and Nantwich Replacement Local Plan 2011, Policy DP7 (Promote Environmental Quality) of the North West of England Plan Regional Spatial Strategy to 2021 and the provisions of PPS9 Biodiversity and Geological Conservation
7. The applicant has failed to demonstrate that the scheme would deliver appropriate levels and make up of affordable housing and contribute to the creation of inclusive and mixed communities. This conflicts with Planning Policy Statement 3: Housing and Policy L5 (Affordable Housing) of the North West of England Plan Regional Spatial Strategy to 2021.



**LAND OFF, GROBY ROAD, CREWE**  
**NGR- 370,970:358,030**

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<b>Planning Reference No:</b>	10/0692W
<b>Application Address:</b>	Maw Green Landfill Site, Maw Green Road, Crewe, CW1 5NG
<b>Proposal:</b>	To carry out Development without Complying with Conditions Attached to 7/P05/1326 to Extend the Operation Life of the Maw Green Landfill Facility to 31 December 2017, Restoration by 31 December 2018, permit a Variation to the Sequence of Phasing of Operations along with Minor re-contouring to the South East of the Site.
<b>Applicant:</b>	3C Waste Ltd
<b>Application Type:</b>	Variation of Condition
<b>Ward:</b>	Crewe East

#### **SUMMARY RECOMMENDATION:**

**Approve subject to a deed of variation to the existing legal agreement and conditions.**

#### **MAIN ISSUES:**

- Extension of time
- Traffic and transportation and its impact on the surrounding area
- Landscape and visual impact on the surrounding area
- Ecology and nature conservation and the impact of prolonged restoration and recapping cell 10b
- Cumulative effect on neighbouring residential amenity from prolonged issues such as noise, dust, odours, flies, vermin and litter
- Public Rights of Way and Crewe Footpath No.6
- Alternatives to Landfill and Need

## **1. REASON FOR REPORT**

1.1 This application has been referred to the Strategic Planning Board as the proposal involves a major waste application which required the submission of an Environmental Impact Assessment.

## **2. DESCRIPTION OF SITE AND CONTEXT**

2.1 The application site is an existing landfill known as Maw Green Landfill and covers an area of some 66 hectares. It is located off Maw Green Road, Coppenhall, approximately 1.5 km north east of Crewe Town Centre. The site

is bounded by the Crewe to Manchester railway line to the east, Maw Green Road to the south, and agricultural land to the north and west.

2.2 In summary the general arrangement of the site comprises an internal access road to the south of the site accessible off Maw Green Road; site offices and weighbridge infrastructure; within this infrastructure area is staff and visitor car parking and storage / lockup containers. To the north east of the site offices is the waste to energy compound housing 5 x 1MW output engines, and backup flare stack (total 2500m<sup>3</sup> and benefitting from separate planning permissions), generating up to 5 MW of energy for export to the National Grid. The waste to energy compound is bounded and screened by the railway line to the east and established planting to the west and north.

2.3 To the south west of the main waste deposit landfilling areas is the leachate treatment facility. The leachate treatment plant is accessed via an internal haul road traversing to the north of the completed Phase 1 area of the landfill, broadly along the southern boundary of cells 12 and 13.

2.4 Surface water lagoons are located to north of the waste to energy compound, and also to the west of the site beyond the leachate facility. A compost facility is currently located within the landfill application site boundary, located in cells 14 and 15, immediately to the north of the site's facilities, the waste to energy compound and surface water lagoons on the eastern side of the site. Planning permission was granted in March 2009 to extend the original consent to allow composting operations on this area up until January 19<sup>th</sup> 2011. As the compost pad forms part of the area where there is consented void space, following the cessation of composting activity in 2011, when the current permission expires, the compost pad would be removed, clay extracted, site engineered for landfilling as per consented levels and form part of the final cells to be filled. There is also a small pond which has formed within the site cell 10b.

### **3. RELEVANT SITE HISTORY**

3.1 The site has a long history of waste disposal operations dating back to 1984 when planning permission was first granted *'To raise the level of agricultural land by the controlled landfill of wastes, on land between Groby Road and Maw Green Road, Maw Green, Crewe'* (Ref 7/10731). That particular consent was time limited so that waste disposal operations would cease no later than thirteen years after the date of commencement. The site became operational in 1986, and therefore waste disposal operations were originally anticipated to cease in 1999.

3.2 Prior to waste disposal activities commencing at Maw Green, the site was largely in agricultural use except for an area of land formally occupied by a meat processing plant.

3.3 A subsequent planning permission was granted on 19<sup>th</sup> January 1995, Ref: 7/P92/0450 for an *'Extension to existing landfill facility with extraction of*

*clay and demolition of meat processing plant followed by restoration to agriculture and woodland'*. This planning consent included the provision for the leachate treatment facility. This consent was also time limited to ensure that the site would be fully restored no later than 16 years from the date of the planning permission, with landfill and restoration operations being required to cease by the 19<sup>th</sup> January 2011.

3.4 Planning permission reference 7/P92/0450 was subsequently varied on the 27<sup>th</sup> November 1995 by permission reference 7/P95/0064 to provide for a variation of the sequence of operations.

3.5 A further planning consent was granted on the 27<sup>th</sup> September 2006 (Ref: 7/P05/1326) to vary condition 12 of planning permission 7/P92/0450 to allow the receipt of waste from local authority domestic household waste collections on days currently prohibited at the site. An appeal was made under Section 78 of the Town and Country Planning Act 1990 against the grant of that planning permission subject to conditions, namely the condition relating to the hours for receipt of household waste. The appeal was allowed, and the permission varied by the terms of the Appeal Decision Notice APP/Z0645/A/07/2041353, dated 17 July 2007.

3.6 The waste to energy compound benefits from its own standalone planning permissions (Ref: 7/P94/0740 and 7/P99/1015). Planning permission is provided for the facility to be retained until six months following the cessation of electricity generation from the site.

3.7 The compost facility has planning permission until January 19<sup>th</sup> 2011, (Ref: 7/2008/CCC/20) by which date the composting operations shall cease, and the site area prepared for landfilling as approved in the extant consent for the landfill, and detailed above in paragraph 2.4.

#### 4. DETAILS OF PROPOSAL

4.1 This application is made under section 73 of the Town and Country Planning Act 1990 (as amended) to extend the operational life of the Maw Green Landfill facility by 7 years to 31 December 2017, with subsequent restoration by 31 December 2018; and to permit a variation to the consented sequence of phasing of operations, along with minor re-contouring of the consented levels.

- 4.2 The conditions that this Section 73 application is seeking to vary are:
- **Condition 2**, specifically drawing number CH1406M/PD/11 'Pre-settlement contours' to permit minor re-contouring at the south-eastern edge of the landfill, where the area of fill would be reduced slightly from that consented in order to avoid filling of waste over the waste to energy compound (resulting in a net decrease of void);
  - **Condition 42 and 43** to permit the minor re-phasing of landfilling / restoration operations;

- **Condition 47** to permit minor re-contouring to the consented levels;
- **Conditions 57 and 58** to extend the operational life of the Maw Green landfill facility to 31.12.2017; and
- **Condition 60** to provide amended restoration date until 31.12.2018.

4.3 The extension of time is required to enable the remaining consented void to be utilised, as per originally envisaged when the site was granted planning permission in 1995 (subject to minor re-contouring). The applicant seeks a seven year time extension to fill the remaining consented void based on current and predicted input rates of waste.

4.4 The proposed extension of life at Maw Green Landfill would maintain a local waste disposal facility principally for residual waste for East Cheshire areas, including Crewe, Congleton, Macclesfield and Sandbach. The extension of the operational life of the landfill would enable approximately 1 million m<sup>3</sup> of currently consented and remaining void to be utilised; thereby ensuring that approved restoration levels can be largely met, a sustainable landform achieved, and allowing sufficient time for site restoration.

4.5 No increase in consented levels of landfill would occur as a result of this proposal. Maximum fill levels would remain as per those specified in the extant planning permission (Ref: 7/P05/1326). However, at the south-eastern edge of the landfill, the area of fill would be reduced slightly from that which is consented, in order to avoid filling of waste over the Waste to Energy compound and surface water lagoon located in this area.

4.6 With regards to the application to vary the approved phasing, whilst the site has been worked broadly to accord with the consented phasing scheme as set out in planning consent 7/P95/0064, and retained as part of the current planning consent, the operational requirements of the site have meant that the waste cell boundaries as-built, do not accord with those as identified as part of the current planning consent, and therefore this application seeks to regularise this through the submission of amended phasing.

4.7 The applicant wishes also to seek a deed a variation for the existing section 106 legal agreement that provides for;

- Diversion and maintenance in perpetuity Fowle Brook;
- Long-term management of the restored nature conservation area on cell 9a) for a period of 15 years following the restoration of cell 9a)
- Monitoring and maintenance of the leachate control system;
- Monitoring the generation and extraction of landfill gas;
- Heavy Goods Vehicle routing; and
- Maintenance and management of a length of Maw Green Road.

## **5. POLICIES**

5.1 The Development Plan comprises the North West of England Regional Spatial Strategy 2021 (RSS), The Cheshire Replacement Waste Local Plan 2007 (CRWLP) and the Borough of Crewe and Nantwich Adopted Local Plan 2011 (CNLP)

5.2 The relevant Development Plan Policies are:

**Regional Spatial Strategy (RSS)**

Policy DP7: 'Promote Environmental Quality'

Policy EM11: 'Waste Management Principles'

Policy EM12: 'Locational Principles'

Policy EM13: 'Provision of Nationally, Regionally and Sub-Regionally significant Waste Management Facilities'

**Local Plan Policy**

***Cheshire Replacement Waste Local Plan (CRWLP)***

Policy 1: 'Sustainable Waste Management'

Policy 2: 'The Need for Waste Management Facilities'

Policy 9: 'Preferred Sites for Non-Hazardous Landfill/Landraise Sites'

Policy 12: 'Impact of Development Proposals'

Policy 14: 'Landscape'

Policy 15: 'Green Belt'

Policy 17: 'Natural Environment'

Policy 18: 'Water Resource Protection and Flood Risk'

Policy 20: 'Public Rights of Way'

Policy 22: 'Aircraft Safety'

Policy 23: 'Noise'

Policy 24: 'Air Pollution; Air Emissions Including Dust'

Policy 25: 'Litter'

Policy 26: 'Odour'

Policy 28: 'Highways'

Policy 29: 'Hours of Operation'

Policy 32: 'Reclamation'

***Borough of Crewe and Nantwich Adopted Local Plan 2011***

BE.1: Amenity

BE.2: Design Standards

BE.3: Access and Parking

BE.4: Drainage, Utilities and Resources

NE.5: Nature Conservation and Habitats

NE.9: Protected Species

NE.17: Pollution Control

NE.19: Renewable Energy

NE.21: New Development and Landfill Sites

RT.9: Footpaths and Bridal ways

**Other Material Considerations**

Waste Strategy (2007)

Cheshire Landscape Character Assessment (2009)

***National Planning Policy and Guidance***

PPS 1: Delivering Sustainable Development

PPS4:	Planning for Sustainable Economic Growth
PPS 7:	Sustainable Development in Rural Areas
PPS 9:	Biodiversity and Geological Conservation
PPS 10:	Planning for Sustainable Waste Management
PPG 13:	Transport
PPS 23:	Planning and Pollution Control
PPG 24:	Planning and Noise
PPS 25:	Development and Flood Risk
MPS 2:	Controlling and Mitigating the Environmental Effects of Mineral Extraction in England (including waste disposal); Annex 2 - Noise

## **6. CONSULTATIONS (External to Planning)**

**6.1 The Strategic Highways and Transport Manager** does not object to this application .

**6.2 The Borough Council's Landscape Officer** does not object to this application.

**6.3 The Borough Council's Nature Conservation Officer** does not object to the application subject to negative great crested newt surveys that are currently being undertaken in cell 10b, the submission of a protected species method statement for mitigation, should this be required, and a revision to the restoration plan in relation to the area proposed for re-contouring to provide suitable replacement breeding habitat for skylarks.

**6.4 Natural England** have considered the proposal against their interests. They are not aware of any nationally designated landscapes or any statutorily designated areas of nature conservation importance that would be significantly affected by the proposed planning application. They are also satisfied that the proposal does not have any significant impacts upon Natural England's other interests, including National Trails, Access Land, or the areas of search for new national landscape designations. They recommend an informative to be added in relation to the appropriate course of action should protected species be found on site.

**6.5 The Borough Council's Environmental Protection Officer** has no objections to this proposal with regards to noise, dust, odour, vermin, pests or litter subject to conditions pursuant to noise limits, monitoring and best environmental management practice to control dust, odour, flies, vermin and litter. The procedures outlined in the application, ES and in the existing management plans should ensure that the potential impacts are controlled.

**6.6 The Public Rights of Way Unit** do not object to the proposal. Whilst Public Footpath Crewe No.6 would be affected by the proposed development, the restoration proposals show that the line of this Public Footpath would be restored back to its original position, in accordance with a signed legal agreement and diversion order made and approved in 1997. Should planning permission be granted, the Public Rights of Way Unit requests an informative

to be attached to any decision notice, listing the developers' obligations, with regards to the right of way.

**6.7 The Environment Agency** have no objections to this application and have suggested an informative be attached to any decision with regards to Fowle Brook in relation to the Water Resource Act 1991.

**6.8 The Mid-Cheshire Footpath Society** have no representations with respect to the proposed development. However, Crewe Footpath No.6 runs across the site and they would expect the access to this footpath to be safe and continuous.

**6.9 Network Rail** have made a number of comments about the planning application in relation to their Remote Equipment Building (planning reference P04/0053, approved by Crewe and Nantwich Borough Council in 2004) which is located within the curtilage of the Landfill, at the southerly boundary of the site and adjacent to the railway. This building is for the use of operational signals and telecoms equipment. Network Rail's comments relate to the landfill site's current access arrangements which Network Rail shares to access their building. They have suggested a number of informatives with regards to storage of equipment, excavations and earthworks in relation to the railway and Network Rails property/structures and also in relation to drainage, effluent and surface water discharge.

## **7. VIEWS OF THE PARISH / TOWN COUNCIL**

7.1 Warmingham Parish Council were consulted as a neighbouring Parish and have no objection to the extension of life of the landfill. They do however request that the original routing commitment to avoid any site traffic through Warmingham village where possible to be re-stated and firmly enforced.

7.2 Haslington and Moston Parish Councils have been consulted as neighbouring Parishes and at the time of writing the report, no comments have been received.

## **8. OTHER REPRESENTATIONS**

8.1 A total of 13 letters of objection to the proposed extension of time have been received from local residents of Maw Green Close, Maw Lane, Foxes Hollow, Sydney Road, Remer Street, Groby Road and Stoneley Road.

8.2 The material planning issues raised by local residents include:

- Increased traffic and uncovered/sheeted vehicles;
- Inadequate road network;
- Odours from waste and landfill gas;
- Dust and litter;
- Noise; both operational and from birds;
- Visual impact;
- Vermin, rats, birds and flies;

- Residents have not complained due to acceptance and expectation that the site would be completed in 2011;
- Residents feel that they have suffered the effects for long enough impacting on residential amenity and health;
- The location and removal of the compost pad;
- Poor management of the site requiring an extension of time and not being filled in the designated time 2011;
- Additional infilling in cell 10b;
- It should be determined by the Secretary of State;
- Alternative landfill provision, other landfill consents, extending Danes Moss Landfill and need;
- Future developments in the area and the impact on them from the landfill;
- Existing operating hours not being adhered to; and
- Additional land raising above consented levels.

## **9. APPLICANT'S SUPPORTING INFORMATION**

9.1 The planning application was accompanied by a supporting statement and an Environmental Statement (ES) which were both prepared by Axis PED Ltd dated February 2010 on behalf of 3C Waste Ltd.

9.2 The scope of the ES includes;

- Transportation and traffic (Transport Statement (TS));
- Landscape and visual assessment;
- Ecology and nature conservation;
- Noise and vibration;
- Air quality including dust, odour and landfill gas;
- Litter, vermin and pests;
- Surface water management;
- Socio economic impact;
- Cultural heritage; and
- Cumulative effects.

9.3 Other documents supporting the application include proposed revised phasing, contours and restoration proposals, a planning statement and a design and access statement.

## **10. OFFICER APPRAISAL**

### **10.1 *Principle of Development***

10.1.1 The proposed development is for an extension of life of the Maw Green landfill site to extend landfilling operations from the current cessation date of the 19<sup>th</sup> January 2011, to the 31<sup>st</sup> December 2017, with interim restoration within 12 months from the cessation of landfilling by 31<sup>st</sup> December 2018. The principle of the development has already been approved by virtue of the extant planning permission 7/P05/1326, and previous planning permissions as outlined above.

10.1.2 The extension of life would enable circa 1 million m<sup>3</sup> of currently consented and remaining void to be utilised; thereby ensuring that approved restoration levels would be largely met, a sustainable landform achieved, and allowing sufficient time for site restoration. It should however be noted that with regards to the long term site restoration, that the leachate facility, waste to energy compound, and access road would be required to be retained beyond this date, and until such time as leachate and landfill gas is not being produced from the landfill, which is likely to be in excess of 30 years. After which time the infrastructure and access road for both leachate treatment plant and waste to energy compound would be removed, and site fully restored as per restoration proposals. With regards to the energy from waste compound, this is covered by a separate planning consent in which there is a requirement for this to be retained until six months following the cessation of electricity generation from the site. The exact date can only be determined through monitoring of landfill gas volumes produced. The landfill gas engines would need to be utilised as long as would be feasibly possible until such time that the landfill gas is not sufficient to operate the engines. After which time the, following the required six months retention period, all infrastructure and buildings would be removed and land restored in accordance with the restoration proposals.

10.1.3 To account for the retained elements, an interim restoration plan has been provided in support of this application which effectively shows the proposed restoration at the 12 month point following cessation of landfilling operations, in which the access to these facilities would still be permitted for operational and maintenance purposes via a single track road with passing places from the existing site access off Maw Green Road. The number of vehicles required to access these facilities would decrease with time as leachate and landfill gas levels diminish. The final restoration plan illustrates the removal of the leachate compound, haul road and landfill gas compound which would be required to be restored fully within 12 months following the cessation of landfill gas and leachate production.

10.1.4 The landfill site accepts a wide range of household, commercial and industrial wastes, generally from the East Cheshire area. European Legislation (subsequently transposed into UK law and policy), has driven the need to reduce the quantity of waste produced, whilst increasing the levels of recycling, and reducing the quantities of waste diverted to landfill. Accordingly, the rate of waste importation at Maw Green Landfill that was anticipated when planning permission was granted in 1995 has not transpired. Therefore, the fact that the site has not been filled to consented levels is not a result of poor management of the site; it is as a result of European and National pressures to reduce land filled waste and increase recycling. This provides justification for the need to extend the life of the landfill site, to enable the remaining consented void to be utilised, as per originally envisaged when the site was granted planning permission. Should this application be refused there would be no waste disposal facility in the area to accept Cheshire East's waste at the present time.

10.1.5 Failure to permit the extension of life would result in a restoration profile which would be considered incongruous and would lead to systematic drainage, leachate and landfill gas management complications. A number of local residents have questioned why it would pose a problem if the landfill was not filled to the consented levels and restored by 2012. In response, if the landform was to be left in its current, unfinished state, then a number of environmental issues would be created. These can be summarised as follows:

- The landform would not allow the effective run off of surface water. This would generate areas of ponding water on areas of capped and uncapped waste. This would lead to the generation of substantial volumes of additional leachate which would need to be managed at the site. In addition clean ponded water would need to be pumped from the site to an alternative discharge point rather than draining through a more sustainable, gravity fed system;
- As a result of the above substantial volumes of additional leachate would be generated at the site leading to greater heads and increased risk of perched leachates;
- The steep faces left would create difficulties with engineering any capping systems. It would be necessary to reduce the gradients to create a suitable surface for capping. To achieve this it would be necessary to import significant volumes of suitable materials. This would lead to similar issues to those being explored in the application to extend the landfill site life, e.g. traffic movements, noise, visual etc, and would not represent the best use of existing consented landfill void, which is contrary to one of the overarching aims of the Landfill Directive;
- The importation of material, such as inert wastes, would lead to issues with the stability of the slopes created and the potential compression of the underlying deposited wastes leading to further problems with leachate, landfill gas and control issues. The loading of these wastes may also impact upon the existing infrastructure and engineering at the site which was designed with a specific waste input in mind.

