

Strategic Planning Board

Agenda

Date:	Wednesday, 5th January, 2011
Time:	11.00 am
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1DX

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.

Please note that members of the public are requested to check the Council's website the week the Planning/Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

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

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda.

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

To approve the minutes as a correct record.

4. **Public Speaking**

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

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
- Supporters
- Applicants

5. **10/0346M-Erection of 15 No. Affordable Houses, Woodside Poultry Farm, Stocks Lane, Over Peover, Knutsford for Dean Johnson Farms Ltd/ Dane Housing (Pages 11 - 42)**

To consider the above application.

6. **10/3955N-Reserved Matters Application for Erection of Replacement Foodstore (A1 Retail) with Ancillary Café, Associated Parking, Highway Work and Landscaping, Tesco, Vernon Way, Crewe for Tesco Stores Ltd (Pages 43 - 54)**

To consider the above application.

7. **10/2984W-Application for the removal of conditions attached to previous consents prohibiting the export of compost from the site. Planning Condition 11 of 7/P04/0124 and Condition 7 on permissions 7/2006/CCC/11, 7/2007/CCC/7 and 7/2009/CCC/1, Whittakers Green Farm, Pewit Lane, Bridgemere for Mr Rushton (Pages 55 - 66)**

To consider the above application.

8. **09/2806W-Extension to sand workings, Mere Farm Quarry, Chelford Road, Nether Alderley for Hanson Quarry Products Europe Ltd, Hanson House, 14 Castle Hill, Maidenhead, Berkshire, SL6 4JJ (Pages 67 - 78)**

To consider the above application.

9. **10/2551W-Great Crested Newt Receptor Site, to include the creation of three ponds, creation of four hibernaculums, wet grassland and areas of scrub, Land off Pochin Way, Middlewich for Covanta Energy Ltd (Pages 79 - 86)**

To consider the above application.

10. **Update report for application 09/0738W-Additional Information: Erection of Energy from Waste facility with associated buildings, car park and hardstanding areas, Land off Pochin Way, Middlewich for Covanta Energy Ltd (Pages 87 - 100)**

To consider a report updating Members in relation to the appeal against its refusal of application 09/0738W, an Energy from Waste facility off Pochin Way, Middlewich.

11. **Cheshire East Local Development Framework Annual Monitoring Report 2009/10** (Pages 101 - 112)

To consider the Cheshire East Local Development Framework Annual Monitoring Report 2009/10.

12. **Local Development Scheme** (Pages 113 - 146)

To approve the Local Development Scheme 2010-2014.

13. **Appeal Summaries** (Pages 147 - 148)

To note the Appeal Summaries.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 8th December, 2010 at The Capesthorpe Room - Town
Hall, Macclesfield SK10 1DX

PRESENT

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

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

OFFICERS PRESENT

Mrs K Carsberg (Strategic Housing Manager), Ms S Dillon (Senior Solicitor),
Mr A Fisher (Head of Housing and Policy), Mr S Irvine (Development Control
Manager), Mr N Jones (Principal Development Officer), Mr N Turpin (Principal
Planning Officer) and Mrs E Tutton (Principal Planning Officer)

71 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mrs M Hollins.

72 DECLARATIONS OF INTEREST/PRE-DETERMINATION

It was noted that all Members had received correspondence from the
Dumbah Association in respect of application 10/3139M-Extension of Time
to 07/1041P Erection of 9 Three-Storey Buildings for Class B1 (Business)
Use, 1 Two/Three-Storey Building for Class C1 (Hotel) Use Together With
Associated Highways, Car Parking And Landscaping Infrastructure, Land
at Tytherington Business Park, Manchester Road, Tytherington,
Macclesfield for Hadley Development Solutions Ltd.

In respect of application 10/3448M-Outline Planning Application for the
Erection of a Mixed Use Development Comprising Residential, Community
and Employment Uses set in High Quality Landscaping and Attractive New
Public Realm, Chelford Agricultural Centre, Dixon Drive, Chelford for
Trustees of Chelford Agricultural Centre Councillors Mrs Rachel Bailey
and S Wilkinson declared a personal interest by virtue of the fact that they
held an account with F Marshalls who leased the land from the applicant
and in accordance with the Code of Conduct they remained in the meeting
during consideration of the application.

In respect of application 10/0346M-Erection of 15 No. Affordable Houses,
Woodside Poultry Farm, Stocks Lane, Over Peover, Knutsford for Dean
Johnson Farms Ltd/ Dane Housing Councillor D Brown declared a

personal and prejudicial interest by virtue of the fact that he was a friend of one of the objectors and in accordance with the Code of Conduct he left the meeting during consideration of the application.

In respect of the same application Councillor S Wilkinson declared a personal and prejudicial interest as his wife's relation lived close to the proposed development and his daughter was also the Parish Clerk of Over Peover parish Council and in accordance with the Code of Conduct he left the meeting prior to consideration of the application.

73 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes be approved as a correct record and signed by the Chairman.

74 PUBLIC SPEAKING

The Chairman requested that Councillor P Findlow be allowed to speak in respect of application 10/3139M-Extension of Time to 07/1041P Erection of 9 Three-Storey Buildings for Class B1 (Business) Use, 1 Two/Three-Storey Building for Class C1 (Hotel) Use Together With Associated Highways, Car Parking And Landscaping Infrastructure, Land at Tytherington Business Park, Manchester Road, Tytherington, Macclesfield for Hadley Development Solutions Ltd despite registering outside of the prescribed deadline. The Board considered the reasons for this and agreed to allow him to speak.

RESOLVED

- (1) That the public speaking procedure be noted.
- (2) That Councillor P Findlow be allowed to speak in respect of application 10/3139M-Extension of Time to 07/1041P Erection of 9 Three-Storey Buildings for Class B1 (Business) Use, 1 Two/Three-Storey Building for Class C1 (Hotel) Use Together With Associated Highways, Car Parking And Landscaping Infrastructure, Land at Tytherington Business Park, Manchester Road, Tytherington, Macclesfield for Hadley Development Solutions Ltd

75 10/3139M-EXTENSION OF TIME TO 07/1041P ERECTION OF 9 THREE-STOREY BUILDINGS FOR CLASS B1 (BUSINESS) USE, 1 TWO/THREE-STOREY BUILDING FOR CLASS C1 (HOTEL) USE TOGETHER WITH ASSOCIATED HIGHWAYS, CAR PARKING AND LANDSCAPING INFRASTRUCTURE, LAND AT TYTHERINGTON BUSINESS PARK, MANCHESTER ROAD, TYTHERINGTON, MACCLESFIELD FOR HADLEY DEVELOPMENT SOLUTIONS LTD

Consideration was given to the above application.