10.1.6 The application also seeks to vary a number of conditions which would permit minor alterations to the consented phasing and a minor re-contouring of permitted levels. It is important to recognize that, this application therefore seeks a reduction in already consented void, with any further landfilling being within the limits of the extent planning permission.

10.1.7 With regards to the proposed revisions to the consented phases, the applicant is proposing to operate in smaller cell configurations than approved and has provided justification within the application as to why this is necessary. As the site has experienced a difference in rates of waste inputs from those projected as part of consented operations, this has necessitated differences in the amount of void space utilised at any given period i.e. requiring a smaller working area and thus smaller cells. Furthermore, this has given rise to a greater level of leachate minimisation from that projected as part of consented operations; with smaller cells producing less leachate. It is considered that operating in this way would facilitate considerable

environmental benefits, as at any one time there would be less waste open to the elements, resulting in less rainfall entering the cells, thereby producing less leachate and also this would contribute to a reduction of dust, litter and odour emitted from the site.

10.1.8 Concerns have been raised by a local resident in relation to the electricity generation at the site. They have questioned the applicant's consideration into the extended maintenance requirements of the landfill gas compound, should planning permission be granted for the extension of time. As stated previously, the Waste to Energy Compound benefits from its own planning permissions which stand alone from this consent. The landfill gas management at the site is managed by a specialist contractor who is legally bound to ensure the plant and machinery operates effectively. As part of this work the contractor carries out regular inspections and maintenance visits to ensure any repairs are carried out as required.

10.1.9 The main issues to consider in determination of this application includes whether the extension of time and minor modifications sought are appropriate. Consideration must also be given to the consequences of not permitting this extension of time.

## **10.2 Policy Considerations**

10.2.1 On careful consideration of the application against the relevant policies set out above, it is considered that the proposal is in accordance with the Development Plan. Relevant policy compliance will be examined in further detail within the text below.

## **10.3 Transportation and Traffic**

10.3.1 An evaluation and assessment has been undertaken of the highways and transportation issues anticipated to arise as a result of the proposals to extend the life of the existing Maw Green Landfill site until December 2017 (with interim restoration to December 2018). This is in the form of a Transport Statement (TS). This application simply proposes to continue the existing operation of the site, and therefore does not include proposals which would result in any change in traffic demand to/from the site. It is considered that there would be no notable change in the levels of HGV trip demand experienced on the local highway. Consequently, vehicle movements along Maw Green Road would continue to take place in the same way, and there would be no net increase to the existing traffic movements as a result of the extension of time.

10.3.2 Furthermore, the cessation of composting operations in January 2011 would reduce traffic flows to the site. Also, it is important to note that leachate removal levels would decline over the forthcoming years when an increased amount of final capping occurs, whilst trips associated with the landfill gas compound will remain relatively stable.

10.3.3 Local residents have raised concerns in relation to the potential increased traffic and impact on local highway network when Danes Moss Landfill closes in 2012. The TS submitted with the application has been based upon a robust baseline whereby vehicle movements have effectively been overestimated to provide for a most robust baseline. The baseline has had regard to not only the existing site traffic demand associated with the operation of the landfill (based on average and weekly weighbridge records for October 08 – October 09, and the peak operating period for September 09) but also additional trips associated with the leachate treatment plant, gas treatment plant and restoration materials, plus staff trips have been included in addition to those vehicle levels. Vehicles have been added to existing traffic flows to take account for projected levels for leachate removal, gas treatment plant, restoration trips, the cessation of composting operations and associated vehicle trips, and the effect on the highway as a result of the closure of Danes Moss Landfill to ensure a robust assessment.

10.3.4 It is considered that the robustness of the assessment that was presented in the TS sufficiently accounts for the level of additional traffic likely to be generated as a result of the closure of the Danes Moss landfill site. Current daily input movements stand at 244 per day, which averages at 122 in and 122 out (which is well below their consented 200 in and 200 out by virtue of condition 11 of the extant permission). The additional loads that are anticipated to be imported during 2012 due to the closure of Danes Moss would equate to an increase of 18 vehicle movements (9 in and 9 out).

10.3.5 It is considered that this increase of 18 vehicle movements would not give rise to any operational difficulties on the local highway network. Moreover, the composting operation would by then have ceased, thereby removing 4 vehicle movements per day; resulting in a 'net' increase of just 10 vehicle movements per day (5 in and 5 out).

10.3.6 Given the deliberate robustness of the TS, which also includes for notable overestimates of staff and visitor trips, it is considered that the additional increase in vehicles as a result of the Danes Moss closure during 2012 would not result in any operational or highway safety concerns.

10.3.7 Residents have also raised concerns with regards to vehicles turning left of the site onto Maw Green Lane. Should planning permission be granted, the existing section 106 legal agreement would be subject to a deed of variation and would include the existing routing agreement clause that illustrates on a plan the preferred route of exiting the site and the requirement to place a 'no left turn' sign for heavy goods vehicles. Warmingham Parish Council have requested that heavy goods vehicles do not travel through the village of Warmingham. As some refuse collection vehicles would be required to travel through the village to collect household waste it would not be possible to request this. However, where possible, the village of Warmingham would be avoided except for legitimate trips.

10.3.8 The Strategic Highways and Transport Manager has no objections to this proposal. It is considered that the continued operation of the Maw Green landfill would not be anticipated to give rise to any operational impacts upon the capacity of Maw Green Road or its junction with Sydney Road / Remer Street / Elm Drive. As such, it is considered that there are no over-riding reasons for which the development should be refused on highway grounds, and that this proposal accords with Policies 12 and 28 of the CRWLP and Policies BE.1 Amenity, BE.2 Design Standards and BE.3 Access and Parking of the CNLP.

#### **10.4            *Landscape and Visual assessment***

10.4.1 The visual effects resulting from the proposal would be pertinent to the increased duration of operations on site only, as there are no plans to increase the void space at Maw Green, or raise the consented levels. Whilst minor changes to the landform would occur in terms of the minor re-contouring, it is considered that these would not be perceptible. The extended life of the site would lead to operational waste cells being present for a longer period, but the site would progressively be restored. It is considered that this would have no influence or effect upon the surrounding landscape.

10.4.2 The effects of the proposal upon visual amenity are not considered to be significant in EIA terms. The nature of the view would not change when compared with existing views of the site, but such views would be experienced for longer, due to the increased duration of operations until 2017, instead of 2011. It should however be noted that if operations do cease in January 2011 in line with the current planning consent, then consented levels of fill would not have been reached, resulting in an 'alien' landform, which would appear less naturalistic than the proposal, and would not accord with the design principles of the restored landform as currently consented.

10.4.3 As set out within the landscape and visual assessment within the ES that accompanied this application, it is demonstrated that the proposal would be acceptable in landscape terms. This proposal would make a substantial positive contribution to the landscape, enabling a sustainable landform to be achieved. As detailed within this planning application, the landfill would be restored progressively to ensure that operational areas are kept to a minimum, acting to mitigate against potential impacts on the landscape.

10.4.4 The consented phasing scheme (7/P95/0064) subdivides the site into a series of waste cells numbered from 1 to 14, to be filled in numerical order. The southern, western and north-eastern parts of the site have been filled to consented levels and restored. Filling operations are currently underway in the central parts of the site, with some areas filled and awaiting capping and restoration. This proposal seeks to amend the phasing slightly to allow minor re-profiling of an area which has been temporary capped with the placement of a significant thickness of clays. This will enable a more visually acceptable landform with improved surface water drainage as

consented to be achieved. The proposed sequence of phasing on-site would fill and restore the remaining operational areas of the site and then progress into areas where future waste cells would be constructed, in a broadly north to south direction and from the centre of the site towards the south-eastern perimeter. The applicant is proposing smaller cells for operational and environmental reasons, but this would also reduce the visual impact of the site as the cells would be considerably smaller than is consented.

10.4.5 The Borough Council's Landscape Architect offers no objections to the application on the basis of landscape and visual impact, since an extension in time would allow the consented restoration scheme to be completed. If landfilling to the proposed levels was not completed the resulting landscape would be an unnatural and incongruous one.

10.4.6 It is considered that, as the proposal is not seeking to increase the height of the landform, that the visual impact would not be any different than is already consented by the extant planning permission. The visual effects resulting from the proposal would be related to the increased duration of operations on site only, with which progressive restoration the minimal impacts could be mitigated. Therefore, it is considered that the proposal would be acceptable in landscape and visual impact terms, and that this proposal accords with Policies 12 and 14 of the CRWLP and Policy BE.1 Amenity of the CNLP.

## **10.5 Ecology and Nature Conservation**

10.5.1 The application proposes to re-contour an area already capped with substandard clay; cell 10b. This area has potential to support Great Crested Newts, Reptiles and breeding Skylark which is a Cheshire Biodiversity Action Plan (BAP) priority species and hence a material consideration.

10.5.2 The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places;

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

and provided that there is;

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

10.5.3 The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection;

- a requirement on Local Planning Authorities (LPAs) to have regard to the Directive's requirements above; and
- a licensing system administered by Natural England

10.5.4 Policy 17 'Natural Environment' of the CRWLP states that an application to develop a waste management facility will not be permitted where it would have an unacceptable direct or indirect impact on...protected species. Policy NE.5 'Nature Conservation and Statutory Sites' state that the local planning authority will protect, conserve and enhance the natural conservation resource. Proposals for development will only be permitted: where they ensure that any wildlife habitat unavoidably damaged by development is compensated for by provision of a similar or equivalent feature nearby, or by mitigation works to safeguard protected species. Furthermore, developers will be required to submit a comprehensive assessment of a proposal impact on nature conservation as part of an application to develop a site which may affect any of the stated sites.

10.5.5 Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

10.5.6 PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm .... [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

10.5.7 PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

10.5.8 The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

10.5.9 In this case a full ecological impact assessment of the proposal has been submitted in support of the planning application. With regards to protected species, the submitted ES suggests that they can be mitigated for through the implementation of reasonable avoidance measures including the timing of works to avoid the period when animals are likely to be present, and the management of vegetation to discourage animals from foraging on the site. However, following a site inspection it was apparent that a small pond had formed actually within cell 10b. Furthermore, there is no permanent

amphibian mitigation fencing off-site, adjacent to the newt mitigation ponds which are approximately 350 metres to the north of cell 10b. Without amphibian surveys of this pond, and, also in the absence of permanent amphibian fencing in place to exclude protected species from the working areas of the site, there are uncertainties over the impact that this proposal would have on great crested newts.

10.5.10 At the time of writing the report the survey work had not been completed, however they will have been completed by the time of the Committee meeting. The results of which will be provided to the Committee in the form of a written update report for Members consideration.

10.5.11 The Council's Nature Conservation Officer has been consulted and has suggested that the proposed restoration plans could result in the potential loss of breeding habitat identified for BAP priority species (the skylark) due to the proposed re-contouring. The submitted ES states that provided that the re-contouring works are undertaken outside of the bird breeding season, and the area is restored to its current form following re-profiling the development, is unlikely to have an adverse impact upon this species. However, the area to be re-contoured appears to be proposed for restoration to agricultural grassland and scrub planting, and not rough tussocky grassland which is the skylark's preferred breeding habitat. The Council's Nature Conservation Officer has therefore suggested that, in order to provide suitable replacement breeding habitat for skylarks, this area should be restored to rough tussocky grassland, and that the restoration proposals should be revised accordingly to illustrate this. This would be conditioned.

10.5.12 The continued operation of the landfill has the potential to result in continued impacts to ecological receptors via barrier effects, changes to the water system and disturbance to natural habitat. Each of these potential effects have however been assessed and it is considered that this proposal would not cause a significant impact in the long term. The adverse impact would only remain until the site is restored.

10.5.13 Due to the continued commitment to long-term restoration plans, there are no anticipated residual impacts as a result of the proposed development. Furthermore, biodiversity enhancements associated with the development are anticipated to improve the quality and extent of suitable habitat for protected species, including the great crested newt.

10.5.14 Subject to there being no protected species present within this pond in cell 10b, and the submission of a method statement, coupled with the reasonable avoidance measures proposed in the ES, and also the revision of the restoration proposals to include rough tussocky grassland, the Borough Council's Nature Conservation Officer has no objections to this proposal. Subject to the above criteria, it is considered that the proposal would be acceptable in terms of ecological and nature conservation, and that this proposal accords with Policies 12 and 17 of the CRWLP and Policies NE.2 Nature Conservation and Habitats and NE.9 Protected Species of the CNLP.

## **10.6 Residential Amenity**

10.6.1 A number of residents have raised objection in relation to this application with regards to the on-going and extended impact on their residential amenity from issues such as noise, dust, air quality, odour, litter and vermin/pests.

10.6.2 The nearest residential properties in relation to the site are: Brookside Farm, approximately 200 metres from the nearest site activity to the east of the site; Meadowcroft Cottage, approximately 185 metres to the south east of the site; Windy Nook approximately 260 metres to the south west of the site; Cattle Arch approximately 175 metres to the south; and the properties west of the site (off Groby Road) at a distance of approximately 220 - 350 metres from the nearest activity on site.

10.6.3 A number of residents have taken exception to the statement in the ES regarding the site operators successfully control issues such as noise, dust, and odour which is apparent from the very few complaints received with regards to these issues over the years. However, residents state that they have not lodged complaints in relation to the site with the operators or the Council as they thought that the site was closing in 2011. The Council, as one of the regulatory bodies controlling the activities on the site undertake regular monitoring visits, as do the Environment Agency, as these issues are controlled under their Environmental Permit and have no cause to raise concerns in relation to this site. Furthermore, in order to take any action in relation to potential breaches of planning control, if residents are concerned that the site is not operating in accordance with their planning permission they need to inform the planning authority so that investigations can be taken, and where expedient, necessary action taken.

10.6.4 Should planning permission be granted, the operators would be required to produce a scheme for a local liaison committee which would provide a forum for effective communication between local residents, the operator and key regulatory bodies. In the past, the operators of Maw Green Landfill have tried to host a liaison meeting, however, due to lack of interest from the local residents the meetings did not continue. Should there be sufficient interest in the local community, the operators of the landfill are willing to host liaison meetings, as they do at many of their other sites. This would facilitate effective communication between all interested parties in the landfill, with the view to reduce any potential conflict and uncertainties.

10.6.5 Residents have also commented that the proposed re-phasing would be significantly closer to residential areas. For the avoidance of doubt and clarification purposes, the proposed re-phasing would be no nearer to any residential properties than the consented cells. All cells would remain within the current boundary of the landfill site. Furthermore, the cells would be progressively restored which would reduce any nuisance that may be caused.

10.6.6 With regards to this current application, the ES has provided measurements and detailed management practices in relation to noise limits, monitoring and management, dust management, odour, litter and pest control. The following section will discuss these issues. With regards to the proposed changes to the phasing, the operator is proposing smaller cell configuration which would assist in the mitigation of dust, malodorous waste, litter and pests, which will go some way to reduce any potential impact in amenity.

## **10.7 Noise and Vibration**

10.7.1 Noise levels have been considered and assessed during the operational phases of the proposed development (including restoration). Relevant and appropriate noise guidance and standards have been used to determine the noise impact, and where appropriate mitigation measures are proposed to mitigate noise sources by applying 'best practice'. This noise assessment has been undertaken to inform and guide the detailed design of the development to ensure that any likely noise impact on existing neighbouring dwellings would be minimised.

10.7.2 Concerns have been raised by local residents in relation to increased noise from the proposal. The proposed development would provide a continuance of the existing operation with no material change in operations or practices and, therefore it is considered that the proposal would not cause any material increase in operational noise levels. The Council's Environmental Protection Officer has been consulted with regards to environmental noise issues and has no objections subject to conditions imposing noise limits for operational use and temporary operations including removal of overburden, the formation of mounds and final restoration. A noise monitoring scheme to be in accordance with procedures set out in BS4142:1997 would be required.

10.7.3 Best practicable means for noise mitigation would be adopted to control noise generation at all times in the regular maintenance, silencing and operation of all plant, machinery and vehicles, and in the programming arrangement of work, in order to minimise noise, and vibration arising from the site. Other measures include broadband reverse alarms fitted on mobile plant, sensible routing of equipment on site, a complaints procedure and monitoring of noise levels as per monitoring scheme. Should planning permission be granted, it would be conditioned to ensure that best practical management procedures were followed to ensure noise is minimised on site.

10.7.4 All current landfill operation practices would remain as existing and therefore there would be no alteration to the existing noise sources, frequencies or levels. Existing mitigation measures and environmental standards adopted by the operator would ensure that the extension of life would comply with current Government guidelines as per PPG 24, MPS 2, and the World Health Organisation's guidance on noise. Noise is also controlled through the PPC Permit issued by the Environment Agency. It is therefore considered that the proposal would be acceptable in terms of noise and vibration. It is considered that this proposal accords with Policies 12 and 23 of the CRWLP and BE.1 Amenity, BE.17 Pollution Control of the CNLP.

## **10.8            *Air quality and dust***

10.8.1            Concerns have been raised by local residents about dust emitted from the site. In relation to dust, during periods of dry weather effective dust management practices are employed on site to control particulate emissions that could cause annoyance or complaint. These include the use of water sprays to dampen roads as necessary during dry periods using a tractor and bowser, application of cover materials, suspension of tipping certain wastes during windy days, and road cleaning equipment on site access roads, and surrounding road network as necessary, speed limits of 15mph on internal roads, and timely seeding/planting of restored and stocked areas. Dust is monitored by the site operators and the Environment Agency at Maw Green through the requirements of the Environmental Permit, and namely the particulates monitoring plan.

10.8.2            Should planning permission be granted, the existing operational best practice would be continued during the extended period of operations, including dust suppression, and condition 20 from the extant planning permission in relation to dust would apply. As such, the risk of dust nuisance is not expected to increase as a result of the proposed development, and no significant effects are anticipated. Therefore, it is considered that in respects to air quality and dust that this proposal is in accordance with PPS 23, Policies 12, and 24 of the CRWLP and Policy BE.1 Amenity and BE.17 Pollution Control of the CNLP.

## **10.9            *Odour***

10.9.1            Local residents have expressed concerns in relation to the odours associated with the site. Potential odour generation can occur from a variety of sources at Maw Green. However, in recent years, Maw Green has been successfully managed to minimize nuisance associated with odour by the emplacement of industry standard odour control measures. The management strategy for odour can be summarised as:

- Effective waste compaction;
- Immediate disposal and burial of malodorous materials;
- Use of an adequate depth of suitable daily cover to minimise odour from freshly deposited waste;
- Capping of waste and covered sumps to minimise passive venting of landfill gas;
- Extraction of collected landfill gas under negative pressure to a engine / and or flare where odorous elements are combusted and removed;
- Management of leachate including sumps and collection tanks

10.9.2            Odour is routinely monitored at Maw Green through the Odour Monitoring Plan as approved by the Environment Agency. With regards to odours from landfill gas, there are precautionary best practice measures in place to ensure that the air quality of the area would not be compromised. The site's landfill gas risk assessment and landfill gas management plan are adhered to as a requirement of the site's Environmental Permit. Furthermore,

potential emissions of landfill gas is managed to ensure compliance with the Dangerous Substances and Explosive Atmosphere Regulations 2002, and to minimise the effect upon air quality, and would be carried out in close consultation with the Environment Agency.

10.9.3 The council's environmental protection officer does not object to this proposal and states that the procedures outlined in the ES and above should ensure that the potential adverse impacts are controlled. It is considered that additional odour issues are not likely to arise as a result of the extension of time or re-contouring of the landform. Best practice measures listed above would ensure that the air quality and odour from waste is not significantly adversely affected as a result of the proposed development. The existing condition on the extant planning application including provision for odour would apply should planning permission be granted. In relation to odour, it is therefore considered that the application fully accords with Policies 12 and 26 of the CRWLP and also Policy BE.1 Amenity of the CNLP.

## **10.10 Litter**

10.10.1 As with all non-hazardous landfill sites, there is the potential for litter to be released from the site during periods of adverse weather. Maw Green accepts a range of wastes, including light fractions from the municipal and commercial waste streams, which have the potential to generate litter which can lead to an impact upon surrounding land.

10.10.2 The use of good site management practices would minimise the potential for litter release, leading to nuisance. This includes; erection of temporary litter fencing, daily coverage of cells with cover material, progressive compaction immediately after deposit, checking the weather forecast and wind direction, and ensuring open topped vehicles are sheeted.

10.10.3 To date there have been no substantive complaints with regards to wind blown litter. However, a local resident has expressed concerns with regards to litter generated from the landfill littering the local environment including Maw Green Lane and Clay Lane. At present, daily inspections of the perimeter fencing by the site operators, including the footpaths are carried out. Litter pickers are contracted in as required. Litter is also picked from Maw Green Road approaching the site if identified. In many cases this is not directly the result of landfill activities

10.10.4 Further recent investigations have revealed that the source of the litter on Maw Green Road is due to flytipping/ general littering of a nearby lay-by. With regards to Clay Lane there is no evidence of litter at the current time. In order for litter from the landfill to get to Clay Lane it would have to cross the railway and pass over 5 or 6 fields, therefore litter along Clay Lane cannot feasibly originate from the landfill site. It is considered that the site operator's undertake effective litter management by the methods outlined.

10.10.5 The Council's Environmental Protection Officer considers that the existing controls carried out on site and detailed in the ES should ensure that this is controlled. Should planning permission be granted, the existing conditions of the extant planning permission would be imposed to ensure that wind blown litter is prevented. It is considered that the application is in accordance with Policies 12 and 25 of the CRWLP. Litter is also an issue controlled through the PPC Permit issued by the Environment Agency.

## **10.11 Vermin**

10.11.1 At present, regular daily inspections, are currently carried out by the site manager or foreman and include noting any evidence of vermin problems. Particular attention is paid the operational areas where the presence of recently deposited waste is likely to attract vermin. Location in close proximity to the identified receptors is prioritised.

10.11.2 A specialist pest contractor visits Maw Green on a monthly basis to inspect the safe boxes placed and refill with approved rodenticide. In total there are approximately 20 safe boxes around the landfill site, which are increased as necessary following specialist advice. The professional pest contractor is responsible for identifying whether there is a need for further safe boxes to be placed around the site. The Council's Environmental Protection Officer considers that the existing controls carried out on site, and detailed in the ES should ensure that the level of vermin on site is controlled adequately to mitigate against nuisance and potential health risks. Should planning permission be granted, the existing measures would continue, to ensure that rats do not become a problem on site.

## **10.12 Flies**

10.12.1 Local residents have raised concerns with regards to the number of flies in the local area which they associate with the landfill. Existing site management practices would continue should planning permission be granted to reduce the potential for flies on site. Measures include the adequate daily cover of waste thereby reducing the potential for flies to lay eggs on exposed waste, and also inhibiting the ability of flies to emerge from the waste. Insecticide spraying would also continue although this is less effective during wet weather and precaution would be taken to ensure that the insecticide would be applied in a manner that would avoid contamination of surface water run-off or leachate collection systems. The site manager would ensure that regular weekly inspections are made of Maw Green landfill for visual evidence of any infestation. Particular attention would be paid to operational areas where the presence of recently deposited waste would be likely to attract pests. The specialist pest controller would be responsible for carrying out any necessary remediation action to address any identified problems with respect to insects. The Council's Environmental Protection Officer considers that the existing controls carried out on site and detailed in the ES should ensure that flies are controlled effectively on site to mitigate against and nuisance.

### **10.13        *Birds***

10.13.1        Should planning permission be granted, ongoing inspections would continue to be made by staff and the appointed bird control contractor for visual evidence of birds with particular attention being paid to operational areas. Such inspections also form part of the Environmental Log. In the event of birds being found scavenging from the waste or causing annoyance either within the installation or generating complaints from outside the installation, then the site manager (and bird controller) has effective measures available to address the problem effectively.

10.13.2        Current measures of bird control includes; daily covering of waste, limiting the working area, rockets, gas cannons, and regular visits from the falconer (currently 5 days per week) have proven effective at Maw Green. The Council's Environmental Protection Officer considers that the existing controls carried out on site and detailed in the ES should ensure that birds are controlled on site adequately to reduce nuisance. Should planning permission be granted, existing bird control methods would continue, as such the application accords with Policy 12 of the CRWLP. Bird control is also an issue controlled through the PPC Permit issued by the Environment Agency.

### **10.14        *Hydrology and Flood Risk***

10.14.1        The site area is over 1 hectare. In accordance with flood risk vulnerability classification landfills are considered to be more vulnerable. The application is supported by a surface water management scheme which is based on the guidance provided by the Environment Agency and in like with their Environmental Permit. This addresses the requirements of PPS 25. The various balancing lagoons located in the Landfill Site would ensure the discharge of surface water from the areas under construction, engineered and partially restored areas of the Landfill Site meets the Environmental Permit requirements in terms of emissions to water.

10.14.2        The surface water management scheme incorporates temporary balancing lagoons within the landfill. Water is pumped to the small lagoon on the eastern edge of the site and then discharged to Fowle Brook; the rate of which would be controlled in accordance with the requirements of the Environmental Permit.

10.14.3        The Environmental Agency have raised no objections in relation to this application. The measures proposed in the ES would ensure that the proposal would not increase risk of flooding elsewhere and adequately satisfies the test of PPS 25, and is in accordance with Policies 12 and 18 of the CRWLP and Policy BE.4 of the CNLP.

### **10.15 Cumulative Effect**

10.15.1 The ES assessed the cumulative impact of the development, and concluded that the extension of life of the site, minor re-profiling/re-contouring and minor amendments to the phasing of the consented scheme would not itself create any additional cumulative impacts or intensification of impacts, but would extend the duration of any existing impacts. It is considered that the proposal would not result in any significant cumulative impacts.

### **10.16 Public Rights of Way**

10.16.1 The restoration proposals at the site have been developed to include concessionary footpaths across the site to enable public enjoyment of the restored landform. Public Footpath Crewe No.6 would remain in its existing condition and location until the site has been fully restored, and the replacement Footpath No.6 been constructed and completed as per restoration proposals.

10.16.2 As such, with the standard informative with regards to the operator's obligation towards the footpath added to any decision notice, it is considered that the proposal accords with Policy 20 of the CRWLP and Policy RT.9 of the CNLP.

### **10.17 Network Rail's Access into the site**

10.17.1 Network Rail have expressed concerns with regards to the final restoration proposals as their current access which is shared with the existing landfill site access would be removed from site and fully restored; leaving their Remote Equipment Building stranded, without any form of access provision.

10.17.2 Unfortunately, when the application for Network Rail's Remote Equipment Building was determined (Ref: P04/0053) the site access was not taken into account, nor did it form part of the application. Therefore, once the landfill site is fully restored following the cessation of landfill gas and leachate production, (in excess of 30 years) the current access would be removed in accordance with the final restoration plans for the site.

10.17.3 This application does not seek to extend the access provision to the site beyond the final restoration date. Therefore, should Network Rail wish to continue to use the access road beyond the final restoration of the site, it is considered that this would be new development that does not benefit from planning permission, and that Network Rail should seek planning permission for this section of the access road as and when appropriate. This issue is not a material consideration for the determination of this planning application.

**10.18            *Alternatives to Landfill and Need***

10.18.1        A local resident expressed concerns that it would appear that the Local Authority has not provided alternative arrangements for the disposal of non-recyclable waste which is contrary to the European and National guidance to divert waste from landfill. The current Cheshire Interim Waste Disposal Contract is intended to provide a new Waste Management Contract that seeks to provide alternative waste disposal facilities that will over time become operational. Work is underway on this project to deliver waste management solutions for Cheshire for the next 25 years.

10.18.2        Whilst waste operators are currently applying for planning permission and environmental permits for alternative facilities, landfill will still be required for the residual waste disposal in the short to medium term whilst these alternative waste management solutions are being developed. None recyclable waste is still being produced in the Borough and facilities will have to be available for disposal. In addition, this residual waste also provides existing landfills with the opportunity to be restored to an acceptable landform, and to prevent environmental problems occurring, such as leachate control, landfill gas control and surface water management, which would occur if the site were left in a half finished state. This extension of life application provides for additional time to achieve a sustainable landform, and would provide a local disposal route for residual wastes ahead of the development of alternative waste disposal options which are yet to be provided.

10.18.3        A local resident has asked the question if Danes Moss Landfill, located in the North of the Borough could be extended. This landfill site has in 2009, received an extension of time application to extend the operational life until 2012, by which time it should have been filled to consented levels. Furthermore, Danes Moss Landfill is at present the only other municipal waste disposal option in Cheshire East. When Danes Moss comes to the end of its life there would be no available landfill capacity within the East Cheshire Area. Therefore, until alternative technologies have been provided for in Cheshire East there remains a need for landfill, despite the desire for successful diversion to facilities further up the waste hierarchy.

10.18.4        Should planning permission be granted for the extension of time, following the closure of Danes Moss in 2012, Maw Green would offer the nearest appropriate installation for Cheshire East's waste. It is considered that the proposal to maximise the consented void at the existing Maw Green facility would be a more sustainable solution than developing a new, alternative green field site. The environmental impacts of extending the life of an existing facility would clearly be far less than engineering a new landfill site elsewhere, which is supported by Policy EM13 of the RSS. The alternative option would be to transport waste considerable distances, with the associated environmental and operational dis-benefits that this would bring for example to transport waste from Cheshire East to the outskirts of Chester to the Goway Landfill Site, or Arpley in Warrington.

10.18.5 Residents have raised the question as to why can't the Kinderton Lodge Landfill site take Cheshire East's waste. Whilst there is a planning permission for the Kinderton Lodge landfill site, the site will not be ready to accept waste for a number of years due to a large number of conditions precedent requiring pre-commencement schemes, and also the necessary engineering required and installation of infrastructure. In the short to mid term therefore, Maw Green is the only viable option to meet landfill requirements within East Cheshire.

#### **10.19        *Additional infilling of already capped cells and land raising***

10.19.1 Local residents are concerned with regards to the proposed re-profiling of cell 10b. The applicant is seeking to vary slightly the phasing to allow minor re-profiling of an area which has been temporarily capped and the placement of a significant thickness of clays. This would enable a more visually acceptable landform with improved surface water drainage as consented to be achieved. This would involve the excavation of sub-standard clays deposited in cell 10b. Following the removal of sub-standard clay, this area would be tipped to the approved levels. There would be no change to the overall height of the proposed landform or restoration in this area, and no additional void created; the applicant is seeking to re-profile this area to improve the surface water drainage. The placement of the engineered cap will ensure environmental issues are managed in the most responsible and sustainable manner, with leachate production minimised and landfill gas emissions minimised.

10.19.2 The site is also regulated by the Environment Agency and operations are controlled by the Environmental Permit issued by them. The Environment Agency do not object to this proposal and have not raised any concerns in relation to the proposed re-profiling and excavation of cell 10b.

10.19.3 A local resident has also expressed concerns that the landfill has substantially risen in height since they have moved into their property. The existing landfill has not over-tipped in excess of the consented levels. The original application was for land raising therefore this would explain the increase in levels. However, this application proposes no additional land raising; they are proposing to fill to already consented levels.

#### **10.20        *Hours of operation***

10.20.1 Whilst paragraph 1.4.1 of the submitted planning statement and 3.4.1 of the ES state that the application does not propose to change the hours of operation as consented by virtue of planning permission 7/P05/1326 and Appeal Reference APP/Z0645/A/07/2041353, the hours stated within these documents are incorrect. For the avoidance of doubt, the proposed hours of operation are no different to already approved and operational hours on the site as detailed below:

*The reception of Local Authority Domestic Household Wastes will be permitted on:*

- all Bank Holidays, except Christmas Day, between the hours of 0800 – 1700;*
- Easter Saturday between the hours of 0800-1700;*
- The Saturday before Christmas Day between the hours of 0800-1700;*
- The Saturday after Christmas Day between the hours of 0800-1700;*
- The Saturday after Christmas Day between the hours of 0800-1700; and*
- The Saturday after New Years Day between the hours of 0800-1700.*

10.20.2 The normal working hours of the site would remain as existing:

*‘Operations authorised by this consent shall not be carried out on Sundays or Bank Holidays or outside the hours of 0800 – 1800 Monday to Friday, and 0800 – 1300 hours on Saturdays. Site engineering works may take place between the hours of 0700 – 1900 Monday to Sunday, April to October inclusive. Where these hours exceed those permitted for waste disposal at the site, no plant machinery or lorry traffic shall enter or leave the site. These limitation are to be applied to all activities granted by this planning permission on site except where these may be varied by the conditions in the planning permission as detailed above.’*

## **10.21 Future developments**

10.21.1 A local resident has raised concerns in relation to a recent resubmission of plans for the Integrated Sports Academy and enabling Retirement Village in Groby Road. They feel that, should this planning application be accepted then it would be detrimental for new visitors/residents and users of new developments.

10.21.2 Individual planning applications have to be considered on their own merits; since the proposed developments are not approved nor are they built yet, it would be the responsibility of the developer of the respective proposals to take into account existing neighbouring uses, including this landfill site and provided any necessary mitigation measures necessary to protect the residential amenity of the future occupants of the properties adjacent to this site in accordance with Policy NE.21 of the Crewe and Nantwich Local Plan. This policy states that strict control will be exercised over the location of residential or other development in close proximity to existing or former landfill sites. It would not be the responsibility of the applicant of this development to safeguard and mitigate against potential noise/dust/odour amenity nuisance of a development that may not be approved or indeed constructed.

## **10.22 Employment**

10.22.1 The proposed development would provide a continuance to existing employment opportunities for the local area beyond the consented life of the site associated with the construction, operational and restoration

phases of the landfill. The development is likely to employ a minimum of 10 people involved with construction and engineering practices, including clay extraction and earthworks. This application is considered to be a sustainable form of development for the reasons set out above and would support the principles of PPS 4 in assisting to deliver sustainable economic growth.

## **11. CONCLUSIONS AND REASON(S) FOR THE DECISION**

11.1 This Section 73 Application seeks to vary conditions covering the completion date of landfilling operations, final restoration and also phasing of operations thereby enabling remaining void to be utilised, and minor re-contouring. It is important to recognise that this application therefore does not seek to increase the consented void, it actually seeks a slight reduction in tipping in terms of volume but over an extended period of time, with continued landfilling being within the confines of the extant planning permission.

11.2 It is considered that the use of the waste hierarchy as set out in the Waste Strategy for England 2007 should be promoted and supported for waste management solutions in Cheshire East. Disposal is the final option for waste, however at present there is a need for landfill sites for certain waste types where facilities for re-use, recycling, or recovery do not currently exist. Notwithstanding landfill diversion targets, National, Regional and Sub-Regional strategic waste policy guidance and strategy identifies that landfill will continue to form an essential component of future integrated waste management practice, and serves an important need in sustainable waste management within Cheshire. Regional and Sub-Regional strategies identify a need for additional landfill capacity to be secured both in the North West and for one or two landfill sites in the Borough. Consequently extending the operational life of the existing Maw Green Landfill Site is supported at both a regional and local level. Until other alternative waste management facilities, have been developed in the Borough, landfill is the only available option.

11.3 European Legislation (subsequently transposed into UK law and policy), has driven the need to reduce the quantity of waste produced, whilst increasing the levels of recycling, and reducing the quantities of waste diverted to landfill. Accordingly, the rate of waste importation at Maw Green Landfill that was anticipated when planning permission was granted in 1995 has not transpired. Therefore, the fact that the site has not been filled to consented levels is not a result of poor management of the site; it is as a result of European and National pressures to reduce land filled waste and increase recycling. This provides justification for the need to extend the life of the landfill site, to enable the remaining consented void to be utilised, as per originally envisaged when the site was granted planning permission. Should this application be refused there would be no waste disposal facility in the area to accept Cheshire East's waste at the present time.

11.4 A comprehensive needs assessment has been produced in support of the application. Considering the alternative options presented, it is

considered that landfilling is an essential component of an integrated waste disposal strategy for Cheshire East Borough Council, and the Maw Green Landfill Site is a strategically important facility at a sub-regional level for the management of Cheshire East's waste, and will continue to be important until alternative waste management solutions have been realised.

11.5 The appraisal of the statutory development plan and other material planning considerations demonstrates that the proposed development at Maw Green Landfill site is in accordance with the Development Plan; RSS, CRWLP and CNLP. Notwithstanding the objections received to this proposal, the overriding need for additional landfill capacity within the North West region and East Cheshire is a material planning consideration that should also be taken into account.

11.6 In planning terms, the key issues for consideration relate to prolonged impacts of traffic and transportation, visual and landscape issues, impacts upon nature conservation and impacts on residential amenity from prolonged operational issues such as noise, dust, odour, litter, vermin and bird control. No additional daily traffic would be generated by the proposal above that already approved. It is considered that the minor changes proposed to the landform will not have a significant impact either visually or on the Landscape Character of the surrounding area. The levels of noise, dust, odour, litter, vermin, pests and bird control can be mitigated by good site management practice and controls which would be conditioned the same as the existing permission 7/P07/1326 as appealed, with additional noise controls and a requirement for noise monitoring. Amendments to the final restoration scheme to include suitable breeding habitat for Skylarks would be required.

11.7 Furthermore, it is considered that the proposed changes in phasing and cell size would facilitate considerable environmental benefits, as at any one time there would be less waste open to the elements, resulting in less rainfall entering the cells, thereby producing less leachate and also this would contribute to a reduction of dust, litter and odour emitted from the site.

11.8 It is not considered that the proposed development, subject to appropriate conditions, and a deed of variation to the existing legal agreement for the extended restoration and management of the site would have an unacceptable impact on any other material planning considerations. As such, subject to the outcome of the great crested newt survey being negative, and appropriate method statement produced, planning permission should be granted.

## **12. RECOMMENDATION**

### **THAT:**

**(1) Subject to a deed of variation to the existing Section 106 Planning Obligation to secure:**

- diversion and maintenance in perpetuity Fowle Brook;
- long-term management of the restored nature conservation area on Cell 9a for a period of 15 years following the restoration of Cell 9a
- monitoring and maintenance of the leachate control system;
- monitoring the generation and extraction of landfill gas;
- Heavy Goods Vehicle routing; and
- Maintenance and management of a length of Maw Green Road.

**(2) Planning permission should be granted subject to conditions covering in particular: -**

- All the conditions attached to permission 7/P05/1326 unless amended by those below;
- Approved plans;
- Revisions to existing approved restoration plan – replace with in interim and final restoration plan and associated restoration conditions;
- Revisions to existing phasing plans and associated phasing conditions;
- Revisions to existing pre-settlement contours, and associated contouring conditions;
- Additional surface water lagoon plan;
- Extension of time to 31<sup>st</sup> December 2017 with interim restoration of the site within 12 months or no later than 31<sup>st</sup> December 2018
- Final restoration as final restoration plan to be no later than 12 months following the cessation of production of leachate and landfill gas;
- Interim and final restoration proposals to be amended to include rough tussocky grassland to provide suitable habitat for breeding skylarks;
- Approved Method statement for protected species;
- Liaison Committee Scheme;
- Noise limits;
- Noise Monitoring Scheme;
- Best practical site management for noise/ dust/ odour/ flies/ vermin/ birds/ litter control as per ES

### **Informatives:**

#### ***Natural England***

The developer should be made aware that should a protected species be subsequently found on the site, all work should stop until further surveys for the species are carried out and a suitable mitigation package for the species is developed.

### ***Environment Agency***

Fowle Brook is designated "main river". In accordance with the Water Resources Act 1991 and the Land Drainage Byelaws, the Environment Agency's prior written consent is required for any proposed works or structures in, under, over, or within 8 metres of the top of the banks of Fowle Brook.

This site already has a permit. The changes are minor in nature and would not require a variation to the permit.