(Councillor P Findlow, the Ward Councillor, Mr B Jones, Chairman of the Dumbah Association, Mrs D Gurney, an objector and Mr T Cook, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be approved subject to a prior appropriate Planning Agreement securing (a) link (b) travel plan (c) public transport measures (d) car parking management (e) roundabout upgrade (f) footpath, cycleway and recreation area (g) landscape management plan and subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A05EX - Details of materials to be submitted
3. A02MC - Air conditioning equipment
4. A03MC - Cooking odour extraction equipment
5. A12MC - No lighting
6. A01TR - Tree retention
7. A02TR - Tree protection
8. A04TR - Tree pruning / felling specification
9. A14TR - Protection of existing hedges
- 10.A01LS - Landscaping - submission of details
- 11.A04RM - Details of ground levels to be submitted
- 12.A14HA - Construction of highways
- 13.A15HA - Construction of highways - submission of details
- 14.A30HA - Protection of highway from mud and debris
- 15.A32HA - Submission of details re: construction
- 16.A05HP - Provision of shower, changing, locker and drying facilities
- 17.A07HP - Drainage and surfacing of hardstanding areas
- 18.A09HP - Pedestrian visibility within car parks etc
- 19.A22GR - Protection from noise during construction (limit on hours of construction works)
- 20.A30HA_1 - Protection of highway from mud and debris
- 21.submission of biodiversity enhancements
- 22.Badger Survey
- 23.detailed survey re: bird nesting
- 24.earthworks and landscaping works
- 25.survey of culvert

26. Implementation of surface water regulation system
27. Climate change in flood level
28. Surface water drainage
29. signal controlled junction.
30. roundabout on A523
31. Turning Head
32. Visibility Splays
33. Obstructions
34. Lighting of footpath and cycleway
35. Bus stops
36. Turning facilities
37. Parking facilities
38. short stay and long stay parking for cycles, motorcycles, mopeds and scooters
39. Pedestrian crossing facilities at the junction of Marlborough Drive and Brockleshurst way
40. Footways and Cycleways thresholds
41. Signage details
42. Details of surface water storage scheme
43. Revised plan showing outstanding Highway and Transport issues.
44. Protection of Pool End Road and Pool End Close
45. Spine Road
46. Non standard
47. Detailed drawings which show alterations to the scheme to be submitted and approved the Local Planning Authority which shows the building to be no more than 2 stories with a maximum height of 11 metres.

76 10/3239M-RE-DEVELOPMENT OF DEPOT FOR RESIDENTIAL DWELLINGS (MAXIMUM 50 DWELLINGS), COLD STORAGE, KNUTSFORD ROAD, CHELFORD FOR MR GREG WILLIAMS, EDDIE STOBART GROUP LTD

Consideration was given to the above application.

(Parish Councillor Mrs Gildon, Chairman of Chelford Parish Council and Mrs C Payne, agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be approved subject to the following Heads of Terms:-

- The Employment element as proposed under application 10/3267M shall be substantially complete within 3 years of the commencement of the residential scheme unless another scheme is approved in writing with the Local Planning Authority
- 30% affordable housing split between 50% for social rent and 50% for intermediate ownership but with flexibility to vary the proportions of tenure in line with guidance from the Homes & Communities Agency and the Council's Strategic Housing Manager current when layout details are submitted for reserved approval.
- Provision of a Puffin Crossing on Knutsford Road (A537)
- Provision of public footpath, linking the existing bridle path to Knutsford Road
- Education contribution of £68,750 towards extending Chelford CE Primary School, to accommodate additional school children generated by the development
- Commuted sum of £187,000 in lieu of Public Open Space /off site play & amenity facilities/recreation and outdoor sport
- Financial contribution towards community facilities £30,000

And subject to the following conditions:-

1. A06OP - Commencement of development
2. A03OP - Time limit for submission of reserved matters (within 3 years)
3. A01OP - Submission of reserved matters (within 3 years)
4. A02OP_1 - Implementation of reserved matters
5. A09OP - Compliance with parameter plans
6. A10OP_1 - Details to be submitted -layout
7. A12OP - Full details approved as part of outline consent - Access
8. A08OP - Ground levels to be submitted
9. A01LS - Landscape Masterplan - submission of details
10. A04LS - Landscaping (implementation)
11. A01GR - Removal of permitted development rights
12. A02HA - Construction of access
13. A04HA - Vehicular visibility at access to be approved
14. A32HA - Submission of construction method statement
15. A19MC - Refuse storage facilities to be approved

16. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources
17. Phasing of landscaping works - along railway line first
18. Submission of a landscape management scheme to be submitted with the Reserved Matters application
19. The landscaping scheme shall incorporate details of boundary treatment
20. Protection of breeding birds
21. Provision of bird boxes
22. All arboricultural works shall be carried out in accordance with Cheshire Woodlands Arboricultural Statement
23. Details of lighting to be approved
24. Development in strict accordance with the updated ecological survey
25. Submission of further acoustic assessment showing acoustic mitigation as part of Reserved Matters application
26. Submission of acoustic report including a revised assessment of noise levels at the North East corner
27. Submission of specifications of acoustic glazing ventilation systems
28. Hours of construction/noise generative works
29. Submission of revised air quality assessment
30. Submission of a drainage scheme including details in respect of surface water run-off
31. Submission of a scheme to manage the risk of flooding to be submitted
32. Submission of a Character Assessment justifying scale, layout and materials as part of the Reserved Matters application
33. To control hours of working and pile driving
34. Land decontamination report
35. Scale of buildings

(During consideration of the application the meeting was adjourned for 10 minutes).

(Prior to consideration of the following application Councillor C Thorley left the meeting and did not return).

77 10/3448M-OUTLINE PLANNING APPLICATION FOR THE ERECTION OF A MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL, COMMUNITY AND EMPLOYMENT USES SET IN HIGH QUALITY

LANDSCAPING AND ATTRACTIVE NEW PUBLIC REALM, CHELFORD AGRICULTURAL CENTRE, DIXON DRIVE, CHELFORD FOR TRUSTEES OF CHELFORD AGRICULTURAL CENTRE

Consideration was given to the above application.

(Parish Councillor Kath Gildon, Chairman of Chelford Parish Council attended the meeting and spoke in respect of the application).

RESOLVED

That minded to approve the application subject to the following Heads of Terms and conditions but awaiting the close of the consultation period, power be delegated to the Head of Planning & Housing to approve the application, in consultation with the Chairman, after 14 December 2010, unless further representations raise issues not already considered by the Board:-

Head of Terms

- 30% Affordable Housing units be 50% social rent, 50% intermediate tenure.
- commuted sum required for provision of Outdoor Space is £322 000; the figure required for Recreation / Outdoor Sport is £82 000 Both the above commuted sums would be used to make improvements, additions and enhancements to the following facilities (subject to consultation with the public) at: - the Mere Court open space and play area, Amenity Open Space on Dixon Drive, Chelford Village Hall (open space and children's play area), provision of a footpath link from Chelford Village Hall to Chelford Village.
- Contribution towards a community facility-£48 160 (subject to RPI). This would be used (subject to consultation with the public) at: -Astle Court Community Room, the Scout Hut, Chelford School (community uses only), and within the major housing areas.
- £16,300 towards the following: - an investigation for the removal of traffic regulation orders, footpath improvements along Dixon Drive, the removal of the no through road for vehicles along Dixon Drive and junction improvements at the Knutsford Road junction with Station Road and Dixon Drive.
- A developer contribution will be required towards additional school places at Chelford CE Primary School at a cost of £118,250.

It is noted that the commuted sums required for open space and outdoor recreation, contribution towards a community facility, highways improvements and the additional school places and affordable housing provision would form part of a S106 agreement.