### ***Network Rail***

The materials contained within the site subject to the applicants control should be stored and processed in a way which prevents over spilling onto Network Rail land and should not pose excessive risk to fire. If hazardous materials are likely to be sited on the land then Network Rail must be further contacted by the applicant. All excavations / earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the LPA acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

No water or effluent should be discharged from the site or operations on the site into the railway undertaker's culverts or drains, without Network Rail approval. Soakaways should not discharge towards and/or within 10m of railway infrastructure. Details of the proposed drainage must be submitted to, and approved by the local planning authority; acting in consultation with the railway undertaker and the works shall be carried out in accordance with the approved details. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

### ***Public Rights of Way***

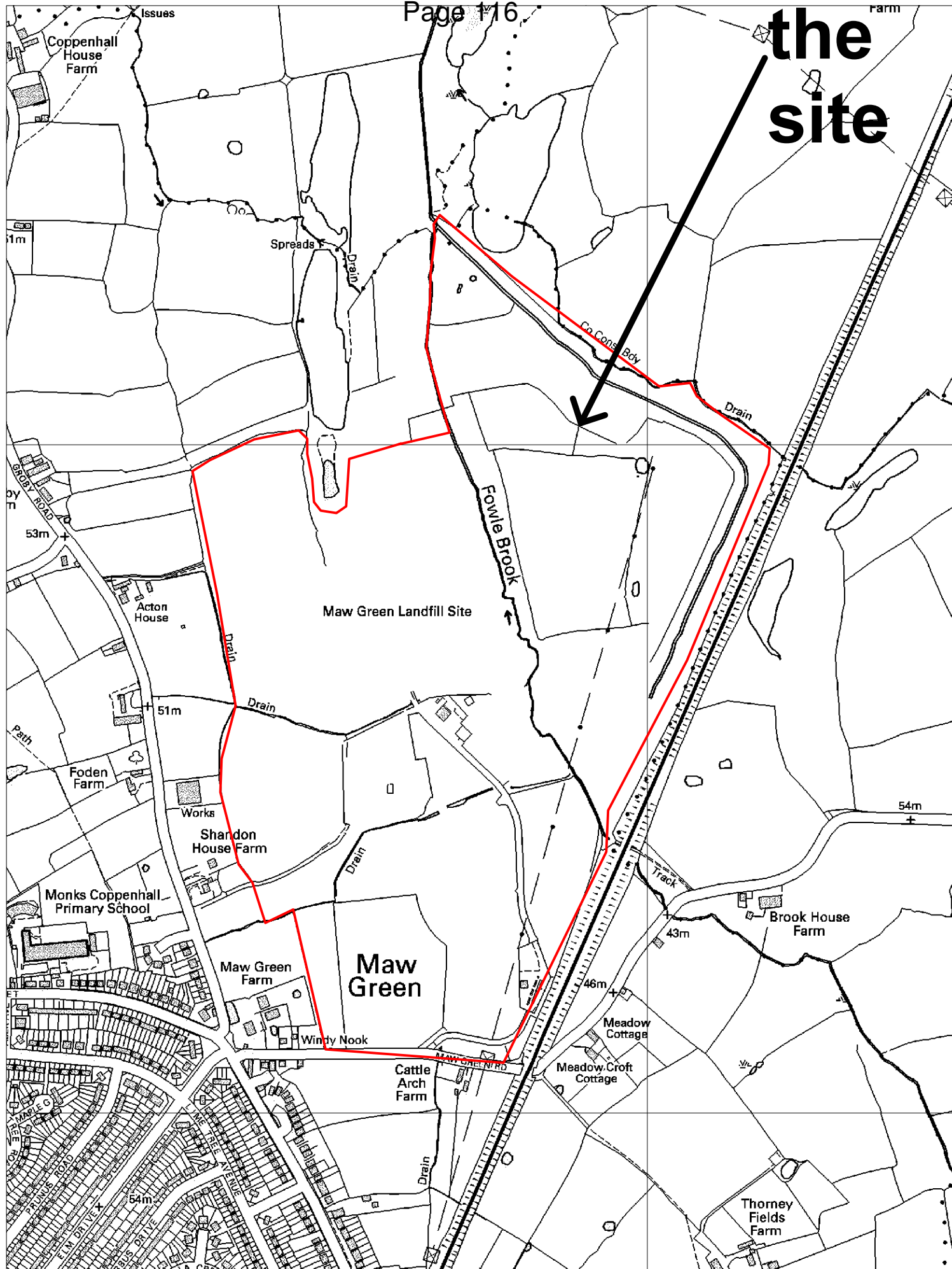
No change to the surface of the right of way can be approved without consultation with Cheshire East Council. The developer should be aware of his/her obligations not to interfere with the public right of way either whilst development is in progress or once it has been completed; such interference may well constitute a criminal offence. In particular, the developer must ensure that;

- There is no diminution in the width of the right of way available for use by members of the public;
- No building materials are stored on the right of way;
- No damage or substantial alteration, either temporary or permanent is caused to the surface of the right of way;

- Vehicle movements are arranged so as not to unreasonably interfere with the public's use of the way;
- No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature;
- No wildlife fencing or other ecological protective features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way; and
- The safety of members of the public using the right of way is ensured at all times.

Any variation to the above will require prior consent from Cheshire East Council's ProW Unit.

the  
site



MAW GREEN LANDFILL SITE, MAW GREEN ROAD, CREWE, CW1 5NG

NGR - 370,690 : 357,670

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<b>Planning Reference No:</b>	10/0872W
<b>Application Address:</b>	Hill Top Farm, Warmingham
<b>Proposal:</b>	Operation of drilling machinery and associated plant between the hours of 18:30 and 07:30 Monday to Friday and 16:00 to 07:30 Saturday and for continuous drilling operations on Sundays
<b>Applicant:</b>	EDF Trading Gas Storage Ltd
<b>Application Type:</b>	Full Mineral
<b>Grid Reference:</b>	369685 360962
<b>Ward:</b>	Cholmondeley
<b>Earliest Determination Date:</b>	
<b>Expiry Dated:</b>	4 <sup>th</sup> May 2010
<b>Date of Officer's Site Visit:</b>	24 <sup>th</sup> March
<b>Date Report Prepared:</b>	13 <sup>th</sup> May
<b>Constraints:</b>	Wind Turbine

**SUMMARY RECOMMENDATION:**

Continuous drilling recommended to be approved for 9 of the 10 borehole compounds, and refused on compound 4, where existing limited hours of working should be retained.

**MAIN ISSUES:**

Impact of lighting and noise on properties within close proximity to the proposed operations.

**1. REASON FOR REFERRAL**

This application has been referred to the Strategic Planning Board as the proposal would be considered to be a Major Waste application, and under the Council's scheme of delegation should be automatically referred to the Strategic Planning Board for determination.

**2. DESCRIPTION OF SITE AND CONTEXT**

The site is located 1km west of Warmingham, 3.5km south of Middlewich and 5km north of Crewe.

The site is located on Parkfield and Hill Top farms which are predominantly a mix of pasture and arable land, divided into medium to large fields by hedgerows and occasional hedgerow trees, relatively typical of the Cheshire Plain. This area is bounded to the west by the West Coast Railway Line and to the east by the River Wheelock, both of which run from north to south. The topography of the area rises steeply from the River Wheelock and forms a generally flat/slightly undulating plateau. Existing access tracks, brine wellhead infrastructure, gas wellheads, gas processing plant, compounds, car park and offices associated with the existing British Salt brine extraction at Hill Top Farm and the EDFT gas field at Hole House Farm are set within this landscape. Hedgerow improvements and a limited degree of

new planting to help screen the existing brine and gas fields are beginning to become established. Generally the site infrastructure is not obvious from outside the site. Hill Top Farm lies within the site and Park House and Parkfield farms just outside the site boundary. Five public footpaths cross the site, Minshull Vernon FP8 and 13, and Warmingham FP's 4, 7 and 13. Access to the site is taken from the existing access to the brine and gas fields off School Lane, Warmingham next to the Bears Paw Public House.

### **3. DETAILS OF PROPOSAL**

This application, submitted on behalf of Energy de France Trading Gas Storage Ltd (EDFT), seeks to continuously (24 hour hours, 7 days a week) drill boreholes that already have planning permission (7/2008/CCC/15) for day-time working only. The 10 separate borehole drilling compounds comprising the application site, extends to just over 5ha, within the total approved brinefield/gas storage facility that extends to over 100ha. The site is unallocated on the Borough of Crewe and Nantwich Replacement Local Plan 2011.

### **4. RELEVANT HISTORY**

British Salt has operated the Warmingham Brinefield since 1975. They remove salt by solution mining, (water dissolves the salt, producing brine) transporting it by pipeline to their works at Cledford Lane, Middlewich, for processing. Over a dozen completed cavities have been created since works commenced and other cavities are currently being formed by continued extraction under a 1999 permission (Review of Mineral Permission) which lasts until 2042. The cavities have been formed within the salt strata approximately 250m below ground; each cavity is between a quarter and a third of a million cubic metres in size. The integrity of each cavity is maintained as they are filled with saturated brine.

EDFT currently operates the existing Gas Processing Plant at Hole House and stores significant quantities of gas at high pressure in four former brine cavities linked to it under a planning permission granted in 1995 (P/95/350). The four cavities lie on the southern part of the Warmingham Brinefield.

Planning permission (7/2007/CCC/13) was granted to British Salt in October 2008 for the creation of 11 new cavities and conversion of these together with 10 existing cavities to gas storage on the Warmingham Brinefield. The permission also includes a new gas processing plant at Cledford Lane and pipelines linking the two sites, together with a new connection to the national transmission grid.

A further planning permission (7/2008/CCC/15) was granted to EDFT for the conversion of the ten existing cavities referred to above together with associated infrastructure in March 2009. Several schemes and pre-commencement conditions required by the planning permission and

associated Section 106 legal agreement, have now been agreed in advance of works commencing. Agreement between the two companies will now lead to EDFT becoming the developer of the approved gas storage on this site.

Whilst the British Salt permissions enable drilling operations to be carried out around the clock, the EDFT permission has limited hours of working as stipulated within their planning application.

## **5. POLICIES**

### **Regional Spatial Strategy**

The Regional Spatial Strategy (RSS) which replaces Regional Planning Guidance for the North West was adopted in September 2008. The RSS provides a framework for development and investment in the region for the next 15 to 20 years, together with a broad vision for the region that builds on National Policy Statements, Circulars and White Papers. Whilst the strategy should be read in its totality, the following policies are of relevance, DP1 Spatial Principles, DP4 Make the Best Use of Existing Resources and Infrastructure, DP7 Promote Environmental Quality, RDF2 Rural Areas and EM1 Integrated Enhancement and Protection of the Region's Environmental Assets.

### **Local Plan Policy**

The Cheshire Replacement Minerals Local Plan makes no provision for gas storage although the need to develop policies has been identified in the consultation paper for the Minerals Development Framework (Minerals Issues and Options Paper 2007). Policies 9 and 12 of the Plan relate to residential amenity and hours of working.

The Crewe and Nantwich Replacement Local Plan is in conformity with and builds on to the other plans. It sets out local policies for the period up to 2011. Of particular relevance are policies NE2 Open Countryside, NE17 Pollution Control, BE21 Hazardous Installations and E6 Employment Development Within Open Countryside.

### **Other Material Considerations**

Applications for planning permission should be determined in line with the development plan, unless material considerations indicate otherwise.

## **6. CONSULTATIONS (External to Planning)**

**Environmental Health:** The Environmental protection Officer has concerns relating to the impact the nearest of the boreholes would have on Hill Top Farm, see section on noise.

**Public Rights of Way:** No objection subject to normal conditions protecting PRoW.

**7. VIEWS OF THE PARISH / TOWN COUNCIL**

Warmingham Parish Council have no objection to the proposal but consider the operations should be monitored to ensure noise levels do not exceed predicted levels and the company should establish a phone 'hotline' in case complaints arise. They also wish to see existing traffic movement conditions maintained.

**8. OTHER REPRESENTATIONS:**

The occupier of Hill Top Farm, the closest property to the site has written stating she has no objection to the proposed change of working hours subject to the use of straw bales to help screen activity.

**9. APPLICANT'S SUPPORTING INFORMATION:**

Planning Statement dated March 2010, including site and planning history, a technical justification for the proposal and assessment of environmental impacts.

Assessment of Operational Noise Impacts dated February 2010.

**10. OFFICER APPRAISAL**

**Principle of Development**

The principle of utilising brine cavities for the storage of high pressure gas has been established by a number of planning permissions issued since 1995, the last and most relevant being 7/2008/CCC/15 granted in March 2009. The use of the site is supported by planning policy and also Government Energy Policy as gas storage will aid energy security. In determining the existing permission (7/2008/CCC/15), which was supported by a full Environmental Impact Assessment, consideration was given to the impact the development would have on all material matters such as flood risk (PPS25), and ecology and appropriate conditions were applied to the permission. As the current proposal seeks only to amend working hours on the drilling operations already approved, it is considered the impacts of such will be limited to temporary noise and lighting disturbance, further consideration therefore has not been given to those other issues that remain unaffected.

**Hours of Drilling and justification**

In accordance with existing permissions ten existing brine cavities are being converted to gas storage. In order to convert the cavities a second borehole needs to be drilled into the cavity through which pressurised gas will be introduced thereby displacing the existing brine contained therein. The existing brine is forced up the existing borehole, to then be fed by existing pipeline to the British Salt Cledford Works. The rate of this de-brining exercise is restricted by the ability of the

Cledford Works to process the brine and it is estimated it will take 5 years to completely replace all of the brine with gas. The current permission (7/2008/CCC/15) only sought drilling operations during a standard working day, the permission therefore was granted on this basis, however, on reflection the operators now consider it necessary to complete the drilling operations utilising equipment round the clock. They indicate correctly that other permissions for drilling on the site have no limit on hours of working.

The applicants consider that working round the clock would half the time needed to complete each borehole, reducing overall disruption at each of the ten compounds to just a month each. Continuous drilling would also be more accurate than a process that involved stopping and starting the operation.

Since this application was submitted drilling has started on the site with the operator complying with the existing hours of working. Two of the boreholes have in fact now been completed and two others are under development.

### **Lighting**

The existing permission already has a condition controlling any likely nuisance from lighting of operational areas. Each compound will require a minimum of illumination to enable working in the dark. The use of down and inward directed lights would limit any disturbance. Activity would be temporary and in view of the limited number of receptors it is considered the operation proposed is acceptable subject to conditions.

### **Noise**

The application is supported by a noise assessment which indicates that with the exception of Hill Top Farm all other receptors are below the required criteria for the most sensitive period, i.e., night-time, which is established at LAeq 1 hour 42dB. Three of the drill locations would produce night-time noise levels at Hill Top Farm at or near the criteria level. These levels can be mitigated by using a barrier such as straw bales next to the drilling rig. This has been used on this site previously with some success. However, the nearest compound to Hill Top Farm, number 4, which is within 186 metres, exceeds the criteria and in the view of the Council's Environmental Protection Officer, could not be made acceptable even with mitigation. In view of the temporary nature of the operations and likely effectiveness of the mitigation it is recommended that 24 hour drilling is acceptable for the proposed compounds with the exception of number 4 and that this remains conditioned to limited hours.

It should be borne in mind that the occupier of Hill Top Farm, who has recent experience of drilling in close proximity to her house, carried out by British Salt, has written stating she has no objection to the present proposal subject to the use of straw bales.

## **11. CONCLUSIONS**

The existing planning permission to convert 10 brine caverns at Hole House and Hill Top Farms, Warmingham, to gas storage, limits the hours of drilling to standard day-time operations, in accordance with submitted detail. On reflection the operators EDF Trading Gas Storage Ltd, now wish to drill on a continuous basis and bring current operations to the same level of control as previous permissions, which have accepted continuous drilling. The applicant considers continuous drilling would result in a more accurate and efficient operation which would reduce almost by a half the time period needed to drill each of the required boreholes.

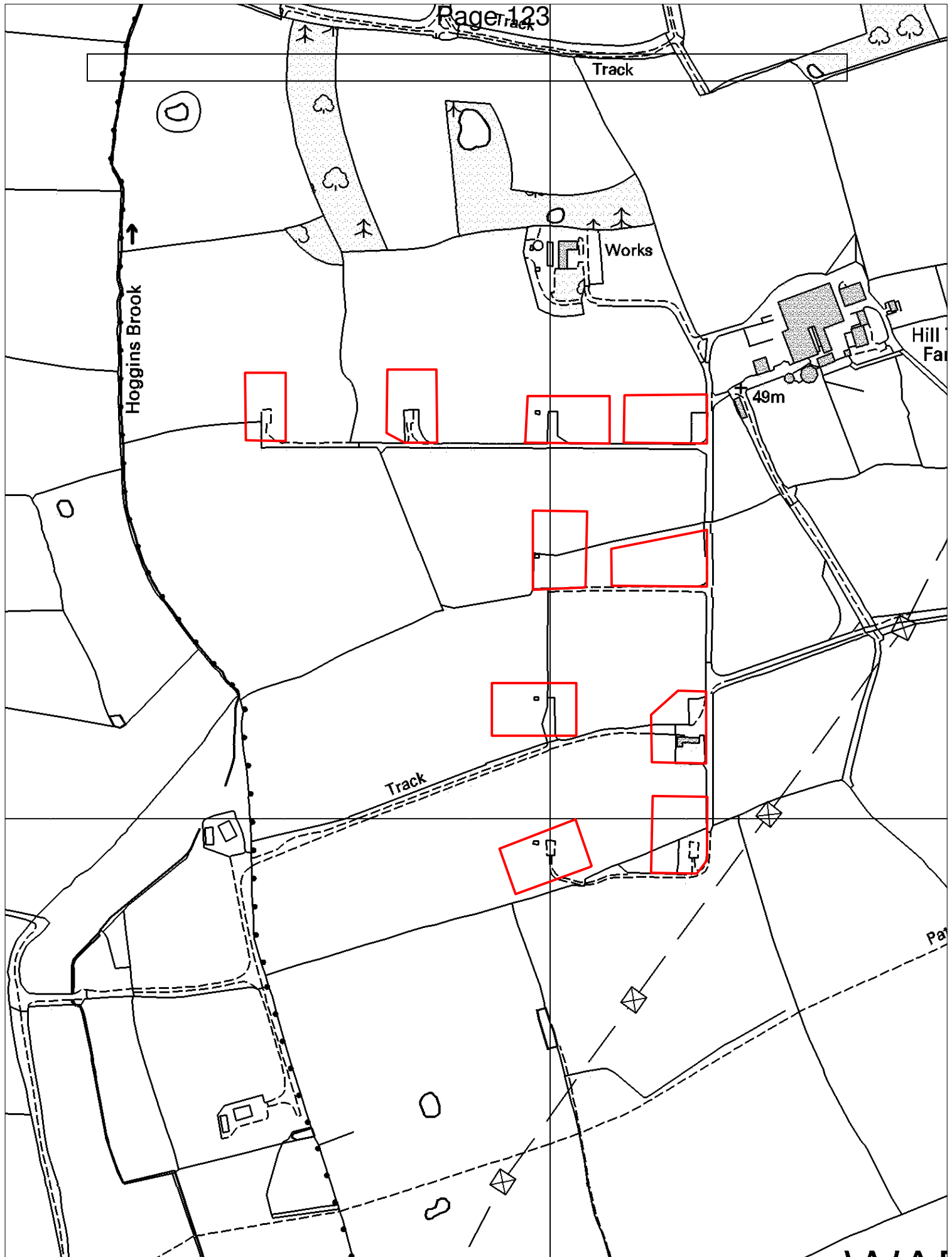
The area surrounding the brine and gas field is a rural one, however, farm units are in close proximity to the site and likely to be effected by night-time drilling in terms of lighting and noise. Existing lighting conditions can be duplicated to ensure a minimum and acceptable impact during the temporary nature of the operation; each borehole is anticipated to take just less than a month. It is considered that mitigation measures could be applied to ensure noise falls within acceptable limits for properties on nine of the ten borehole sites. It is therefore considered the continuous drilling applied for could be accepted on nine borehole sites, but rejected on compound 4, where existing limited hours of working would continue.

## **12. RECOMMENDATIONS**

**APPROVE subject to the following conditions:-**

- 1. Standard time**
- 2. In accordance with submitted plans and conditions attached to 7/2008/CCC/15**
- 3. Use of straw bale barrier to reduce noise**
- 4. Subject to maximum night-time noise level of LAeq 1 hour 42db**
- 5. Lighting to be subject to approved scheme**
- 6. Compound 4 drilling to be limited to between the hours of 0730 to 1800.**

<p><b>LOCATION PLAN:</b> <b>740-05-05 Noise sensitive receptors</b> <b>740-05-04 Location/statutory Plan</b></p>
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**HILL TOP FARM, WARMINGHAM ROAD, WARMINGHAM, CREWE, CW11 3QN**  
**NGR- 369,960:361,210**

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**CHESHIRE EAST COUNCIL****REPORT TO: STRATEGIC PLANNING BOARD**

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**Date of Meeting:** 2<sup>nd</sup> June 2010  
**Report of:** Adrian Fisher, Head of Planning and Policy  
**Subject/Title:** Conservation Area Appraisals  
1. Moody Street, Congleton  
2. West Street, Congleton  
**Portfolio Holder:** Cllr Jamie Macrae

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**1.0 Report Summary**

- 1.1 The purposes of these Appraisals are, in accordance with the methodology recommended by English Heritage, to define and record the special architectural and historic interest of the West Street and Moody Street Conservation Areas in Congleton. The West Street Conservation Area was designated by Cheshire County Council in 1969 and the boundaries were amended by Congleton Borough Council in 1980. The Moody Street Conservation Area was designated by Congleton Borough Council in 1980 and the boundaries amended in 1990.
- 1.2 The draft Conservation Area appraisals were both approved for consultation purposes, in early 2010 and were subject to consultation over a 6 week period between the 12<sup>th</sup> March and 23<sup>rd</sup> April 2010. The public consultation has resulted in modifications to the content of both the Moody Street and West Street Conservation Area Appraisals and changes to the recommended boundary revisions. A total of eight written responses were received during the consultation period. These representations are summarised in the reports in Appendix 1.