And subject to the following conditions:-

1. A01OP - Submission of reserved matters

2. A02OP - Implementation of reserved matters
3. A03OP - Time limit for submission of reserved matters-3 years
4. A06OP - Commencement of development
5. A08OP - Ground levels to be submitted with reserved matters application
6. A09OP - Compliance with parameter plans
7. A01LS - Landscaping - submission of details
8. A04LS - Landscaping (implementation)
9. A02TR - Tree protection
10. A04TR - Tree pruning / felling specification
11. A07TR - Service / drainage layout
12. A01GR - Removal of permitted development rights
13. A04HA - Vehicular visibility at access to be approved
14. A32HA - Submission of construction method statement
15. A19MC - Refuse storage facilities to be approved
16. At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources
17. Submission of a landscape management scheme to be submitted with the Reserved Matters application
18. Phasing of landscaping works
19. The landscaping scheme shall incorporate details of boundary treatment
20. Protection of breeding birds
21. Provision of bird boxes
22. Details of lighting to be approved
23. Submission of an air quality assessment
24. 12 metre buffer zone on the Eastern Boundary - adjacent to railway line
25. No residential façade shall be closer than 16 metres to the railway line
26. Acoustic mitigation to be detailed with site layout plan at reserved matters stage
27. Any changes to layout plan to reflect minimum Noise Exposure Categories
28. Details shall be submitted showing the floor plans, elevations and layout of the residential units closest to the railway line
29. Acoustic specification of fixed plant and equipment to be submitted

- 30. Contaminated Land
- 31. Submission of a drainage scheme including details in respect of surface water run-off
- 32. Submission of a Character Assessment justifying scale, layout and materials as part of the Reserved Matters application
- 33. Waste Management Plan
- 34. Hours of working
- 35. Pile driving
- 36. Securing employment element of the scheme
- 37. Secure re-use of materials from demolition of the Coal Masters House within the development

(Prior to consideration of the following application Councillors D Brown, B Livesley and S Wilkinson left the meeting and did not return).

78 10/0346M-ERECTION OF 15 NO. AFFORDABLE HOUSES, WOODSIDE POULTRY FARM, STOCKS LANE, OVER PEOVER, KNUTSFORD FOR DEAN JOHNSON FARMS LTD/ DANE HOUSING

Consideration was given to the above application.

(Mr G Nichols, an objector attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred for the following reasons:-

(1) For further negotiations with the Applicants regarding the design and layout of the proposed development.

(2) So that the application can be considered on the same agenda as application 10/3506M for office development on land adjacent to/within the application site.

(This decision was against the Officer recommendation of approval).

79 BROADHEATH HOUSE, SLADE LANE, OVER ALDERLEY, ALDERLEY EDGE - JUDICIAL REVIEW OF DECISION TO GRANT PLANNING PERMISSION

Consideration was given to the above report.

RESOLVED

That the report be noted.

80 APPEAL SUMMARIES

Consideration was given to the Appeal Summaries.

RESOLVED

That the Appeal Summaries be noted.

The meeting commenced at 2.00 pm and concluded at 5.25 pm

Councillor H Davenport (Chairman)

Application No: 10/0346M

Location: WOODSIDE POULTRY FARM, STOCKS LANE, OVER PEOVER, KNUTSFORD, WA16 8TN

Proposal: ERECTION OF 15 NO. AFFORDABLE HOUSES

For DEAN JOHNSON FARMS LTD/ DANE HOUSING

Registered 02-Mar-2010

Policy Item No

Grid Reference 378108 373981

Date Report Prepared: 17 December 2010

SUMMARY RECOMMENDATION

Approve subject to conditions & the prior completion of a S106 legal agreement

MAIN ISSUES

- Whether the consultation on the amended plans raises any new issues that need to be considered
- The impact of the proposal on protected species
- Whether the design and appearance of the proposal is acceptable

REASON FOR REPORT

On 15 September 2010, the Board delegated power to the Head of Policy & Planning to determine the above planning application after reconsultation regarding amended plans submitted at/just before the meeting. The amendments repositioned 6 houses 2m further from a boundary with neighbouring properties. There was an underlying understanding that the delegated decision would be based on the report recommendation plus consultation responses commenting on the repositioning. However, during the reconsultation period a new issue has arisen regarding Great Crested Newts. In these circumstances the Head of Planning and Housing exercised his discretion to refer the application back to the Board for decision. The Board considered the application again on 8 December 2010 where it was deferred to enable the parallel application for the conversion of the retained building to offices (10/3506M) to also be considered by the Board at the same time and to allow further discussions to take place with the applicants regarding the overall design and appearance of the proposal. Further discussions have now taken place with the applicants and the substance and outcome of these will be dealt with in the main body of the report.

The background to the application is set out in the attached committee report, update report and minutes prepared for 15 September 2010.

DESCRIPTION OF SITE AND CONTEXT

See original report.

DETAILS OF PROPOSAL

See original report.

RELEVANT HISTORY

See original report.

POLICIES

Regional Spatial Strategy (RSS)

Regional Spatial Strategies (RSS) were revoked by the Secretary of State for Communities and Local Government on 9 July 2010 under Section 79 (6) of the Local Democracy, Economic Development and Construction act 2009. However, the Regional Spatial Strategy for the North West has been reinstated (protem) as part of the statutory Development Plan by virtue of the High Court decision in the case of Cala Homes (South) Limited and the Secretary of State for Communities and Local Government and Winchester City Council on 10 November 2010.

At the time of considering the application on 15 September 2010, no RSS policies were referred to as at that time, the RSS did not form part of the Development Plan. However, as it does now form part of the Development Plan, the relevant policies of the RSS need to be considered.

These policies are:

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Making the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility

DP7 Promote Environmental Quality

DP8 Mainstreaming Rural Issues

DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

RDF2 Rural Areas

RDF4 Green Belts

L2 Understanding Housing Markets

L4 Regional Housing Provision

L5 Affordable Housing

RT2 Managing Travel Demand

RT9 Walking and Cycling

EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

EM2 Remediating Contaminated Land
EM18 Decentralised Energy Supply
MCR3 Southern Part of the Manchester City Region

OTHER MATERIAL CONSIDERATIONS

Draft Interim Planning Statement on Affordable Housing

Additionally, subsequent to the Committee on 15 September, the Council has recently produced a Draft Interim Planning Statement on Affordable Housing. This document sets out the Council's definition of affordable housing and specific site requirements, as well as providing guidance on development considerations and means of securing their provision. It also sets out the Council's requirements for achieving mixed and balanced communities including the housing needs of specific groups.

The statement has been produced within the framework of the three adopted Local Plans for the former District authorities of Crewe and Nantwich, Congleton and Macclesfield, the Council's Strategic Housing Market Assessment (SHMA) and government guidance as expressed in national planning guidance and policy statements. It is also consistent with the Council's Corporate Objectives and the Sustainable Community Strategy. The draft statement was approved by the Strategic Planning Board on 6 October 2010 and is currently out to public consultation until 17 December 2010.

Strategic Housing Market Assessment (SHMA)

The SHMA carried out on behalf of Cheshire East Council was only at a draft stage when the application was previously considered in September 2010. This document has now been published and reports that there are 271 households in need in the Knutsford Rural Area (the area within which Over Peover falls) and a need for 31 dwellings per annum within the Knutsford Rural Area between 2009/10 to 2013/14.

CONSULTATIONS (External to Planning)

The following consultations have been received in relation to the reconsultation on the amended plans.

Environment Agency – no objection subject to the imposition of a condition regarding potential contamination.

CEC Landscape – as previously, no objections to the proposal subject to conditions.

Housing – no comments.

Manchester University (Jodrell Bank) – would like to see the incorporation of materials to reduce electromagnetic interference.

OTHER REPRESENTATIONS

No additional representations were received in relation to the amended plans.

However, following the preparation of the report for the meeting on 8 December 2010, two further representations have been received from one of the occupiers of the properties on Stocks Lane that adjoin the site. The main points raised are summarised below:

- Query what stage funding for the proposed affordable housing was and is at
- Question the independence of the affordable housing statement submitted by the applicants
- Do not feel that the points raised by the QC appointed by local residents were accurately reported to Members
- Continue to question the need for low cost housing in this location and question the opinion of the Council's Rural Housing Enabler
- Question how drainage is to be provided to the development
- Request that the S106 agreement also covers the removal of asbestos from the site

APPLICANT'S SUPPORTING INFORMATION

See original report.