**2.0 Decision Requested**

- 2.1 The draft Appraisals recommended extensions to both the Moody Street and West Street Conservation Areas (see map in Appendix 2). This report, in response to public comment, recommends that amended extensions to the boundaries of the Conservation Areas are approved for formal designation and that the attached Conservation Area appraisals are adopted.
- 2.2 That the formal procedures and notices to amend the Conservation Area boundaries be undertaken; including notifying all property owners, land charges and G.I.S.

**3.0 Reasons for Recommendations**

- 3.1 To allow the formal adoption of the Moody Street and West Street Conservation Area Appraisals incorporating some, though not all, of the proposed changes to the boundary, and incorporating actions identified in the management proposal.

**4.0 Wards Affected**

- 4.1 Congleton Town East and West

**5.0 Local Ward Members**

5.1 Congleton Town East and West

**6.0 Policy Implications including - Climate change  
- Health**

6.1 Neither Conservation Area appraisals contain any policy implications for climate change and health.

**7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)**

7.1 None

**8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)**

8.1 The costs of consultation and notification attached to the adoption of the Conservation Area appraisal will be met within the 2010/11 budget for Spatial Planning.

**9.0 Legal Implications (Authorised by the Borough Solicitor)**

9.1 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places an obligation on local authorities to determine which parts of their area are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, and to designate those areas as Conservation Areas.

Section 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the council to notify the Secretary of State and English Heritage of the designation, and to advertise the designation in the London Gazette and a local newspaper, in this case the Congleton Chronicle.

**10.0 Risk Management**

10.1 Statutory requirements of the Conservation Area appraisal have been met.

**11.0 Background and Options**

11.1 It is the responsibility of Cheshire East Council to determine which parts of its area are considered to be of architectural or historic interest, the character or appearance of which it would be desirable to preserve or enhance, and to designate such areas as Conservation Areas. Government guidance and established best practice stress the need for proper assessment of such areas by means of a "character appraisal" to determine their merit for Conservation Area status and for the public consultation to be undertaken prior to designation.

11.2 The purpose of the Conservation Area appraisal is to

- Identify those elements of a Conservation Area that contribute to its character.
- Identify elements which detract from the character
- Propose measures to maintain or improve the positive character, local distinctiveness and sense of place within Congleton.

11.3 It is a statutory duty to review existing boundaries from time to time, understanding the character of the Conservation Area and the public perceptions of it. Alongside the Conservation Area boundary review, Article 4 (2) Directions can be introduced to limit the alterations that can be made without the need for planning permission. They do so only on residential properties and on their elevations that front a highway. This recommendation is supported by the community and could be introduced as part of a longer term management plan for the area, requiring additional work and consultation to introduce it.

- 11.4 The main implications of Conservation Area designation would be:-
- Conservation Area consent would be required prior to demolition of any buildings.
  - Six weeks prior notification of any tree felling, topping or lopping would be required (over a 75mm trunk diameter and 1m off the ground applies to this ruling)
  - Additional planning controls would be introduced. Most works to the exterior of buildings would require planning permission.
  - In the determination of applications for development, the Council is required to have special regard to the character and appearance of the area.
- 11.5 The draft Moody Street and West Street Conservation Area Appraisals went to simultaneous public consultation over a 6 week period between the 12<sup>th</sup> March 2010 to 23<sup>rd</sup> April 2010. The Conservation Officer and the consultant who wrote the Appraisals held two well attended 'surgeries' at Congleton Library on the evening of 22<sup>nd</sup> March and the morning of 23<sup>rd</sup> March.

Consultation Publicity included:

- Notification to Congleton Town Council
- Written notification to the occupiers of all buildings within the proposed new extended boundaries of the Conservation Area.
- The public exhibitions at Congleton Library on 22<sup>nd</sup> and 23<sup>rd</sup> March at which Michael Scammell, Cheshire East Conservation Officer and Kathryn Sather of Kathryn Sather Associates, author of the Appraisals, were available to listen to concerns, answer any questions and offer advice. Well over twenty persons expressed their views and a total of six written responses were subsequently received. These are summarized in Appendix 1.

Copies of the document were available for public view at Congleton Library. A Press Release was also issued on the 10<sup>th</sup> March 2010 and publication of the draft Appraisal available for download on the Cheshire East website.

Details of responses and proposed actions are set out in Appendix 1. Two representations requested extension of the Moody Street Conservation Area to include the allotments on Swan Meadow. This small plot of private allotments has a clear historic link to the early Victorian terraced housing in the adjacent streets and helps to illustrate the social history of the area. The boundary line has been revised to incorporate these areas; the revised Conservation Area boundary is shown in Appendix 2.

One representation requested the revision of the boundary line along West Street to exclude vacant commercial and industrial buildings. This prompted a review which did identify the car park and other subsidiary areas as marginal in terms of positive contribution to historic character. It is important to assess character areas carefully to avoid inclusion of elements which may devalue the overall quality of the proposed area. The boundary line has been revised and is shown in Appendix 2. Copies of the representations are available for inspection in the Planning Department.

Owners of affected houses were consulted on the proposal to extend the Conservation Area in March and April and the five supportive responses received and one objection are summarised in Appendix 1. Written notification will be sent to all properties within the Conservation Area boundaries in the event of formal adoption of the appraisal and extension of the boundaries.

Both Congleton Town Council and Congleton Partnership have stated their willingness for Cheshire East Council to proceed with the designation of the boundary changes and adoption of the appraisal.

**13.0 Appendix**

Appendix 1 - Representations on the Draft Conservation Area Appraisals.

Appendix 2 - Map showing the proposed extensions to the Moody Street, Congleton Conservation Area. Map showing proposed extension to the West Street, Congleton Conservation Area.

**14.0 *For further information***

**Portfolio Holder:** Councillor Jamie Macrea

**Officer:** Design and Conservation Officer, Emma Mellor

**Telephone;** 01625 504672

**Email;** [emma.mellor@cheshireeast.gov.uk](mailto:emma.mellor@cheshireeast.gov.uk)

**APPENDIX 1****CONSULTATION REPONSES**

The draft Moody Street and West Street Conservation Area Appraisals went to simultaneous public consultation over a 6 week period between the 12<sup>th</sup> March 2010 to 23<sup>rd</sup> April 2010. The Conservation Officer and the consultant who wrote the Appraisals held two well attended 'surgeries' at Congleton Library on the evening of 22<sup>nd</sup> March and the morning of 23<sup>rd</sup> March.

COMMENTS	
1	Include allotments on Swan Meadow (behind Howey Lane) Mill, adjoining 19 <sup>th</sup> century workers cottages
2	Include woodland and allotments, as above
3	3-15 Howey Hill - terraced houses should be included within the CA extension
4 <b>OBJECTION</b>	Policy references need updating in the appraisal:: remove references to Cheshire Structure Plan and PPG 15. The boundary extension includes buildings of limited interest. Call for the removal of certain properties from the proposed boundaries.
5	Article 4 Directions need to be applied to properties within the conservation area to provide additional character protection Photographic surveys should be carried out Congleton Park, Park Road and a 20 <sup>th</sup> century chapel should be included in the extended area. Library display might have been left in-situ for a longer period of time for people to enjoy!
6	Leaflets to raise awareness of conservation are status, aspirations for long term management Survival of Staffordshire Knot pub sign?

**ACTIONS- PROPOSED/TAKEN**

COMMENT	
1& 2	Link between traditional housing and private allotments seems valid and illustrates social history of the area. Include allotments in the conservation boundary  Redraw the extension boundary to exclude West Street car park, tennis courts and work sheds as these areas contribute little to character value. (see map for exclusions)
3	3-15 Howey Hill, are already proposed for inclusion in the Conservation Area extension
4	Removal of references to out of date policies and update including reference to PPS 5 which replaces PPG 15 during the consultation period of the appraisals.

	<p>Some of the properties in West Street considered to be detrimental to the Conservation Area are already contained within the original Conservation Area boundary. These areas have been highlighted as areas of significance and require flagging up for future enhancement. Others have some historic interest or make some positive contribution to the street scene, even if they have not previously been maintained in accordance with conservation principles. However, some areas of neutral or negative influence contained within the proposed boundary (see b above) have been reassessed in light of the objection and adjusted accordingly. (See new Conservation Area boundary map).</p>
5 & 6	<p>Article 4 Directions are not proposed initially, but could not be ruled out if the exercise of permitted development rights threatens character. Their use would require a full photographic survey and further consultation with affected residents.</p> <p>Leaflets will be produced and sent with letters informing owners within the new agreed conservation area boundary, once approved. This initiative will raise conservation awareness in the area and assist with long term management of the historic building stock.</p> <p>Congleton Park and Park Road are both separated from the Town Centre Conservation Areas by Mountbatten Way which forms a major character barrier. A separate Conservation Area would not be ruled out in the future, if resources permit, but extension of the existing areas does not seem appropriate in these circumstances.</p>

## **CHESHIRE EAST COUNCIL**

### **REPORT TO: STRATEGIC PLANNING BOARD**

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**Date of Meeting:** 2 June 2010  
**Report of:** Adrian Fisher, Head of Planning and Policy  
**Subject/Title:** Statement of Community Involvement  
**Portfolio Holder:** Cllr Jamie Macrae / Cllr David Brown

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#### **1.0 Report Summary**

- 1.1 The Statement of Community Involvement (SCI) is a public statement of procedures and intentions regarding community involvement in the production of planning policy through the Local Development Framework and in Development Management decisions.
- 1.2 The draft Cheshire East Statement of Community Involvement was approved for consultation purposes on the 29<sup>th</sup> September 2009 and subject to consultation over an 8 week period between the 23<sup>rd</sup> November 2009 and 18<sup>th</sup> January 2010. A total of 17 responses were received during the consultation period. The consultation stage has resulted in modifications to the presentation and style of the Statement of Community Involvement.

#### **2.0 Decision Requested**

- 2.1 That the results of the public consultation and modifications to the draft SCI are noted and agreed.
- 2.2 That the Spatial Planning Board recommends that Cabinet recommends that the Council adopt the Statement of Community Involvement document as part of the Council's Local Development Framework (LDF).

#### **3.0 Reasons for Recommendations**

- 3.1 To allow the formal adoption of the Statement of Community Involvement as part of the Local Development Framework.

#### **4.0 Wards Affected**

- 4.1 All Wards

#### **5.0 Local Ward Members**

- 5.1 All Members

#### **6.0 Policy Implications including - Climate change - Health**

- 6.1 The Statement of Community Involvement does not contain any policy implications for climate change and health. The SCI makes it clear that the Council favours electronic means of consultation wherever possible as a means of reducing resource use.

**7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)**

- 7.1 None

**8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)**

- 8.1 The costs of notification letters attached to the adoption of the SCI will be met within the 2010/11 budget for Spatial Planning.

**9.0 Legal Implications (Authorised by the Borough Solicitor)**

- 9.1 The preparation of a Statement of Community Involvement is a statutory requirement set out in the 2004 Planning and Compulsory Purchase Act. The proposals for consultation set out in the Statement of Community Involvement exceed the minimum requirements detailed in the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended in 2008, 2009 and 2010).

**10.0 Risk Management**

- 10.1 Statutory requirements of the Statement of Community Involvement preparation and consultation process have been addressed.

**11.0 Background and Options**

- 11.1 The Statement of Community Involvement is a feature of the reformed local planning system introduced by the Planning and Compulsory Purchase Act (2004). The introduction of the Statement of Community Involvement was a direct response by Government to ensure that the community plays a greater role in the production of the Local Development Framework and the determination of planning applications.
- 11.2 The draft Cheshire East Statement of Community Involvement was consulted upon over an 8 week period between the 23rd November 2009 and 18th January 2010. A total of 17 responses were received.
- 11.3 The consultation responses received to the draft Statement of Community Involvement has resulted in modifications to the proposed final version of the document, these include:
- The format and presentation of the document has been changed to improve the legibility and provide further detail on documents contained within the Local Development Framework, setting out clear opportunities for stakeholder involvement;
  - Additional tables and charts have been added to the document to set out specific stages of stakeholder involvement and detail how, where and when community

involvement can occur in the production of the Local Development Framework and determination of planning applications; and

- A reduction in the usage of abbreviations and technical jargon within the document.

**11.4 The main proposals of the Statement of Community Involvement are as follows:**

- To involve all sectors of the community from an early stage in the production of planning policy documents so that they input into the challenges, needs, requirements, options, and alternatives identified in these documents;
- To maintain an LDF consultation database so that all interested individuals and bodies are involved throughout the remaining stages of LDD production;
- To use a range of methods of consultation as appropriate including press notices/releases, meetings, focus groups, workshops, exhibitions, questionnaires and theme based forums;
- To favour the use of electronic means of consultation wherever possible via the use of emails, a consultation portal on the Local Development Framework and the Council's website;
- To seek to engage in joint consultations with other relevant strategies wherever possible, such as the Sustainable Community Strategy, to save resources, provide a more comprehensive approach and avoid consultation fatigue;
- To signpost the existence of the Neighbour Notification and Publicity for Planning Applications Protocol;
- To encourage applicants to undertake pre-application discussions prior to the submission of planning applications; and
- To commit the Council to periodically monitoring and reviewing the success of the consultation techniques it has used.

**12.0 Overview of Year One and Term One Issues**

- 12.1 The Statement of Community Involvement should be adopted to provide the basis for consultation on the Cheshire East Local Development Framework and reviewed when necessary.

**13.0 Access to Information**

- 13.1 The background papers relating to this report can be inspected by contacting the report writer:

Name: Stuart Penny

Designation: Planning Policy Manger – Spatial Planning

Tel No: 01270 685894

Email: [Stuart.Penny@cheshireeast.gov.uk](mailto:Stuart.Penny@cheshireeast.gov.uk)

*Background Documents:*

- Planning Policy Statement 12: Local Spatial Planning, Communities and Local Government, 2008;
- The Town and Country Planning (Local Development) (England) Regulations 2004;

- The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008;
- The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009
- The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2010



## Statement of Community Involvement

May 2010

## Equal Opportunities and Access

Cheshire East Council recognizes that it can improve the quality of life of people in the area by seeking to ensure that every member of the public has equal access to its services, facilities, resources, activities and employment.

We want these to be accessible to everyone in the community regardless of gender, age, ethnicity, disability, marital status or sexual orientation. Furthermore, we are keen to respond to the individual requirements of our customers to develop services that recognize their diversity and particular needs.

We use the Big Word as a translation service, and have hearing induction loops in our reception areas.

Information can be made available in large print, in Braille or on audiotape on request.

If you would like this information in another language or format, please contact us.

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

如欲索取以另一語文印制或另一格式制作的资料，请与我们联系。

Jeżeli chcieliby Państwo uzyskać informacje w innym języku lub w innym formacie, prosimy dać nam znać.

ਜੇ ਇਹ ਜਾਣਕਾਰੀ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦੀ, ਤਾਂ ਇਹ ਸਾਥੋਂ ਮੰਗ ਲਓ।

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

اگر این اطلاعات را به زبانی دیگر و یا در فرمتی دیگر میخواهید لطفاً از ما درخواست کنید

Se deseja obter informação noutro idioma ou formato, diga-nos.

## Table of Contents

1. Introduction.....	4
2. Community Involvement in Planning .....	5
3. Local Development Framework.....	7
4. Consultation and Engagement in Preparing the Local Development Framework	9
5. Planning Applications .....	15
6. Infrastructure Planning Commission.....	19
7. Further Information .....	20
Appendix 1: Contact Details / How to Register Interest .....	21
Appendix 2: Local Development Framework Consultee Involvement.....	22
Appendix 3: LDF Methods of Consultation .....	29
Appendix 4: LDF List of Stakeholders .....	33
Appendix 5: Development Management Consultees.....	35
Appendix 6: Development Management Methods of Consultation for Planning Applications .....	38
Appendix 7: Consultation Responses to Draft SCI .....	41
Appendix 8: Glossary of Terms .....	42

## Introduction

### Role of Statement of Community Involvement

- 1.1 The Statement of Community Involvement (SCI) sets out how Cheshire East Borough Council intends to involve all sectors of the community in the planning process. Both in the preparation of planning policy through the Local Development Framework (LDF); and in the determination of planning applications.
- 1.2 This document is part of the Cheshire East Local Development Framework and reflects the content of the Council's wider approach to community engagement.

### Status of Document

- 1.3 The Statement of Community Involvement has taken into account changes set out through regulations contained in the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended in 2008, 2009 and 2010), Government guidance in Planning Policy Statement (PPS) 1 – “Delivering Sustainable Development” and Planning Policy Statement (PPS) PPS12 – “Creating Strong Safe and Prosperous Communities through Local Spatial Planning” as well as other guidance on the Planning Advisory Service (PAS) website.

### Development of Statement of Community Involvement

- 1.4 A draft Statement of Community Involvement was subject to consultation over an eight week period between 23<sup>rd</sup> November 2009 and 18<sup>th</sup> January 2010. A total of 17 responses were received during that time. As a result of these comments the Council has made various changes to the document.
- 1.5 A summary of comments received and response of the Borough Council is presented in Appendix 7.

### Monitoring and Review of the Statement of Community Involvement

- 1.6 The Council will monitor the success of the consultation exercises it carries out. If it decides that improvements can be made, these will be highlighted in the Annual Monitoring Report. Subsequent changes to processes will be subject to consultation. The Council will also monitor emerging best practice, and the publication of any new guidance or legislation that may impact upon the requirements for public consultation.

## Community Involvement in Planning

### National Principles

- 2.1 Planning Policy Statement 12: “Creating Strong Safe and Prosperous Communities through Local Spatial Planning” sets out a number of principles for community engagement in planning. Local Planning Authorities should produce a Statement of Community Involvement which follows these principles, stated as follows:
- Consultation should be appropriate to the level of planning;
  - Involvement and engagement should be frontloaded (i.e. from the outset) leading to a sense of ownership of local policy decisions;
  - Continuous – as part of an ongoing programme of community involvement and engagement;
  - Transparent and accessible – Using appropriate methods for the communities or groups concerned;
  - Planned – as an integral part of the process for making plans.

### Local Principles and Linkages with Other Strategies and Documents

- 2.2 Cheshire East Borough Council recognizes and appreciates the positive contribution that community involvement can have in all aspects and areas of planning. The Statement of Community Involvement is designed to reflect how the local and wider community (including stakeholders and specific, general and other consultation bodies such as statutory consultees) will be engaged and consulted on planning issues.
- 2.3 Cheshire East Borough Council, its Local Strategic Partnership and associated stakeholders are preparing a Sustainable Community Strategy (SCS). This strategy will be taken into account in the preparation of the Local Development Framework, which will help deliver the spatial objectives of the Sustainable Community Strategy.
- 2.4 To avoid stakeholders suffering from “consultation fatigue”, the Council will use joint consultations on the Local Development Framework with other strategies wherever possible.
- 2.5 It is important to consult a broad range of groups during the preparation of each document in the Local Development Framework; and at various stages thereafter. Appendix 4 contains more information on stakeholders involved in the Local Development Framework process. In general terms, key stakeholders include:
- General public – residents and people who undertake business, leisure activities or have general interest in the area;
  - Town and Parish Councils;
  - Representatives of Local Strategic Partnership / Local Area Partnership;

- Business interests and major landowners including developers and agents;
- Government departments and statutory bodies;
- Infrastructure providers;
- Interest groups - environmental, amenity, community and voluntary groups at a local, regional or national level;
- Hard to reach groups.