Additionally, the applicants have clarified that there are no mains drains on Grotto Lane but that it is their intention to connect to mains drains located on Stocks Lane. It has also been stated the development would be built to Code for Sustainable Homes Level 3 which is 25% above the level currently required by Building Regulations.

OFFICER APPRAISAL

Policy

Whilst the RSS policies listed above are now relevant to the consideration of the application, with the exception of Policy EM18, it is not considered that any of the RSS policies raise any new issues that were not previously considered by officers and Members when considering the proposal in September. At that time it was acknowledged that the site does not score well in terms of locational sustainability but it was recognised that this is difficult to achieve in rural locations and that in relative terms, Over Peover has many more services than other rural locations.

Policy EM18 requires that all residential developments comprising more than 10 units should secure at least 10% of their predicted energy requirements from decentralised and renewable or low carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design that this is not feasible or viable. This matter could be addressed by an additional condition if necessary. However in this case given

that the scheme is for 15 dwellings (only 5 dwellings above the threshold) and given that the scheme is for 100% affordable housing, it is not considered feasible or viable to attach a condition regarding decentralised energy supply. Additionally it has now been confirmed by the applicants that the scheme would be built to Code for Sustainable Homes Level 3 which would be 25% above current Building Regulations requirements.

With regard to the Draft Interim Planning Statement on Affordable Housing, as this is still subject to public consultation, it is considered that limited weight should be afforded to it in the consideration of the application. Nevertheless, it is not considered that the proposal is inconsistent with the interim statement.

The publication of the SHMA adds weight to the fact that there is a general need for affordable housing within the wider Knutsford Rural Area.

Consultations

It is not considered that the additional comments received from the landscape officer, the housing department or Manchester University raise any new issues that were not previously considered by Committee or were not covered by the conditions attached to the original recommendation.

With regard to the comments received from the Environment Agency, these replicate those previously received in relation to the original scheme. Whilst the condition suggested by the Environment Agency was not attached to the original recommendation, a condition proposed by the Council's contaminated land officer was. This requires the submission of a Phase II Contamination report and would cover the requirements of the Environment Agency.

Representations

Each of the additional points raised by the additional representations will be dealt with in turn.

When the application was considered at the meeting in September, Members were advised that HCA (Homes & Communities Agency) funding for the proposal would rest on the outcome of the application and that if the application was refused, then funding could potentially be placed in doubt. Following the approval of the application in September, the HCA confirmed to Plus Dane Housing that their bid for funding for Woodside Poultry Farm has been approved. The grant allocation for the site has now been secured and it is intended to submit a 'start on site' claim in the New Year.

A question mark has been raised as to the independence of the affordable housing statement submitted in behalf of the applicants. This statement was referred to in the original committee report dated September 2010 when it was concluded that the statement, together with other evidence available to the Council, was sufficient to adequately demonstrate that a need existed for the number of houses proposed. The statement submitted by the applicants was prepared by Pioneer Property Services Ltd, a company which specialises in

housing market analysis and the provision of affordable housing. At the time of considering the application in September, officers were satisfied with the evidence available which did not rest solely on the affordable housing statement submitted by the applicants but as stated, was based on a combination of evidence. Whilst the Council's Rural Housing Enabler has been involved with the application, the opinions expressed within the committee reports and at the meeting in September represented the view of the Head of Planning and Housing and followed extensive consultation and discussion with numerous officers and specialists within the Council.

The points raised by the QC appointed by residents were considered by officers at the time of making the recommendation and were also summarised within both the original report and the update report.

The application form submitted with the application states that foul sewage is to be disposed of via mains sewers. However, it has been stated by third parties that main drainage is not available on the site. The Council's building regulations department has confirmed that there are no mains drains on Grotto Lane and that drainage would therefore have to be provided by connecting to drains on Stocks Lane or by the provision of septic tanks. This would be dealt with at the building regulations stage and whilst it could also be dealt with by a drainage condition, given the scale of the development this is not considered necessary.

With regard to the request to contain a clause regarding asbestos removal within the S106 agreement, this is not considered reasonable or necessary as the removal of asbestos is covered by other legislation and can be adequately dealt with by an informative.

Ecology

Another issue that has become apparent since the proposal was considered at committee is that whilst there were a number of conditions listed regarding nature conservation issues (provision of a bat loft, bat nesting boxes, protection and provision for breeding birds), no conditions were suggested regarding great crested newts which were recorded in garden ponds adjacent to the proposed development. In order to mitigate the risk of killing, injuring or disturbing any animals present on site, the applicant's ecologist has recommended the removal and exclusion of newts from the development site by means of amphibian fencing and pitfall trapping in association with Natural England guidelines. This is standard practice and is acceptable to the Council's Nature Conservation Officer. However, in order for this to be ensured, this would need to be covered by a condition which requires the development to be carried out in accordance with the submitted ecological reports. This additional condition has therefore been added to the list attached to the original report.

Design

As stated in the original committee report to Members in September, officers are satisfied that the design and appearance of the scheme is acceptable and is of a good quality and respects and reflects the rural location of the site. The design of the scheme was amended during the course of the application and prior to the meeting on 15 September 2010 to take account of the views of local residents and of the Council's Design Officer. An additional amendment was also made to the scheme just before the meeting which involved a change to the proposed layout to move the proposed semi detached dwellings 2m further away from the boundary with properties on Stocks Lane. This amendment was considered to be acceptable on design and Green Belt grounds as whilst it moved the houses further across the site beyond the footprint of existing buildings, the overall scheme was still considered to be a significant visual improvement when compared with the existing situation.

At the meeting in September, most Members were comfortable with the design and layout of the scheme as reflected by the decision of Committee that it was minded to approve the application subject to reconsultation on the amended plans and subsequent delegation of the decision to the Head of Planning and Housing in conjunction with the Chairman (the minutes of the previous meeting are attached for information). However, at the meeting on 8 December 2010, it was clear that some Members remained concerned about the proposed design and officers were asked to engage in discussions with the applicants to see whether the design of the scheme could be further improved. Discussions have taken place and the applicants are currently in the process of looking at officer suggestions as to how the scheme could be improved and deciding whether these suggestions can be taken on board. In brief the discussions have focused on the elevation and roof materials to be used in the scheme, the window and door design of the dwellings, the appearance of the front elevation of the properties, the design of the single storey dwelling, the front boundary treatment to the dwellings, the surface materials to be used for roads, parking areas and pathways. Amended/additional information is currently being prepared by the applicants and will be presented to Members at the meeting. The aim with the scheme has always been to ensure that it is a quality development that respects its surroundings. Many of the matters that have been discussed with the applicants would have been the subject of conditions that were attached to the original recommendation regarding materials, window details, landscaping etc. However, it is now anticipated that these details will be agreed up front meaning that officers and Members will have more certainty as to how the dwellings will appear when built. Subject to the amendments/additional details being acceptable, it is considered that it would be unreasonable to refuse the application on design grounds given the view of the Committee in September.

Heads of Terms

Should the Council be minded to approve the application, then a S106 legal agreement would be required to include the following matters:

- dwellings will be retained as affordable housing in perpetuity and that occupation is restricted to those in genuine need who are employed locally or have local connection to the parish of Over Peover and then cascaded initially to adjoining parishes before being offered to residents of other areas of the Borough (it is likely that this would initially be Bucklow Ward, then former MBC, then wider CEC though the final details of this is to be agreed in consultation with Plus Dane Housing and the Parish Council)
- provision of off site ecological works and habitat management plan
- commuted sum of £45,000 to be paid to the Council to make additions, enhancements and improvements to the Local Parish play facility in Over Peover

CONCLUSION

As stated at the last meeting, the reason that this application needed to come back before Committee was to address the need for an additional condition regarding protected species. The principle and detail of the proposal was fully considered at the meeting on 15 September 2010 when Members of the Committee were minded to approve the application. At the meeting on 8 December 2010 the application was deferred to allow it to be considered at the same time as the office application on the same site and to allow further discussions to take place with the applicants regarding the design of the scheme. Discussions have now taken place and amended/additional details which will serve to improve the design of the scheme are expected before the meeting. In any event, given the view of Committee in September, it is considered that it would be unreasonable for the application to be refused on design grounds.

It is not considered that there are any new issues that have arisen or that have been raised in representation that result in the need to amend the original recommendation or decision, other than to add an additional condition regarding protected species. Any need for further additional conditions regarding the detail of the scheme will be dealt with either in a written update or verbally at Committee once a response on these issues has been received from the applicants.

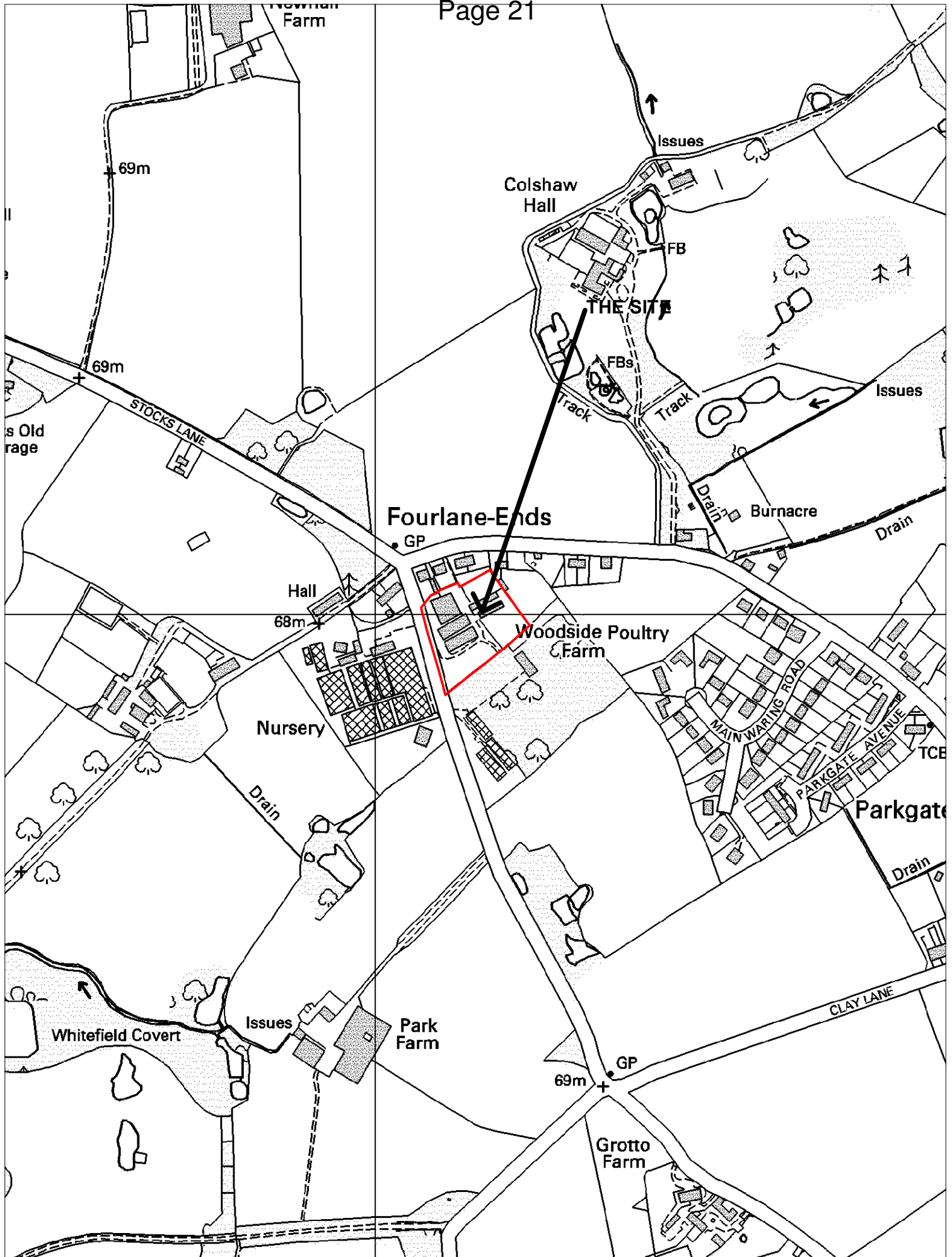
Application for **Full Planning**

RECOMMENDATION : Approve subject to a Section 106 Agreement and the following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A05EX - Details of materials to be submitted
4. A10EX - Rainwater goods
5. A12EX - Fenestration to be set behind reveals
6. A20EX - Submission of details of windows/doors including materials and finish
7. A01GR - Removal of permitted development rights
8. A07GR - No windows to be inserted
9. A22GR - Protection from noise during construction (hours of construction)
10. A12HA - Closure of access
11. A07HA - No gates - new access
12. A01HP - Provision of car parking
13. A30HA - Protection of highway from mud and debris
14. A01LS - Landscaping - submission of details
15. A04LS - Landscaping (implementation)
16. A12LS - Landscaping to include details of boundary treatment
17. A04MC - Electromagnetic protection (Jodrell Bank)
18. A08MC - Lighting details to be approved
19. A17MC - Decontamination of land (Phase II Report required)
20. A19MC - Refuse storage facilities to be approved
21. A06NC - Protection for breeding birds
22. A01TR - Tree retention
23. A02TR - Tree protection
24. A05TR - Arboricultural method statement
25. A02NC - Implementation of ecological report
26. Construction of new junction prior to construction of any other part of the development
27. Construction of highways (manual for streets layout)
28. Provision of Bat Loft
29. Provision of Barn Owl Nesting Boxes

30. Provision of facilities for breeding birds

Prior to the occupation of the dwellings, in the absence of a scheme for redevelopment having been implemented, Building A shall be demolished



WOODSIDE POULTRY FARM, STOCKS LANE, OVER PEOVER, KNT

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Scale 1:10000

APPENDIX ONE

Application No: 10/0346M
Location: WOODSIDE POULTRY FARM, STOCKS LANE, OVER PEOVER, KNUTSFORD, WA16 8TN
Proposal: ERECTION OF 15 NO. AFFORDABLE HOUSES
For DEAN JOHNSON FARMS LTD/ DANE HOUSING
Registered 02-Mar-2010
Policy Item No
Grid Reference 378108 373981

Date Report Prepared: 6 September 2010

SUMMARY RECOMMENDATION	Approve subject to conditions & the prior completion of a S106 legal agreement
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MAIN ISSUES

- Whether the principle of affordable housing in this location is acceptable
- Whether the need for affordable housing has been proven
- Whether the proposal constitutes inappropriate development in the Green Belt and if so, whether there are any very special circumstances
- The design and appearance of the proposal and its impact on the character and appearance of the area
- The impact of the proposal on the amenity of nearby residents
- Whether access and parking arrangements are suitable
- The impact of the proposal on existing trees and landscaping
- The impact of the proposal on protected species

REASON FOR REPORT

This is a major application for 15 affordable dwellings in the Green Belt. It is considered that the application raises issues of strategic importance to the Council.