2.6 In the production of Planning Policy documents, Cheshire East Borough Council will aim to achieve the following:

- Ask for views at an appropriate stage;
- Provide sufficient information to enable an effective response to any consultation;
- Provide details of how to respond to any consultation and in what time period;
- All terminology used will be explained within a glossary of terms with an overall aim to reduce jargon used;
- All comments will be made publicly available and the Council will report on all consultation stages;
- Review effectiveness of consultation and engagement procedures and seek to improve them;
- Publicise any consultation events on the Council's website and hold them at appropriate locations in the Borough that are accessible with appropriate disabled access.

2.7 When people or organisations submit their representations at the various consultation stages, Cheshire East Borough Council requests that the following requirements are met:

- Clear and concise comments are provided related to the issue being consulted upon;
- Comments are submitted within the time period established;
- That any comments submitted are respectful of the views of others.

## Local Development Framework

- 3.1 The Local Development Framework is a portfolio of planning policy documents that set out the spatial planning strategy and help manage how development takes place in Cheshire East for the next 15 years or so. Together with the Regional Spatial Strategy, it will form the statutory Development Plan for Cheshire East and determine how the planning system helps to shape local places and communities. The Local Development Framework plays an important role in delivering the vision set out in the Sustainable Community Strategy within the context of national and regional planning policies.
- 3.2 The Local Development Framework contains a number of different documents called Local Development Documents. The different types of Local Development Documents include:

**Development Plan Documents** – planning documents that have been subject to independent testing and form part of the statutory Development Plan. Planning applications will be assessed and determined using provisions set out within Development Plan Documents.

Development Plan Documents must conform to the Regional Spatial Strategy and national guidance set out in Planning Policy Statements and Planning Policy Guidance. Development Plan Documents must also be shown to have regard to the outcomes of Sustainability Appraisal and Habitats Regulations Assessment. Development Plan Documents include the following documents:

- Core Strategy: - sets out the overall vision, objectives and strategy for how Cheshire East will develop over the next 15 years or so.
- Site Specific Allocations / Development Policies: - this document identifies sites allocated for future development to deliver the vision and contents of the Core Strategy. The document contains a suite of detailed policies to support the delivery of the Core Strategy and manage the delivery of future development proposals. A Proposals Map on an Ordnance Survey base will show proposals, designations and site specific policies.
- Area Action Plan: - masterplan documents that relates to areas of development or significant change.

**Supplementary Planning Documents** – cover a range of issues, both thematic and site specific. They provide more detailed guidance on how policies are to be applied or design guidance for the development of a site or area. Supplementary Planning Documents will be a “material consideration” in the determination of planning applications.

- 3.3 Other supporting documents in the Local Development Framework include the Local Development Scheme which sets out the Council’s programme for the production of the Local Development Framework and Annual Monitoring Report which sets out progress in terms of producing and implementing

planning policies. Further information on these documents and the current planning policy context in Cheshire East can be accessed on the Council's website.

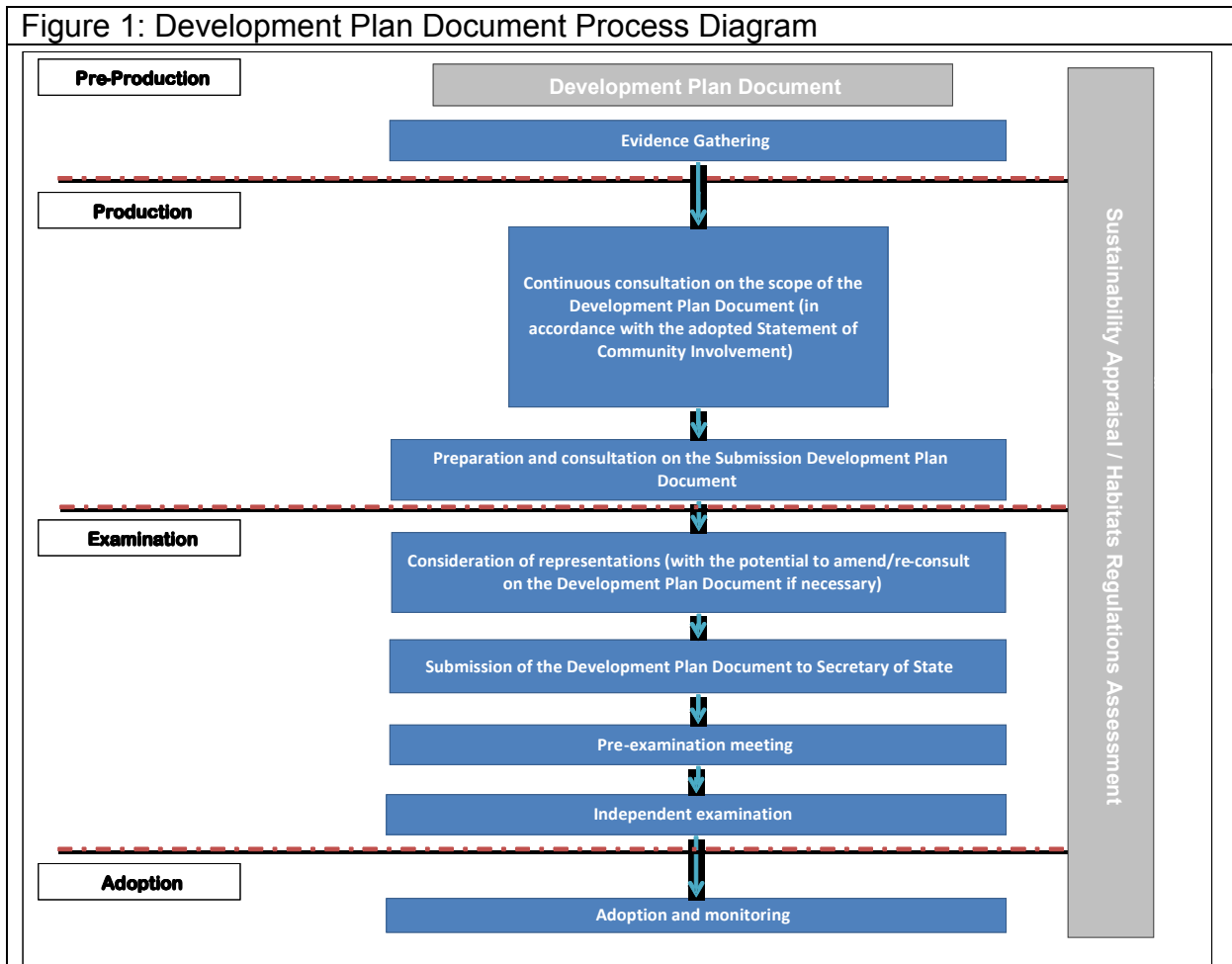
## Consultation and Engagement in Preparing the Local Development Framework

- 4.1 This section details the process involved in the production of documents contained within the Local Development Framework. The minimum legal requirements for consultation and engagement for the Local Development Framework are set out within the Town and Country Planning (Local Development) (England) Regulations 2004 and respective amendments made in 2008, 2009 and 2010.

### Development Plan Documents

- 4.2 There are a number of steps and consultation stages involved in the production of Development Plan Documents. This is reflected in Figure 1.

Figure 1: Development Plan Document Process Diagram



### Pre Production Stage

- 4.3 The Council at this stage will gather background evidence and information on a number of topics that the Development Plan Document will address. Full details on the evidence base are contained within the Local Development

Scheme. At this stage focused consultation may be undertaken by the Council through a variety of different formats.

- 4.4 The Council will seek the involvement of relevant stakeholders and organisations in the development of this information with a view to ensuring a reliable and robust evidence base. An example of this is the Housing Market Partnership which includes stakeholders and representatives such as Registered Social Landlords, house builders, and developers who are engaged in the production of evidence base surrounding future housing needs and land supply through the Strategic Housing Land Availability Assessment and Strategic Housing Market Assessment. Other partnerships may be established to assist in the preparation of evidence on future employment requirements and for waste and minerals.

### **Production Stage**

- 4.5 Government guidance and regulations have advised that the extent of consultation undertaken at this stage should be proportionate to the scale of issues identified and involved in the plan. Throughout this stage both informal and formal consultation exercises will be utilised as considered appropriate.
- 4.6 Public consultation during this period will be undertaken in accordance with Regulation 25. Methods of consultation stated in Appendix 3 will be utilised as appropriate with evidence and focused consultation exercises used to work up and develop options and appraise those options.
- 4.7 This will be an evolutionary and fluid consultation process with opportunities for stakeholders to get involved at various stages and the views of the wider community reflected.
- 4.8 This process will have an outcome of a preferred set of options. These will be consulted upon as a draft Development Plan Document and subject to a minimum six week consultation period.

### **Submission Stage**

- 4.9 Prior to the Council submitting a Development Plan Document to the Secretary of State for approval, it will publish a “Publication Submission” Development Plan Document for a minimum period of six weeks including:
- “Publication Submission” Development Plan Document;
  - Changes to the Proposal Map (if applicable);
  - The Sustainability Appraisal and Habitats Regulations Assessment Report;
  - A Consultation Statement detailing the consultation that has taken place on the Development Plan Document (including information on those consulted, methods used, summary of main issues and how these were addressed); and
  - Any other supporting documents relevant to the “Publication Submission” Development Plan Document.

- 4.10 These documents will be published on the Council's website. Additionally, a statutory notice will be placed in at least one local newspaper detailing the consultation stage and where respective documents can be viewed. All statutory consultees (listed in Appendix 4) and members of the Local Development Framework consultation database (see Appendix 1) who have asked to be consulted on the Development Plan Document will be informed by e-mail or letter of the details of the consultation.
  
- 4.11 The six week consultation period will seek formal representations on the Development Plan Document regarding the tests of "soundness" detailed in Planning Policy Statement 12: Local Spatial Planning. The tests of soundness refer to whether the Development Plan Document is justified, effective and consistent with national policy, as well as being prepared in accordance with regulations and procedures. Further information on the tests of "soundness" can be found in the Glossary of Terms and Planning Policy Statement 12.
  
- 4.12 At the end of the consultation period, the Council will consider all representations. The Council may make limited changes at this stage to the Development Plan Document and in these circumstances an addendum will be prepared setting out any proposed changes. Further consultation will be undertaken if necessary.
  
- 4.13 A summary of representations received (and a copy of the original representations), the adopted Statement of Community Involvement and all other relevant documentation will be submitted to the Secretary of State for examination and made available for inspection at the Council Offices at Westfields, Middlewich Road, Sandbach.

### **Examination in Public**

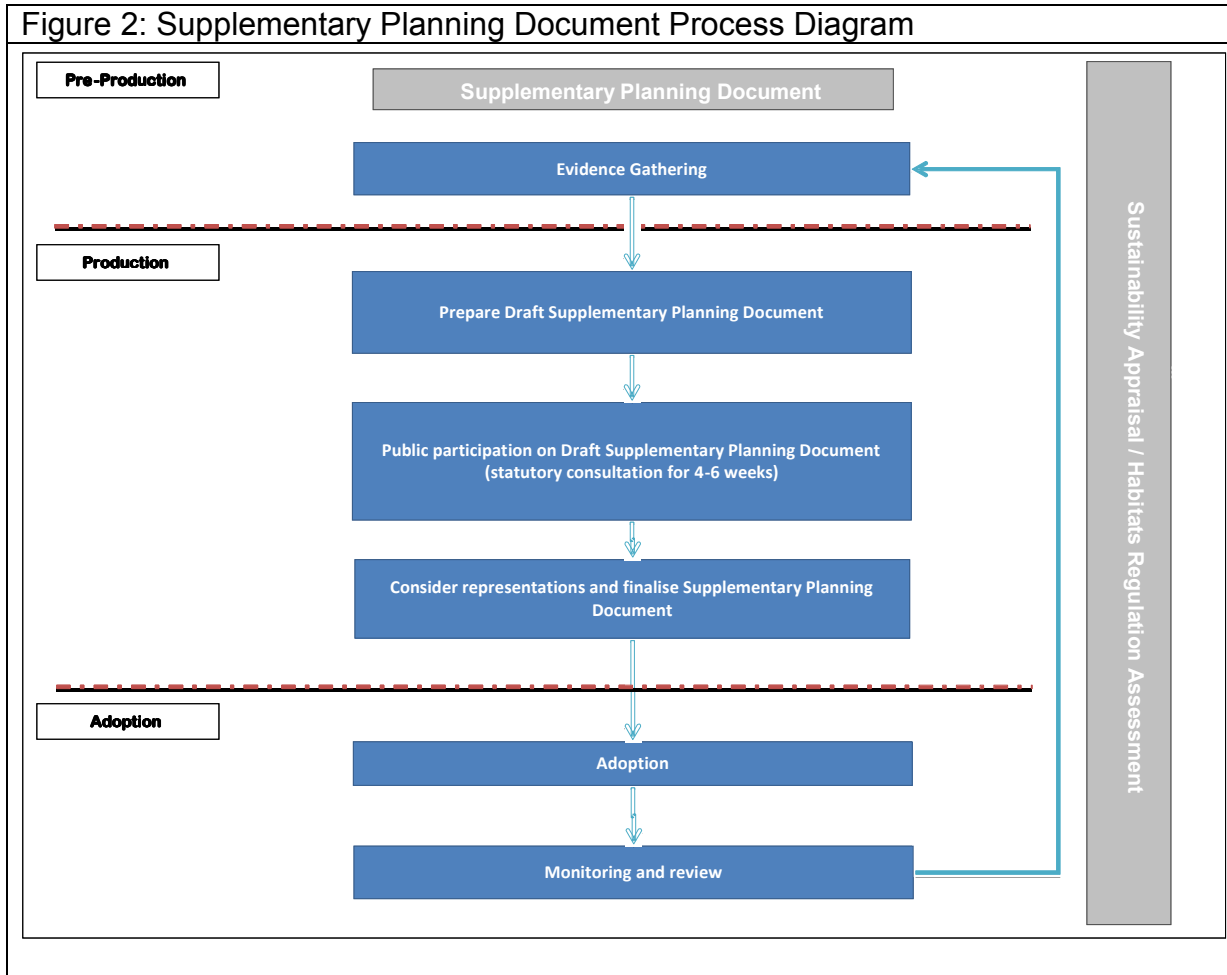
- 4.14 The Council will publish the time and place of the independent examination, along with the name of the Inspector on the Council's website at least six weeks before the examination opens and in at least one local newspaper. Anyone who has made representations (and not withdrawn them) will be notified by letter or e-mail of the examination details.
  
- 4.15 The Inspector will decide who will speak and what topics will be covered at the examination. The Government expects a majority of representations to be dealt with at examination in written format and these carry equal weight to those presented verbally at the examination.
  
- 4.16 Once the examination has been held, the Inspector will produce a report detailing the "soundness" of the Development Plan Document. This report will contain binding recommendations and the Development Plan Document will, where necessary, be amended to reflect the findings of the Inspector. The recommendations of the Inspector and response of the Borough Council will be published on the Council's website and made available at locations detailed in Appendix 2.

## **Adoption**

- 4.17 Once the recommendations of the Inspector have been addressed the Council will adopt the Development Plan Document.
- 4.18 The adopted Development Plan Document, with supporting documentation including the Adoption Statement, Sustainability Appraisal report and Habitats Regulations Assessment will be made available on the Council's website and locations detailed in Appendix 2. These arrangements will be advertised locally through a press notice in at least one local newspaper. The Adoption Statement will also be sent to anyone who requested to be notified of the adoption of the Development Plan Document. Additionally, an e-mail / letter will be sent to those individuals who have requested notification through the Local Development Framework consultation database.

## Supplementary Planning Documents

4.19 Figure 2 shows the stages of production for Supplementary Planning Documents.



### Pre Production Stage

4.20 The Council at this stage will gather evidence and information relating to the topic of the Supplementary Planning Document. Focused consultation with appropriate stakeholders may be undertaken during this stage.

### Production Stage

4.21 The Council will prepare the Supplementary Planning Document with the scale of consultation proportionate to the intended document and subject.

4.22 The draft Supplementary Planning Document will be published for a four to six week period. The draft Supplementary Planning Document will be published on the Council's website. Statutory Consultees and those included on the Local Development Framework consultation database will be notified of the details of the consultation stage. Copies of the Supplementary Planning Document will be made available at locations detailed in Appendix 2.

## **Adoption**

- 4.23 The Council will consider all of the comments made and prepare the final document for Adoption. Once adopted, the Council will publish the Supplementary Planning Document and any supporting documentation on the Council's website and the document will be made available at locations detailed in Appendix 2. Notice of the adoption of the document will also be sent to consultees who have requested it.

## **Sustainability Appraisal and Habitats Regulations Assessment**

- 4.24 The Council must undertake a Sustainability Appraisal that incorporates the requirements of the EC Strategic Environmental Assessment Directive for all Development Plan Documents and certain Supplementary Planning Documents. Sustainability Appraisal is a tool for appraising the extent to which planning policies reflect sustainable development objectives with the aim of enhancing positive effects whilst minimising any potentially adverse impacts.
- 4.25 In undertaking Sustainability Appraisal, the Council will:
- Consult key stakeholders on the scope of the Sustainability Appraisal
  - Consult key stakeholders and the public as part of public participation of the Development Plan Document and on the Sustainability Appraisal report
  - Undertake public consultation on the Sustainability Appraisal report alongside the publication and submission of the Development Plan Document.
- 4.26 A Habitats Regulations Assessment will be undertaken to determine whether policies and proposals cumulatively impact on the integrity of designated European sites deemed of exceptional importance in respect of natural habitats and species.
- 4.27 Sustainability Appraisal and Habitats Regulations Assessment will be published at the same time as the Local Development Document to which it relates.

## Planning Applications

- 5.1 Development Management is a positive and proactive approach to shaping, considering, determining and delivering development proposals. It is led by the Local Planning Authority (LPA), working closely with those proposing developments and other stakeholders. It is undertaken in the spirit of partnership and inclusiveness, and supports the delivery of key priorities and outcomes.
- 5.2 The Council is committed to engaging both individuals and the wider community in the decision making process. The scale and scope of the consultation process will depend on the nature of the application. A list of statutory consultees the Council must consult is contained in Appendix 5.
- 5.3 No system for publicising planning applications can be totally effective, however extensive. A balance needs to be struck between providing a reasonable opportunity for people to comment on applications, and the cost and speed of decision-making.
- 5.4 The Council's procedure for consultation on Development Management is contained in the Neighbour Notification and Publicity for Planning Applications Protocol. This is available on the Council's website and updated from time to time. Information in the Neighbour Notification and Publicity for Planning Applications Protocol will take precedence over information contained in this document.

### Pre-application Advice

- 5.5 The Council strongly encourages applicants to undertake pre-application discussions prior to the submission of planning applications, and/or related applications (e.g. Conservation Area Consent applications, Listed Building Consent applications and Tree Works applications).
- 5.6 Pre-application discussions are critically important and benefit developers, the Council and the wider community in ensuring a better understanding of the existing, and potential, objectives and constraints to a development. In the course of such discussions proposals can be adapted to ensure they better reflect community aspirations. The benefits of such an approach include:
  - better quality, more straightforward, applications which can be quickly processed
  - a means of resolving problems at an early stage
  - an inclusive and transparent approach to determining applications
  - better design, and greater opportunity to meet the needs and aspirations of local communities
  - greater efficiency in both time and resources for both developers and the Borough Council

5.7 For significant or major applications, developers will be encouraged to carry out pre-application consultation with interested local parties and community bodies. This should allow any issues to be addressed early in the planning process, and hopefully prior to the submission of a planning application, to reduce the potential for delay in the decision making process, and improve the quality of applications. The content and method of any pre-application consultation exercise should be agreed with Council planning officers in advance, and a summary of both the methods used and results should accompany the submitted planning application. Councillors may be involved in pre-application discussions in accordance with the Council's Code of Conduct Protocol in relation to planning matters.

5.8 For the purposes of this SCI, significant or major applications are considered to be those, which in the opinion of the Local Planning Authority are likely to have either a significant impact on the local area or create significant public interest or controversy. These will include:

- Departures from the development plan;
- Residential proposals, on sites with areas more than 1 hectare;
- All other uses where the floorspace will be 1000 square metres or more (or the site area is 1 hectare or over)
- Major waste disposal facilities (landfill sites, composting facilities, thermal treatment or similar facilities)
- The winning and working of minerals or the use of land for mineral working deposits.