DESCRIPTION OF SITE AND CONTEXT

Woodside Poultry Farm is located within the village of Over Peover. The application site covers an area of 0.84 hectares and is located and accessed off Grotto Lane. Residential properties are located to the north of the site, a nursery is located to the west/south west, a glass house and open fields to the east and south. The site contains a number of buildings that were previously used in connection with the sites former use as a poultry farm. The site is partially covered by hardstanding.

DETAILS OF PROPOSAL

Planning permission is sought for the erection of 15 affordable dwellings, nine 2 bedroom dwellings and six 3 bedroom dwellings. One of the 2 bedroom dwellings is single storey with the rest being two storey. The dwellings are to be built and managed by Plus Dane

Housing, a local housing association and would comprise of 10 social rented dwellings with the remaining 5 to be intermediate housing, shared ownership, homebuy or rent to homebuy. The dwellings are proposed to be constructed from a mixture of Cheshire brick and render under slate roofs. All of the existing buildings on site would be demolished with the exception of one of the larger buildings located to the south of the site which is to be retained. It is stated that this is to be the subject of a further application. At the time of writing, no further application had been received by the Council. Vehicular access to the site is to be taken from Grotto Lane and 25 parking spaces are proposed to serve the dwellings. For the 2 bedroom dwellings these are to be provided in a parking area to the rear of the dwellings. For the 3 bedroom properties, parking spaces are to be provided to either the front or side of the dwellings.

The proposal has been amended during the course of the application and as originally submitted included the erection of a new building to provide a farm shop with offices above. This aspect of the proposal has been removed from the application. The proposed layout of the dwellings has also been amended in response to concerns raised by the Council's design officer.

There is an extant consent on the site for the part demolition and change of use buildings on the site to B1 offices. This consent was granted on appeal and expires on 28 July 2011.

RELEVANT HISTORY

02/2275P

Outline Planning

DEMOLITION OF EXISTING BUILDINGS; ERECTION OF 7 DWELLINGS (OUTLINE PERMISSION)

WOODSIDE POULTRY FARM STOCKS LANE PEOVER SUPERIOR CHESHIRE

refused 20021120

04/2630P

Full Planning

PART DEMOLITION AND CHANGE OF USE OF EXISTING BUILDINGS TO OFFICES (B1). CREATION OF 56 CAR PARK SPACES (RESUBMISSION 03/2630P).

WOODSIDE POULTRY FARM STOCKS LANE OVER PEOVER KNUTSFORD WA168TN

refused 20041215 APP/C0630/A/05/1178009 Allowed 20060728

POLICIES

Local Plan Policy

NE11 Nature Conservation

BE1 Design Guidance

GC1 New Buildings in the Green Belt

H1 Phasing Policy

H2 Environmental Quality in Housing Developments

H5 Windfall Housing Sites

H8 Provision of Affordable Housing

H9 Affordable Housing

H13 Protecting Residential Areas

T2 Integrated Transport Policy

DC1 New Build

DC3 Amenity

DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC35 Materials and Finishes
DC37 Landscaping
DC38 Space, Light and Privacy
DC40 Children's Play Provision and Amenity Space

Other Material Considerations

PPS1 Delivering Sustainable Development
PPG2 Green Belts
PPS3 Housing
PPS4 Planning for Sustainable Development
PPS7 Sustainable Development in Rural Areas
PPS9 Biodiversity and Geological Conservation
Over Peover SPD

CONSULTATIONS (External to Planning)

Highways: no objections subject to conditions regarding access and parking arrangements

Environmental Health (Public Protection & Health): no objection subject to a condition restricting the hours of construction.

Environmental Health (Contaminated Land): no objection subject to a condition requiring a Phase II contaminated land investigation.

Environment Agency: no objection subject to conditions regarding contamination.

Jodrell Bank: no objection subject to the incorporation of materials within the development that would help to reduce the level of electromagnetic interference.

Leisure Services: request a commuted sum payment of £45,000 to make additions, enhancements and improvements to the local Parish facility.

Housing Strategy and Needs Manager: no objections subject to a S106 legal agreement being entered into to secure the affordable housing tenure.

VIEWS OF THE PARISH / TOWN COUNCIL

Peover Superior Parish Council: recommend refusal of the application. Two letters have been received from the Parish Council, the latter in relation to amended plans received. The main points raised are summarised below.

- Support the development of an appropriate number of affordable houses on this site, but numbers should be limited to those necessary to meet a genuine, proven, local need
- In order to establish need a survey should be undertaken, involving the Parish Council, and the results of such survey should be validated on an objective basis

- The register of interest that was carried out without any consultation with the Parish Council and the Parish Council has not been allowed to see the full responses despite a request to do so
- Believe that a significant number of those who have registered an interest would not meet the criteria for affordable housing
- Concerned about the ability of any S106 agreement to adequately control occupancy
- Consider the revised plans to be a significant improvement, however still consider that some of the houses (namely number 10 and 11) are much too close to the boundaries of adjacent properties on Stocks Lane – Rowan Cottage, Woodside Cottage and Woodcroft

OTHER REPRESENTATIONS

A significant number of representations have been received in relation to the application. Copies of the representations can be viewed on the application file.

56 representations have been received objecting to the proposal, 17 of which were second representations from the same individuals/households in relation to the amended plans. A number of these representations state that there is no objection to the principle of affordable housing but that objections are raised to the particulars of this proposal. The main points of objection are summarised below.

- No proven need for 15 affordable dwellings in the village
- Question validity of the housing needs survey and register of interest
- Concern regarding ability of the Council to control the future occupancy of the dwellings, particularly given 'Choice Based Lettings' policy of the Council
- Concern that thousands of staff employed at Radbrooke Hall would qualify for affordable housing
- Design of dwellings would not fit in with the local area & revised plans have not overcome previous concerns
- Adverse impact on the amenity of nearby residents due to close proximity of the proposed dwellings and loss of privacy & light, overlooking & overbearing outlook
- Adverse impact on highway safety due to increased traffic and nature of local roads
- Site has poor access to services including public transport meaning that residents would be car dependent
- Local school is thriving and not in need of additional pupils
- Approval of this proposal would set a precedent for future developments
- Site Green Belt and Greenfield where affordable housing completely inappropriate
- Proposed layout encroaches on the openness of the Green Belt
- No very special circumstances put forward to develop this site
- Adverse impact on character and appearance of the countryside
- Proposed trees will not grow due to contamination on the site
- Concern about lack of parking for the proposed dwellings
- Would increase the number of residences in the village by 5% and this is too much
- Concern about future maintenance of the properties
- Existing buildings on site are in keeping with a rural and farming community

Additionally, a number of objectors commissioned a QC to comment on the proposal. The opinions offered by the QC are also available to view on the application file. The opinion concludes that "affordable housing on this Greenfield site within the Green Belt could only be considered acceptable in principle if there was a clear local i.e. Over Peover needs

case. Such a case would have to be demonstrated by robust and credible evidence which engages, at the very least, with the key elements of national best practice guidance. Such an assessment, of necessity, involves engaging with economic issues. Such an assessment has not taken place and evidence, such as it is, does not demonstrate any need much less need for 15 units.” The opinion goes on to state that even if need could be established, affordable housing should in most cases be sustainably located by reference to services/facilities. It is stated that even in rural areas, affordable provision should be targeted to service centres. The site is not sustainably located and no exceptional case has been made for putting housing on it. Previous objections to the design remain. The QC considers that to grant permission would be unlawful and could be subject to judicial review.