In the event of an application being decided at committee stage, the report to members will detail the scale and content of any pre-application discussion that took place.

5.9 Appendix 1 sets out contact details for the Development Management service and Appendix 6 include information on the methods of consultation for Planning Applications. Further information in relation to particular processes attached to Development Management is presented within the table below:

<b>Table 1: Further Information About Planning Applications</b>	
<b>Development Management Process</b>	<b>Comments on Consultation Requirements</b>
Amendments	<p>Minor amendments are generally made to overcome a particular objection or concern so there is often no need to re-consult. Re-notification of neighbours on minor amendments is left to the Case Officer's discretion.</p> <p>More significant alterations will require neighbour notification; however, a reduced timescale for a response to re-notification is set (normally between 10-14 days). Parish Councils and relevant statutory consultees will also be re-consulted on any significant alterations.</p>

Development Management Process	Comments on Consultation Requirements
Applications going to Committee	<p>If an application is to be determined by the Planning Committee the Council will inform the applicant or agent, the Parish Council, and anyone who submitted comments. The letter informs them of the date, time, and location of the committee meeting.</p> <p>Information regarding the procedures of attending and making representations at committee meetings can be found on the Council's website in the Public Speaking at Strategic Planning Board and Planning Committee Meetings Protocol.</p> <p>Committee reports are made available on the Council's website 5 working days before the committee meeting. Minutes from committee meetings are also posted onto the Council's website.</p>
Notification of Decisions on Planning Applications	<p>Once an application has been determined, the decision will be published on the Council's website.</p>
Appeals	<p>If an application is refused planning permission, only the applicants have a right of appeal to the Planning Inspectorate.</p> <p>When an appeal is lodged all those who made written comments on the planning application, together with the relevant Town/Parish Council are notified in writing. Copies of any letters already received in respect of the planning application will be sent to the Planning Inspectorate.</p> <p>A list of recently lodged appeals is available on the Council's website. The website also contains details of recent appeal decisions. In addition, brief summaries of individual appeal decisions are submitted to Planning Committee.</p>
Prior Approval Applications	<p>Prior Approval Applications (e.g. applications for agricultural buildings) are considered to be, in principle, permitted development. There are only relatively minor issues which the Council can consider in any application (e.g. the siting and appearance). There is a fixed 28 or 56-day timescale for the Council to determine these applications, and if no decision is made within this time period they are deemed to have been approved.</p> <p>The Parish Council and Ward Member are consulted, and are given 14 or 21 days (dependent on the total fixed timescale for determination) in which to submit comments. Due to the short timescales within which decisions need to be taken the usual full public consultation is not possible, but the applications are publicised on the weekly list.</p> <p>Applications for telecommunications development will however be advertised by means of both a site notice and neighbour notification letters. For applications involving a mast of 20m or higher, a press advertisement should be placed.</p>

<b>Development Management Process</b>	<b>Comments on Consultation Requirements</b>
Enforcement	<p>The majority of enforcement cases arise following a confidential referral from a member of the public. There is no public consultation on enforcement cases, although the complainant will be notified, in writing, of the outcome of any investigation or action.</p> <p>Often enforcement action results in the submission of a planning application. This would be processed as detailed above, and publicised in the normal way.</p>
Works to Protected Trees	<p>All applications for works to protected trees will be published on the weekly list. Affected neighbours will be notified directly of applications by letter and the relevant Parish/Town Council will be notified.</p> <p>The statutory consultation period for applications for work to trees covered by a Tree Protection Order (TPO) or in a Conservation Area will be 21 days. The decision will be published on the Council's website.</p>
Hedgerow Removal Applications	<p>Consultation letters will be sent to all relevant statutory bodies as well as the relevant Town/Parish Council. All such applications will be published on the Council's weekly list of planning applications.</p>
Section 106 Agreements	<p>Section 106 agreements, or planning obligations, are a way of securing measures to overcome the negative impacts of generally acceptable development proposals on the environment, economy and community.</p> <p>Every effort will be made to promote the use of pre-application meetings between planning officers and applicants. Any issues that may arise requiring a Section 106 agreement should be incorporated into the planning application on submission, and will form part of the normal consultation process.</p> <p>Details of Section 106 agreements will be kept on file, and included in the documents made public on the Council's website.</p>

## Infrastructure Planning Commission

- 6.1 The Infrastructure Planning Commission is an independent body which decides on applications for nationally significant infrastructure projects; including railways, large wind farms, power stations, reservoirs, harbours, airports and sewage treatment works.
- 6.2 The Infrastructure Planning Commission started to receive applications from the 01<sup>st</sup> March 2010 and will make decisions within the framework of National Policy Statements, also weighing the national benefit or proposals against any local impacts.
- 6.3 The new regime allows opportunities for members of the public to have a say and Local Authorities also play a vital role in informing the decision making process. The Infrastructure Planning Regime affords four opportunities for individuals and groups to get involved in the process, as follows:
  - 1. During the public consultation stages of the drafting of National Policy Statements.
  - 2. During the applicant's consultation when applications are being prepared for submission to the Infrastructure Planning Commission.
  - 3. By the submission of written evidence as a registered interested party during the Infrastructure Planning Commission's examination of applications.
  - 4. Being involved in open floor hearings chaired by Infrastructure Planning Commission Commissioners during any examination of proposals.
- 6.4 Further information on the Infrastructure Planning Commission, its decision making process and how to contribute views can be accessed on the following website: <http://infrastructure.independent.gov.uk>

## Further Information

- 7.1 Further information on the planning policy process can be obtained by contacting the Spatial Planning Team, as detailed in Appendix 1. Alternatively, the following organisations offer advice and information on all aspects of the planning system and process:
- **Planning Portal** - This is a Government sponsored website setting out the current process and systems of town and country planning. The site can be used to learn about the planning system, the LDF process, and the latest government policy. The site also details how to apply for planning permission, how to find out about development near to where you live or work, and how to appeal against a planning decision ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)).
  - **Department for Communities and Local Government** - The Planning Directorate of the DCLG is the government department that legislates, regulates, and prepares guidance on planning in England and Wales. The PPS and PPG documents can be found here, as well as many government studies (<http://www.communities.gov.uk/planningandbuilding/>).
  - **Government Office for the North West** - Government Office for the North West is responsible for publishing the RSS and Regional Strategy. ([www.gonw.gov.uk](http://www.gonw.gov.uk)).
  - **Planning Aid** - Planning Aid is a voluntary service linked to the Royal Town Planning Institute, offering free, independent and professional advice on town planning matters to community groups and individuals who cannot afford to employ a planning consultant. Planning aid is a vital part of the planning system. It enables local communities, particularly those with limited resources, to participate effectively in planning matters. Every effort will be made to seek to ensure that members of the community are aware of the advice and support that may be available from this source ([www.planningaid.rtpi.org.uk](http://www.planningaid.rtpi.org.uk)).

Helpline Tel: 0870 850 9804

Available between 9.00am and 5.00pm  
Monday, Wednesday and Thursday

Email: [nwcw@planningaid.rtpi.org.uk](mailto:nwcw@planningaid.rtpi.org.uk)

Write to: North West Planning Aid  
2nd Floor Friars Court  
Sibson Road  
Sale  
M337SF

## Appendix 1: Contact Details / How to Register Interest

Information on the LDF and the LDF consultation portal can be accessed using the following website link: <http://www.cheshireeast.gov.uk/ldf>.

### Contact Details:

For all matters relating to the Local Development Framework and Planning Policy please contact the Spatial Planning Team:

Telephone: 01270 685893

E-mail: [ldf@cheshireeast.gov.uk](mailto:ldf@cheshireeast.gov.uk)

Letter: Spatial Planning Team, Westfields, Middlewich Road, Sandbach, Cheshire, CW11 1HZ

For all matters relating to planning and other applications please contact the Development Management Section:

Telephone: (01270) 53 7502/03

E-mail: [planning@cheshireeast.gov.uk](mailto:planning@cheshireeast.gov.uk)

Letter: Development Management, Town Hall, Market Place, Macclesfield, Cheshire, SK10 1 DP

### Local Development Framework Database:

If you wish to be consulted on the Local Development Framework please send your full contact details to the address below so that you can be added to the Local Development Framework consultation database.

Spatial Planning Team  
Cheshire East Council  
Westfields  
Middlewich Road  
Sandbach  
Cheshire  
CW11 1HZ

Telephone: 01270 685893

E-mail: [ldf@cheshireeast.gov.uk](mailto:ldf@cheshireeast.gov.uk)

## Appendix 2: Local Development Framework Consultee Involvement

Appendix 2: Development Plan Document (DPD) Production – Preparation / Revision of a DPD			
Stage of DPD Production	What the Council is required to do	Consultation activities the Council will do (see Appendix 3)	Consultation activities the Council may do (see Appendix 3)
<b>Regulation 25 (2008):</b> Community involvement and participation during preparation of a new, or revision of an existing DPD	When preparing a new DPD or making any revisions to an existing DPD we are required to: <ul style="list-style-type: none"> <li>• Notify the specific and general consultation bodies that the Local Planning Authority considers may have an interest in the subject of the proposed DPD and invite them to make comments on what the DPD ought to contain.</li> <li>• Invite comments from residents and local businesses on the DPD.</li> <li>• Consider all representations made in response to the consultation on the DPD.</li> <li>• A list of specific and general consultation bodies can be found in Appendix 4.</li> </ul>	<ul style="list-style-type: none"> <li>• Publish the documents on the Council's website and consultation portal.</li> <li>• Make available to view copies of consultation documents at main Council Offices (Westfields, Sandbach; Town Hall, Macclesfield; Delamere House, Crewe) and libraries</li> <li>• Invite representations and notification to LDF database consultees.</li> <li>• Press release.</li> </ul>	Will depend upon the type of research being undertaken. Potential methods include: <ul style="list-style-type: none"> <li>• Meetings</li> <li>• Leaflets and brochures</li> <li>• Newsletters</li> <li>• Local radio</li> <li>• Exhibitions and displays</li> <li>• Presentations</li> <li>• Questionnaires / surveys</li> <li>• Focus groups / work shops</li> <li>• Theme-based fora</li> </ul>

Appendix 2: Development Plan Document (DPD) Production – Preparation / Revision of a DPD			
Stage of DPD Production	What the Council is required to do	Consultation activities the Council will do (see Appendix 3)	Consultation activities the Council may do (see Appendix 3)
<b>Regulation 27 (2008):</b> Community involvement and participation following the publication of a new or revision to an existing DPD before submission.	After publication of the new or revised DPD and before submitting to the Secretary of State we are required to: <ul style="list-style-type: none"> <li>• Make the proposed or revised DPD, and details on how to submit comments on it, available:               <ul style="list-style-type: none"> <li>– At the Council's offices at Westfields, Sandbach</li> <li>– On the Council's website</li> </ul> </li> <li>• Send a copy of the proposed or revised DPD and details on how to make comments to the specific consultation bodies.</li> <li>• Send details to the general consultation bodies on where, when and how the proposed, or revised DPD, can be inspected and how to make comments.</li> <li>• Advertise locally with information on where documents can be inspected and how to make comments on the DPD.</li> <li>• Invite any person or body to make representations on the DPD within the specified period of time, which will be at least 6 weeks from the time the DPD is made available for viewing.</li> </ul>	<ul style="list-style-type: none"> <li>• Documents available for inspection at Council Offices at Westfields, Middlewich Road, Sandbach.</li> <li>• Documents available to view at Council Offices (Town Hall, Macclesfield, Delamere House, Crewe) and libraries.</li> <li>• Documents available to view on the Council's website and consultation portal.</li> <li>• Email or letter (including a copy of the statutory notice) to the LDF consultee database to include consultation bodies identified in Appendix 4.</li> <li>• Statutory notice in at least one local newspaper and on Council's website.</li> <li>• Press release</li> </ul>	<ul style="list-style-type: none"> <li>• Meetings</li> <li>• Leaflets and brochures</li> <li>• Newsletters</li> <li>• Local radio</li> <li>• Exhibitions and displays</li> <li>• Presentations</li> </ul>

Appendix 2: Development Plan Document (DPD) Production – Preparation / Revision of a DPD			
Stage of DPD Production	What the Council is required to do	Consultation activities the Council will do (see Appendix 3)	Consultation activities the Council may do (see Appendix 3)
<b>Regulation 30 (2008):</b> Submission of proposed or revised DPD and related information to Secretary of State	Following submission of the proposed or revised DPD to the Secretary of State, as soon as reasonably practicable we are required to: <ul style="list-style-type: none"> <li>• Make the DPD and supporting documents submitted to Secretary of State available for inspection at Westfields, Sandbach.</li> <li>• Publish the DPD and supporting documents submitted to Secretary of State on the Council's website, including details on how, where and when individuals can inspect the documents. If practicable, copies of representations received or a summary of representations made, will be published on the website.</li> <li>• Send to each of the specific consultation bodies, the DPD and other documents submitted to the Secretary of State, as well as a statement detailing where the DPD and other documents can be inspected.</li> <li>• Notify the general consultation bodies with details of when and how the DPD and other documents can be inspected.</li> </ul>	<ul style="list-style-type: none"> <li>• Make available for inspection the DPD and associated documents submitted to Secretary of State at Council Offices at Westfields, Middlewich Road, Sandbach.</li> <li>• Make available to view copies of DPD and associated documents submitted to Secretary of State at Council Offices (Town Hall, Macclesfield and Delamere House, Crewe) and libraries.</li> <li>• Publish the submission document and associated details and a summary of the representations on the Council's website and consultation portal.</li> <li>• Send copies of DPD and other documents copies submitted to Secretary of State to specific consultation bodies by email or letter.</li> <li>• Letter / email (including a copy of the statutory notice) to all those on LDF database consultees</li> <li>• Statutory notice in local newspaper and on the Council's website.</li> <li>• Press release</li> </ul>	

Appendix 2: Development Plan Document (DPD) Production – Preparation / Revision of a DPD			
Stage of DPD Production	What the Council is required to do	Consultation activities the Council will do (see Appendix 3)	Consultation activities the Council may do (see Appendix 3)
	<ul style="list-style-type: none"> <li>Place an advertisement in a local newspaper to publicise the submission of the DPD and how, where and when the document can be inspected.</li> <li>Notify anyone who requested to be notified of the submission of the DPD.</li> </ul>		
<b>Regulation 34 (2004):</b>  Public examination of proposed or revised DPD	At least six weeks before the examination starts we need to: <ul style="list-style-type: none"> <li>Publish the time and place of the independent examination and name of person carrying out examination on the Council's website. The Council will also advertise the matter in a local newspaper.</li> <li>Inform anyone who has made representations (and not withdrawn them) of the details of the examination.</li> </ul>	<ul style="list-style-type: none"> <li>Statutory notice available to inspect at Council Offices, Westfields, Sandbach.</li> <li>Statutory notice available on the Council's website.</li> <li>Letter / email (including a copy of the statutory notice) to all those on LDF consultees database.</li> <li>Statutory notice in local newspaper.</li> <li>Press release</li> </ul>	<ul style="list-style-type: none"> <li>Notice available to view at main Council offices and libraries</li> </ul>

Appendix 2: Development Plan Document (DPD) Production – Preparation / Revision of a DPD			
Stage of DPD Production	What the Council is required to do	Consultation activities the Council will do (see Appendix 3)	Consultation activities the Council may do (see Appendix 3)
<b>Regulation 36 (2004):</b>  Adoption of proposed or revised DPD	Once the DPD has been adopted, as soon as practicable we are required to: <ul style="list-style-type: none"> <li>• Make available to inspect the adopted DPD along with an Adoption Statement and the Sustainability Appraisal</li> <li>• Publish the Adoption Statement on the Council's website.</li> <li>• Advertise locally where the DPD, associated documentation and the Adoption Statement is available to inspect.</li> <li>• Send copies of the Adoption Statement to those who have requested to be notified of the adoption of the document</li> <li>• Send the DPD and Adoption Statement to the Secretary of State</li> </ul>	<ul style="list-style-type: none"> <li>• Make available for inspection the adopted DPD, Adoption Statement, the Sustainability Appraisal and Habitats Regulations Assessment at Council Offices at Westfields, Middlewich Road, Sandbach.</li> <li>• Adopted DPD and Adoption Statement made available to view at Council Offices (Town Hall, Macclesfield and Delamere House, Crewe) and libraries.</li> <li>• Publish the DPD and Adoption Statement on the Council's website and consultation portal.</li> <li>• Letter / email (including a copy of the statutory notice) to LDF consultees database.</li> <li>• Statutory notice in local newspaper and on Council's website</li> <li>• Press release</li> </ul>	

Appendix 2: Development Plan Document (DPD) Production – Preparation / Revision of a DPD			
Stage of DPD Production	What the Council is required to do	Consultation activities the Council will do (see Appendix 3)	Consultation activities the Council may do (see Appendix 3)
<b>Regulation 17 (2004):</b> Community involvement and participation before adopting an SPD	<ul style="list-style-type: none"> <li>• Prepare a statement of SPD matters to include title of SPD, subject matter covered, time period for representations, details of where representations should be sent and how individuals can request to be notified on SPD Adoption.</li> <li>• Make available copies of SPD and associated documentation at Council offices and libraries.</li> <li>• Prepare a Consultation Statement stating who was consulted, main issues raised and how they have been addressed in the SPD.</li> <li>• Publish on the Council's website, the SPD documents and SPD matters and details of where and when the documents can be viewed.</li> <li>• Send a copy of the SPD and associated documentation (including Consultation Statement and SPD matters) to the specific consultation bodies we consider will be affected by the SPD as well as any general consultation bodies we consider appropriate.</li> <li>• Advertise locally the consultation on the SPD and provide details of the documents' availability for inspection</li> </ul>	<ul style="list-style-type: none"> <li>• Make SPD and associated documents available for inspection at Council Offices at Westfields, Sandbach.</li> <li>• Make SPD and associated documents available to view at Council Offices (Town Hall, Macclesfield, Delamere House, Crewe) and libraries.</li> <li>• Publish the SPD and associated documents on the Council's website and consultation portal.</li> <li>• Letter / email (including a copy of statutory notice) LDF consultees database.</li> <li>• Statutory notice in local newspaper and on the Council's website</li> <li>• Press release</li> </ul>	Will depend upon the type of research being undertaken. Possible additional methods include: <ul style="list-style-type: none"> <li>• Meetings</li> <li>• Leaflets and brochures</li> <li>• Newsletters</li> <li>• Local radio</li> <li>• Exhibitions and displays</li> <li>• Presentations</li> <li>• Questionnaires / surveys</li> <li>• Focus groups / work shops</li> <li>• Theme-based fora</li> </ul>
Statement of Community Involvement			

Appendix 2: Development Plan Document (DPD) Production – Preparation / Revision of a DPD			
Stage of DPD Production	What the Council is required to do	Consultation activities the Council will do (see Appendix 3)	Consultation activities the Council may do (see Appendix 3)
	<ul style="list-style-type: none"> <li>Consult for a minimum 4 week period and no longer than 6 weeks from the period the SPD is made available for inspection.</li> <li>The SPD will not be adopted until all comments made to the consultation stage are considered and a statement prepared detailing the main issues raised in the comments received and any impacts upon the final version of the SPD.</li> </ul>		
<b>Regulation 19 (2004):</b> Adoption of the proposed SPD	As soon as practicable following adoption of an SPD we are required to: <ul style="list-style-type: none"> <li>Make the SPD, associated documentation, Consultation Statement and Adoption Statement available to view and published on the website.</li> <li>Send a copy of the Adoption Statement to those requested to be notified.</li> </ul>	<ul style="list-style-type: none"> <li>Make SPD and associated documents available for inspection at Council Offices at Westfields, Sandbach.</li> <li>Make SPD available to view copies at Council Offices (Town Hall, Macclesfield, Delamere House, Crewe) and libraries.</li> <li>Publish SPD and associated documents on the Council's website and consultation portal.</li> <li>Letter / email (including a copy of the adoption statement) to LDF consultees database.</li> <li>Press release</li> </ul>	

## Appendix 3: LDF Methods of Consultation

During the production of LDF documents a number of consultation methods will be utilized by the Council. The lists presented in both tables A and B (below) are both the standard and optional methods that will be used by the Council at different stages of LDF document production.

In respect to the optional consultation methods, these methods go beyond the legal minimum and not all of the methods listed will be appropriate for each stage of document production. Therefore different methods may be employed dependent upon the issue and document consulted upon. Similarly alternative, new and / or innovative methods of consultation may be used when appropriate.