6 representations have been received in support of the proposal, 1 of which was a second representation from the same individual/household. The main reasons for supporting the application are summarised below.

- Affordable housing is a far more appropriate use for the land which lies at the centre of the village
- Affordable housing will allow younger people to stay in the village
- The local school would benefit from young families
- Local facilities would become more sustainable
- There is a short supply of affordable property in the Borough
- The village is ageing
- Most people born in the village cannot afford to stay

APPLICANT'S SUPPORTING INFORMATION

Numerous documents have been submitted in support of the application and include a Planning, Design & Access Statement, a Phase 1 & Phase 2 Site Investigations Report, a Bat Survey, a newt survey and an Affordable Housing Statement. Full copies of these documents are available to view on the application file. In summary the Planning, Design & Access Statement states:

- The proposed development makes efficient use of an existing former poultry farm, replacing it with much needed affordable housing for the area
- The proposed development of the site would contribute positively to the housing land supply which is currently showing significant shortfalls for housing generally and affordable housing in particular
- The dwellings have been designed to respect the character of the surrounding properties and would not appear out of keeping
- The development would meet all the interface guidelines for space between dwellings and would not harm the amenity of neighbouring properties
- The proposed redevelopment of the site would enhance the amenity of neighbouring properties when compared with the lawful use of the site and the extant planning permission
- The development has been designed to facilitate easy access of the site by pedestrians and vehicular traffic

The Affordable Housing Statement concludes that:

- National and regional guidance require that local authorities have regard to robust and credible, up to date, evidence when preparing development plan affordable housing policy
- The application site represents an opportunity to secure a high level of affordable housing provision in a rural area with considerable affordability pressures where alternative suitable sites may not be available
- The number of dwellings proposed has been considered in respect of the available evidence base derived from studies extending in scope from detailed parish level through to regional and local planning area examinations and it is concluded that the proposals are likely to represent a minimum requirement to address specific housing needs arising in Over Peover
- PPS3 does not state the methodology which should be applied to assess local housing need in support of proposals for a 'rural exception' site. It is evident that the scope of a Strategic Housing Market Assessment is too broad to provide detail at the very local level therefore some form of supplemental local study is envisaged. The statement has examined the evidence in terms of the Rural Housing Needs Study Assessment in identifying 18 households who are likely to require affordable housing in Peover Superior over the next 5 years and concluded that this is likely to be a conservative estimate, and that in the order of 20 to 30 dwellings may represent a more realistic requirement.
- The application site is able to address a significant proportion of existing and future identified housing need within Peover Superior and offers the opportunity to provide a mix of dwelling types and tenures to ensure the creation of a truly mixed and sustainable community
- The provision of 100% affordable housing in accordance with the definitions in Annex B PPS3 provides an exceptional benefit to the local community that would warrant a departure from the development plan.

OFFICER APPRAISAL

Principle of Affordable Housing in this location

The site lies in the Green Belt. Paragraph 3.4 of PPG2 states that the construction of new buildings inside a Green Belt is inappropriate unless it is for one of the five purposes listed within the paragraph. This includes "limited affordable housing for local community needs under development plan policies according to PPG3". Local Plan policy GC1 repeats this advice and states that within the Green Belt approval will not be given for the construction of new buildings unless it is for a limited number of purposes including "limited affordable housing for local community needs in accordance with policies H8 – H10". Policy H10 specifically referred to affordable housing in rural areas and included a list of 4 criteria to be met before permission would be granted for affordable housing in rural areas. However, policy H10 is not a saved policy and cannot therefore be referred to in the determination of applications for rural affordable housing. The reason why the policy wasn't saved is because it was considered that it was similar to paragraph 30 of PPS3 and that the issue may be covered by new core policy on affordable housing. Paragraph 30 of PPS3 states

"In providing for affordable housing in rural communities, where opportunities for delivering affordable housing tend to be more limited, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages. This requires planning at local and regional level adopting a positive and pro-active approach which is informed by evidence, with clear targets for the delivery of rural affordable housing. Where viable and practical, Local Planning Authorities

should consider allocating and releasing sites solely for affordable housing, including using a Rural Exception Site Policy. This enables small sites to be used, specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint. Rural exception sites should only be used for affordable housing in perpetuity. A Rural Exception Site Policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities.”

In this case, as stated, the Council does not have a rural exception site policy for this part of the Borough. However, even in the absence of this, it is clear that national policy offers general support for the principle of limited rural affordable housing on small sites provided that it is to meet a local community need in perpetuity.

However, national and local policy in the form of PPS1, PPS3, PPS4, PPS7 and policies H5 and T2 seek to ensure that new developments, including housing, are generally located in areas that are accessible by a variety of means of transport and areas that have access to jobs, shops and services. This site has been assessed against these policies with the use of the accessibility criteria specified within the North West Sustainability Checklist. The location criteria within the assessment are considered best practice in terms of accessibility to key services. The assessment concludes that the site is deemed to be unsustainable as essential facilities are not readily accessible. However, given that this is a scheme for rural housing for people with a connection with the parish of Over Peover, it is considered that the sustainability of the site in terms of location and access to services should be given less weight as this is dictated by the location and access to services within the wider village. Additionally whilst Peover does not score highly when assessed against the checklist, it does nevertheless have a number of facilities available to residents including a primary school, a village hall, pubs, churches, a playground, sports facilities, social groups and employment opportunities. Whilst this may not be as much as larger villages such as Chelford, it is more than some rural parishes/villages. It is considered that the provision of affordable housing on the scale proposed by this application would help to sustain the existing rural community of Peover as it would provide additional affordable housing for those with a connection with the village enabling them to remain within/return to the village to contribute to and to help sustain the community. In this case, this is considered to outweigh any disadvantages of the site in terms of location and access to service/facilities.

Whilst the site does contain existing buildings and areas of hardstanding, it is not considered to be previously developed land (brownfield) as the sites lawful use is for agriculture. The site is therefore considered to be greenfield. Whilst national and local policy seeks to ensure that the majority of new development is located on brownfield land, there is no formal requirement for a sequential approach to this to be taken by developers. Therefore the fact that the site is technically greenfield is not considered to be a sufficient reason to reject the application site as a site for rural affordable housing. Additionally whilst it is technically greenfield, unlike other greenfield sites, it does contain a large number of buildings and areas of hardstanding that would be removed as a result of the development. Additionally any existing contamination on the site would be remediated as a result of the proposal.

Assessment of Need

As stated, a Planning Statement and Affordable Housing Statement have been submitted with the application, both of which deal with the issue of need.

A Strategic Housing Market Assessment (SHMA) was carried out on behalf of Macclesfield Borough Council in April 2008. This stated that there is a requirement for 200 affordable dwellings per year within the former Macclesfield Borough Council area. A more up to date SHMA is currently being carried out on behalf of the Council but the findings have yet to be published. However, early indications are that it will show an ongoing need for affordable housing in this part of the Borough.

In February 2008 Macclesfield Borough Council undertook a rural housing needs survey of all residential households in the Plumley ward which includes the Parish of Over Peover. There was an average response rate of 33.4%, with a response rate of 27.5% in Over Peover. The survey revealed that at the time of the survey there were 18 hidden households within Over Peover (this is where there is at least one adult in the household who wishes to form a separate household). The survey also revealed that there were 19 people who had moved out of the Parish in the last 5 years, 16 of which who wish to return. This gives a combined total of 34 people responding to the survey with a demand for housing within Over Peover. The 2008 survey did provide some information on the income of hidden households and revealed that of those who responded to this question, 3 had an annual income of less than £15,000, 4 of £15,000 to £20,000, 3 of £20,000 to £25,000, 2 of £25,000 to £30,000 and 1 of above £30,000. No data was published on the annual income of those wishing to return, though it did ask whether households had moved out in the last 5 years because there was a lack of affordable housing. 2 people responded to say that this was the case.