**Table A: Standard Consultation Methods**

Consultation Method	Description of Method
Council's website	The Council's website is used to display all the latest Council publications and consultation documents including all background documents. The website should be the first point of reference regarding information on planning policy and the LDF process.
Documents available to inspect	All consultation documents and background documents will be made available to inspect at Council Offices at Westfields, Middlewich Road, Sandbach.
Documents available to view	Consultation documents will be made available to view at the Council Offices at the Town Hall in Macclesfield, Delamere House in Crewe and libraries during the consultation period.
Publication of press notices / releases	The Council will issue press releases at key stages in the LDF process. The Council will also publish formal notices regarding consultation periods and the availability of consultation documents, in accordance with our statutory duty.
Invited representations	Contact will be made with local interest groups, including groups covering business, environmental, cultural and social issues in the public, private and voluntary sectors, and with the national, regional and local statutory consultees. Contact will be made by letter or e-mail and will inform consultees of the consultation and invite responses.

	In an effort to reduce resources, e-mail consultation, with electronic links to the appropriate document on the Council webpage, will be the Council's preferred means of consultation.
<b>Consultation Method</b>	<b>Description of Method</b>
Notification to LDF consultee database	<p>E-mails and / or letters will be sent to consultees who have notified the Council of their wish to be consulted on the LDF.</p> <p>In an effort to reduce resources, e-mail consultation, with electronic links to the appropriate document on the Council webpage, will be the Council's preferred means of consultation.</p>
Notification to Town and Parish Councils	<p>Notification and consultation will take place at various stages in the production of documents of the Local Development Framework.</p> <p>In an effort to reduce resources, e-mail consultation, with electronic links to the appropriate document on the Council webpage, will be the Council's preferred means of consultation.</p>
Consultation portal	<p>The Council will host all consultation documents and advertise consultations through the consultation portal hosted on the following website link:</p> <p><a href="http://www.cheshireeast.gov/ldf">http://www.cheshireeast.gov/ldf</a></p> <p>Responses to consultations can be made directly through the consultation portal. A summary of representations received will be placed on the consultation portal.</p>

**Table B: Optional Consultation Methods**

<b>Consultation Method</b>	<b>Description of Method</b>
Meetings	The opportunity for meetings with relevant stakeholders, including community groups, Local Strategic and Area Partnerships, landowners, developers, and town and parish councils is seen by the Council as an appropriate way to gather information or seek views at early stages of document preparation, and also to refine documents and update community members at later stages in the process. The opportunity for individual meetings may be appropriate and carried out in certain circumstances on request.
Leaflets and brochures	These can both be used to publicise the consultation and to offer a brief summary of the proposals. These forms of promotional publication are likely to be used at earlier stages of the consultation process.
<b>Consultation Method</b>	<b>Description of Method</b>
Newsletters	These can be used to raise awareness and update on progress with the preparation of the various documents.
Local radio	Use of local radio can help to highlight the issues involved, and to inform the public about consultation opportunities. There is scope for these media to reach a wider and different audience to other consultation methods, helping to engage with hard to reach groups.
Presentations	These will be utilised at key stages of the LDF process in circumstances deemed appropriate by the Council and dependent on the scale and importance of issue / document being consulted upon. This will enable planning officers to inform a group of progress and proposals, to enable discussion of issues, and to encourage feedback from the group.
Focus groups / work shops	When there is a recognised need or desire to discuss a particular issue in more detail, the Council will set up a focus group. These generally consist of a group of people who have an interest in a particular issue, with a facilitator being used to aid the discussion.

Exhibitions and displays	Exhibitions will be held in appropriate locations dependent on the document or issue concerned. A prominent local venue will be used and any exhibition advertised effectively on the website.
Questionnaires / surveys	These provide an opportunity to reach a targeted audience and help with ongoing feedback. Questionnaires may be used for local development documents, particularly at key consultation stages.
Theme-based fora	These offer an opportunity for regular meetings of a formal, professional group based around a particular theme, e.g. the Housing Market Partnership. These offer the possibility to garner continuous consultation and feedback with formal bodies.

## Appendix 4: LDF List of Stakeholders

### Specific LDF Stakeholders

The following organisations will be consulted in accordance with the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development) (England) Regulations 2004, as amended in 2008, 2009 and 2010. Please note that this list is not exhaustive and will relate to successor bodies where re-organisations occur:

- Responsible Regional Authority - 4NW
  - North West Development Agency
  - Cheshire West & Chester Council
  - Derbyshire County Council
  - High Peak Borough Council
  - Manchester City Council
  - Newcastle under Lyme Borough Council
  - Peak District National Park Authority
  - Shropshire Council
  - Staffordshire County Council
  - Staffordshire Moorlands Borough Council
  - Stockport MBC
  - Stoke on Trent City Council
  - Trafford MBC
  - Warrington MBC
  - West Midlands Regional Assembly
  - East Midlands Development Agency
  - East Midlands Regional Assembly
  - West Midlands Development Agency
  - Town and Parish Councils in the Borough
  - Town and Parish Councils adjacent to the Borough
- 
- English Heritage
  - Environment Agency
  - Homes and Communities Agency
  - Natural England
  - The Secretary of State for Transport
  - Primary Care Trust (PCT)
  - The Coal Authority
  - Relevant Telecommunications Companies
  - Relevant Electricity and Gas Companies
  - Relevant Sewerage and Water Undertakers

### Government Departments

The Council will consult with Government Office for the North West on each Development Plan Document. Government Office for the North West will be the first

point of contact for consultation with central Government departments; other Government departments will be consulted where necessary:

### General LDF Stakeholders

The following are defined as general consultation bodies and will be consulted, as appropriate, in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004, as amended in 2008, 2009 and 2010:

- Voluntary Bodies, some or all of whose activities benefit any part of the Local Authority's area;
- Bodies which represent the interests of different racial, ethnic or national groups in the Local Authority's area;
- Bodies which represent the interests of different religious groups in the Local Authority's area;
- Bodies which represent the interests of disabled persons in the Local Authority's area; and
- Bodies which represent the interests of business people in the Local Authority's area;

### Other LDF Stakeholders

Where necessary, the Council will consult with a wide range of additional agencies and groups. The Council has a Local Development Framework database, which includes a range of stakeholders, individuals, groups and organisations who have requested to be consulted on the preparation of Local Development Documents. A comprehensive list of stakeholders held on the Local Development Framework database is available to view on request.

Examples of types of stakeholders include:

- Airport Operators
- Highways Agency
- Landowners
- Fire Authority
- House Builders and Developers
- Local Strategic Partnership
- Minerals and Waste Operators and Trade Associations
- Environmental and Amenity Groups at Local, Regional and National Level
- Strategic Transport Authorities
- National controllers of waterways and navigation authorities

## Appendix 5: Development Management Consultees

**STATUTORY CONSULTTEES** - *These bodies must be consulted if the Council considers that the body would be affected by what is proposed in a planning application. This list is not exhaustive.*

- 4NW
- Brine Compensation Board
- British Waterways
- Civil Aviation Authority
- Individual Airports (in their role as Aerodrome Safeguarding Authority)
- Coal Authority
- Department for Culture Media & Sport
- Department for Environment, Food & Rural Affairs
- English Heritage
- Environment Agency
- Garden History Society
- Health & Safety Executive
- Highways Agency
- Local Planning Authorities adjoining Cheshire East
- Manchester Airport
- Manchester University (Jodrell Bank)
- Natural England
- Network Rail
- North West Regional Development Agency
- Sport England
- Theatres Trust
- Town & Parish Councils
- United Utilities (or other relevant sewerage undertaker)

**NON-STATUTORY CONSULTTEES** - *These bodies may be consulted if the Council considers that the body would be affected by what is proposed in a planning application. This list is not exhaustive.*

- Adlington Civic Society
- Ancient Monuments Society
- Bollin Valley Partnership
- Bollington Civic Society
- Bridgewater Canal
- British Gas Plc
- British Pipeline Agency
- Campaign to Protect Rural England
- Cheshire & Wirral Ornithological Society
- Cheshire Brine Subsidence Compensation Board
- Cheshire Constabulary
- Cheshire Family Practitioner Committee
- Cheshire Fire and Rescue Service
- Cheshire Wildlife Trust

- Civic Trust
- Coal Authority
- Commission for Architecture and the Built Environment
- Council for British Archaeology
- DBERR
- DEFRA
- East Cheshire Ramblers
- Edge Assoc
- Footpaths Preservation Societies
- Forestry Commission
- Friends of the Earth
- Georgian Group
- Health Protection Agencies/Health Authorities
- Highways Agency (Northern Region)
- H M Alkali Inspectorate
- Inland Waterways
- Knutsford Civic Society
- Macclesfield Access Group
- Macclesfield Canal Society
- Macclesfield Civic Society
- Manchester Airport - in accordance with agreed criteria
- MANWEB Plc
- Ministry of Defence
- Ministry of Defence (Defence Estates)
- Mersey Basin Campaign
- National Farmers Union
- National Grid
- National Trust
- Network Rail London North Western
- North West Tourist Board
- Parish & Town Councils
- Peak District National Park Authority
- Planning Inspectorate
- Powergen Plc
- Prestbury Amenity Society
- Ramblers Association
- Royal Commission on Historic Monuments
- Royal Society for the Protection of Birds
- Scottish Power
- Society for the Protection of Ancient Buildings
- Sports Council (North West Region)
- Styal Village Association
- Transco
- Twentieth Century Society
- Unipen
- United Utilities
- Victorian Society
- Wilmslow Fire Safety Office
- Wilmslow Trust
- Woodford Aerodrome

- Woodland Trust

## Appendix 6: Development Management Methods of Consultation for Planning Applications

Consultation Method	Description of Method
Website	Copies of a submitted application, and all responses and representations made, will be accessible from the Council's website
Council Offices and libraries	Copies of a submitted application will be made available for public viewing at the Council Offices, and at the nearest public library
Invited representations	A copy of all planning applications will be forwarded to the relevant Town and Parish Councils for comment. The Council has a statutory duty to consult certain groups and bodies on the receipt of an application. The specific consultees for an application will vary from case to case. In addition, the Council is committed to consulting a range of local community and interest groups where applicable. A full list of consultees is set out in Appendix 5.
Local Liaison Groups	A liaison group is often set up following the grant of planning permission. These groups generally contain representatives of the County, District & Parish Councils, operators, other relevant bodies such as the Environment Agency, applicants and resident's group. They meet regularly to discuss site issues, future proposals as well as acting as a means of local liaison. It is a statutory requirement to consult these groups if subject to a Section 106 agreement on a previous permission

Site Notices	<p>These are a statutory requirement of the application process. Site notices, where required, are normally posted as near as possible to the site, but not necessarily on the site itself, in a highly visible location (often lampposts, street furniture, road signs and fences).</p> <p>At sites for minor development, site notices will only be used where land owners cannot be identified e.g. where the site is next to open land or in rural locations. Site notices will always be posted for development affecting the setting of a listed building, and development affecting the character or appearance of a conservation area.</p>
Public meetings	<p>These are often formal, open invitation meetings, and are likely to be used only for larger, or more contentious, applications</p>
Neighbour notification	<p>Occupiers of premises most likely to be directly affected by a proposal, including neighbours opposite the site if within 20m, are notified individually by letter that an application has been received. This letter contains details of where to view the plans, the name of the relevant case officer, where to forward any comments they may wish to make, and a deadline for receipt of any comments.</p> <p>In the majority of cases there is a minimum statutory 21-day period allowed for public consultation. As a minimum, all properties whose boundaries border the application site will be notified about any proposed development. In other instances, neighbour notification is at the discretion of the case officer. Where a significant number of properties are likely to be affected then the case officer might consider a press notice to be in the public interest.</p> <p>For all new major waste disposal facilities and mineral workings, and ancillary development on these sites, all properties within a 400m radius will be notified as a minimum.</p>

<p>Press notices</p>	<p>The Council will publicise applications by formal press notice where it meets one of the following criteria:</p> <ul style="list-style-type: none"> <li>• It requires an Environmental Impact Assessment</li> <li>• It is a departure from the Development Plan</li> <li>• It affects a Public Right of Way</li> <li>• It affects the setting of a Listed Building</li> <li>• It affects the character or appearance of a Conservation Area</li> <li>• It is considered of a greater than local significance</li> <li>• It is a telecommunication mast with a height of 20m or over</li> </ul>
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## Appendix 7: Consultation Responses to Draft SCI

The Statement of Community Involvement was subject to consultation over an eight week period between 23<sup>rd</sup> November 2009 and 18<sup>th</sup> January 2010. A total of 17 responses were received during that time from the following individuals / stakeholder groups:

- North West Development Agency
- Network Rail
- National Grid
- Middlewich Town Council
- Andrew Holland, Planning Consultant (representing seven congregations of Jehovah's witnesses residing within the area served by Cheshire East Borough Council)
- Bollington Town Council
- Manchester Airport
- National Trust
- How Planning
- Natural England
- Environment Agency
- Highways Agency
- Friends, Families and Traveller and Traveller Law Reform Project (FFT)
- East Cheshire Ramblers
- Sandy Lane Action Group
- Prestbury Parish Council
- Government Office for the North West

Consultation responses received on the Statement of Community Involvement has resulted in modifications to the final version of the document; a summary is presented below:

- Consultees added to Local Development Framework Database;
- Reference to specific consultation methods and hard to reach groups has been expanded within the document;
- The format and presentation of the document has been amended to detail the process of consultation on Local Development Framework documents, to include additional tables in the Appendices of the document and to explain clearly opportunities for stakeholder involvement;
- Explanatory text has been added to the Development Management section of the Statement of Community Involvement;
- A reduction in the usage of abbreviations in the document.

A separate document detailing the specific consultation responses made to the draft Statement of Community Involvement and responses of the Borough Council has been prepared and is available on request.

## Appendix 8: Glossary of Terms

AMR	<b>Annual Monitoring Report</b>	A report submitted to the government by local planning authorities assessing progress with and the effectiveness of a Local Development Framework.
AAP	<b>Area Action Plan</b>	A type of Development Plan Document focused upon a specific location or an area subject to conservation or significant change (for example major regeneration).
-	<b>Core Strategy</b>	A Development Plan Document setting out the spatial vision and strategic objectives of the planning framework for an area, having regard to the Community Strategy.
-	<b>Development Plan</b>	<p>A document setting out the local planning authority's policies and proposals for the development and use of land and buildings in the authority's area. It includes Unitary, Structure, and Local Plans prepared under transitional arrangements.</p> <p>It also includes the new-look Regional Spatial Strategies and Development Plan Documents prepared under the Planning &amp; Compulsory Purchase Act of 2004.</p>
DPD	<b>Development Plan Document</b>	<p>Development Plan Documents are prepared by local planning authorities and outline the key development goals of the local development framework.</p> <p>Development Plan Documents include the core strategy and, where needed, area action plans. There will also be an adopted proposals map which illustrates the spatial extent of policies that must be prepared and maintained to accompany all DPDs.</p> <p>All DPDs must be subject to rigorous procedures of community involvement, consultation and independent examination, and adopted after receipt of the inspector's binding report. Once adopted, development control decisions must be made in accordance with them unless material</p>

		<p>considerations indicate otherwise.</p> <p>DPDs form an essential part of the Local Development Framework.</p>
HRA	<b>Habitats Regulations Assessment</b>	An assessment, required by the Habitats Directive and the Habitats Regulations, to any plan or project not directly connected with the management of a site but likely to have a significant effect on it.
-	<b>Independent Examination</b>	The process by which a planning inspector may publicly examine a Development Plan Document (DPD) or a Statement of Community Involvement (SCI), in respect, before issuing a binding report. The findings set out in the report of binding upon the local authority that produced the DPD or SCI.
LAA	<b>Local Area Agreement</b>	A three year agreement, based on local Sustainable Community Strategies, that sets out the priorities for a local area agreed between Central Government, represented by the Government Office (GO), and a local area, represented by the local authority and other key partners through Local Strategic Partnerships (LSPs).
LDD	<b>Local Development Document</b>	These include Development Plan Documents (which form part of the statutory development plan) and Supplementary Planning Documents (which do not form part of the statutory development plan). LDDs collectively deliver the spatial planning strategy for the local planning authority's area.
LDF	<b>Local Development Framework</b>	<p>The Local Development Framework (LDF) is a non-statutory term used to describe a folder of documents, which includes all the local planning authority's local development documents. An LDF is comprised of:</p> <ul style="list-style-type: none"> <li>• Development Plan Documents (which form part of the statutory development plan)</li> <li>• Supplementary Planning Documents</li> </ul> <p>The local development framework will also comprise of:</p> <ul style="list-style-type: none"> <li>• the Statement of Community Involvement</li> <li>• the Local Development Scheme</li> </ul>

		<ul style="list-style-type: none"> <li>the Annual Monitoring Report</li> <li>any Local Development Orders or Simplified Planning Zones that may have been added.</li> </ul>
LDS	<b>Local Development Scheme</b>	The local planning authority's time-scaled programme for the preparation of Local Development Documents that must be agreed with government and reviewed every year.
LSP	<b>Local Strategic Partnership</b>	An overall partnership of people that brings together organisations from the public, private, community and voluntary sector within a local authority area, with the objective of improving people's quality of life.
	<b>Material Consideration</b>	A matter that should be taken into account in deciding a planning application or on an appeal against a planning decision.
PPS	<b>Planning Policy Statements</b>	Issued by central government to replace the existing Planning Policy Guidance notes in order to provide greater clarity and to remove from national policy advice on practical implementation, which is better expressed as guidance rather than policy.
RSS	<b>Regional Spatial Strategy</b>	A strategy for how a region should look in 15 to 20 years time and possibly longer. The Regional Spatial Strategy identifies the scale and distribution of new housing in the region, indicates areas for regeneration, expansion or sub-regional planning and specifies priorities for the environment, transport, infrastructure, economic development, agriculture, minerals and waste treatment and disposal. Most former Regional Planning Guidance is now considered RSS and forms part of the development plan. Regional Spatial Strategies are prepared by Regional Planning Bodies.
SA	<b>Sustainability Appraisal</b>	An appraisal of the economic, environmental and social effects of a plan from the outset of the preparation process to allow decisions to be made that accord with sustainable development.

SCI	<b>Statement of Community Involvement</b>	The Statement of Community Involvement sets out the processes to be used by the local authority in involving the community in the preparation, alteration and continuing review of all local development documents and development control decisions. The Statement of Community Involvement is an essential part of the new-look Local Development Frameworks.
SCS	<b>Sustainable Community Strategy</b>	<p>A programme issued by the government to set the framework for delivering sustainable communities over the next 15-20 years. The main areas of focus are housing supply, new growth areas, decent homes and the countryside and local environment.</p> <p>A Plan or Strategy for enhancing the quality of life of the local community which each local authority has a duty to prepare under the Local Government Act 2000. The plan is developed and implemented by the Local Strategic Partnership.</p>
SPD	<b>Supplementary Planning Document</b>	A Supplementary Planning Document is a Local Development Document that may cover a range of issues, thematic or site specific, and provides further detail of policies and proposals in a 'parent' Development Plan Document.
	<b>Tests of Soundness</b>	<p>To be “sound” a DPD should be JUSTIFIED, EFFECTIVE and consistent with NATIONAL POLICY.</p> <p>“Justified” means that the document must be:</p> <ul style="list-style-type: none"> <li>• founded on a robust and credible evidence base</li> <li>• the most appropriate strategy when considered against the reasonable alternatives</li> </ul> <p>“Effective” means that the document must be:</p> <ul style="list-style-type: none"> <li>• deliverable</li> <li>• flexible</li> <li>• able to be monitored</li> </ul> <p>The concepts of justification and effectiveness are expanded at paragraphs 4.36 – 4.38 and 4.44 – 4.47 of Planning Policy Statement 12, which can be</p>

		<p>found on the Communities and Local Government website at <a href="http://www.communities.gov.uk">www.communities.gov.uk</a>. In addition, the Planning Inspectorate have issued guidance on soundness including key questions to be answered in its publication “Local Development Frameworks – Examining Development Plan Documents: Soundness Guidance (August 2009), which is available on its website at <a href="http://www.planning-inspectorate.gov.uk/pins/index.htm">http://www.planning-inspectorate.gov.uk/pins/index.htm</a></p>
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