A register of interest was produced following the public consultation event held for the proposed scheme on 17 February 2010. This contained the details of 43 people who expressed an interest in the scheme. This list was reviewed by the Council's Housing Options Team who has advised that of the 43 individuals who expressed an interest in the scheme, 40 would qualify under the Cheshire Home Choice community connection criteria for Over Peover. The remaining 3 have a community connection to the neighbouring Parish of Snelson.

At the present time there is no specific guidance as to what evidence is required to adequately demonstrate a need for rural affordable housing, or as to what constitutes "limited" affordable housing. In the absence of such guidance it therefore remains for each local authority to assess each case on its merits. In this case officers are satisfied that the combination of the 2008 SHMA, the housing needs survey, the register of interest and the affordable housing statement submitted by the applicants adequately demonstrate that a need does exist for 15 affordable dwellings in the parish of Over Peover. The views of third parties, including those of the QC, have been noted. However whilst it is considered that a greater involvement of the Parish Council in the identification of the need for affordable housing would have been preferable, there is no formal requirement for this to be the case. Similarly, whilst the housing needs survey was not carried out following SHMA methodology, it is not considered that this means that its findings should be disregarded. Whilst the findings may not be given the same weight as a SHMA, they do nevertheless, together with other evidence, help to demonstrate a need for the development. With regard to income data and an assessment of economic need, as stated some economic data was collected as part of the 2008 survey. Additionally, when allocating rural affordable dwellings, the Cheshire Homechoice system will rank applicants having regard to both their level of need (which will be partially based on income) and their local connection.

Green Belt

As stated, the provision of affordable housing to meet local needs need not be inappropriate provided that the need has been demonstrated. In this case, as outlined above, it is considered that a need has been demonstrated for 15 affordable dwellings in Over Peover and it is not considered that a residential development of that number would be out of scale with the village. The principle of the proposal is therefore considered acceptable in the Green Belt and compliant with Local Plan policy GC1. However, it is still necessary to consider whether there is any other harm to the Green Belt arising from the proposal, including harm to openness.

As previously stated, the site contains a number of existing buildings, some of which are relatively large and prominent when viewed from Grotto Lane and Stocks Lane. All but one of these buildings would be removed as a result of this proposal. The proposed dwellings would be sited towards the side (north) and rear (east) of the site, in proximity to existing dwellings fronting Stocks Lane. The majority of the dwellings would be sited over the footprint of existing buildings with the exception of dwellings 7-9, 10 & 11 and 15. The proposed dwellings at 7.85m high would be approximately 0.7m higher than the height of the three large sheds currently on site. The width of the houses would however, be narrower than the sheds.

Overall, the footprint of buildings on the site would be reduced by 700m² (1368m² to 667.9m²). Whilst in some areas the new housing would be on parts of the site not currently covered by buildings, it is considered that the proposal would result in an overall improvement in openness and would significantly improve the visual amenity of the Green Belt. With regard to dwellings 10, 11 and 15, whilst these would not be on the footprint of existing buildings, in the case of 10 & 11, they would be closely related to existing development on Stocks Lane and existing extensive screening to the rear of the site means that the visual impact of the dwellings on the wider countryside would be limited. As such the proposal is not considered to be inappropriate in the Green Belt.

Design & Visual Impact

Local Plan policies BE1, H2, H13, DC1 and DC35 address matters of design and appearance. Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy H2 requires new residential development to create an attractive, high quality living environment. Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself.

The design of the scheme has been amended during the course of the application in an attempt to address concerns raised by local residents and by the Council's design officer. The revised scheme provides 15 dwellings in one block of 4 x 2 bed dwellings, one of which is single storey, one block of 5 x 2 bed dwellings and 3 pairs of 3 bed semi detached dwellings. Parking for the 2 bed dwellings is to be provided at the rear of the dwellings with access to the parking area gained between the two blocks. Parking for the 3 bed dwellings is to be provided to either the side or front of the dwellings. The dwellings are traditional in appearance and are to be constructed from traditional materials. Existing dwellings in the immediate vicinity comprise a mixture of type, designs and styles with a combination of traditional and more modern detached, semi-detached and terraced properties.

The Council's design officer has considered the amended proposal and notes that the scheme is now much improved. The revised scheme provides gaps between dwellings to the open countryside and is now more respectful of the varied character of the area. No objections are therefore raised to the scheme on design grounds subject to the imposition of appropriate conditions covering matters such as materials, rainwater goods and fenestration.

Amenity

Local Plan policies H13, DC3 and DC38 seek to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking. Policy DC38 sets out guidelines for space between buildings.

A number of residential properties are located adjacent to the site. These properties front onto Stocks Lane and have their rear elevations and rear gardens facing the site.

Generally speaking, the proposed dwellings would be located further away from existing dwellings on Stocks Lane, with the exception of dwellings 10 & 11 which would be nearer. Extensive boundary screening exists to the rear of Woodside Farmhouse and Delamere Cottage and this together with the distances between the rear elevations of the new dwellings and these properties means that there would not be any significant overlooking or loss of privacy. Additionally, whilst the shared parking area would be located adjacent to the rear boundaries of these properties, given the limited scale of this (13 spaces) and extensive boundary screening it is not considered that this would result in undue noise and disturbance.

With regard to the impact on Woodcroft and Woodside Cottage, the existing boundary screening between the site and these properties is much more limited. However, notwithstanding this, the privacy distances that would result from the proposal well exceed those specified within Local Plan policy DC38. DC38 requires a distance of 25m back to back between habitable room windows and 14m between habitable room windows and blank gables. The relationship between Woodcroft and the rear elevation of the new dwellings is not a directly facing one and the distance is approximately 35m. The distance between the blank gable of dwelling 10 and Woodside Cottage is 26m, 12m more than that required by DC38.

In terms of the impact on Rowan Cottage, the rear elevations of dwellings 10 to 13 face towards this dwelling and its garden. However, due to the distances involved, the orientation of the dwellings and extensive screening along the rear boundary of the site, it is not considered that the proposal would result in a significant adverse impact on the amenity of this property.

As stated above, whilst concerns have been expressed by neighbours in relation to the impact of the proposal on their amenity, for the reasons outlined above, it is not considered that the proposal would significantly impact on the amenity of nearby residential properties. Additionally, if implemented, the proposal would result in the cessation of the use of the site as a poultry farm.

With regard to the amenity of future occupiers of the proposed dwellings, in the absence of an approved proposal for the retained building, it is considered necessary to attach a

condition to any consent granted requiring the building that is proposed to be retained to be demolished prior to the occupation of the dwellings.

Highways

Vehicular access to the dwellings is to be from Grotto Lane, this is consistent with the current access to the site. Parking spaces for 25 vehicles are proposed.

The Council's Strategic Highways Manager has been consulted on the application and is satisfied with the access and parking arrangements proposed are acceptable subject to conditions regarding the access and parking arrangements.

The Strategic Highways Manager notes that the site is located in an unsustainable location with poor access to services and with poor bus service provision. However, noting the extant consent for an office development on the site, the Strategic Highways Manager does not consider that a highway objection can be raised on the basis of sustainability.

Trees/Landscaping

An Arboricultural Statement has been submitted with the application. This concludes that the proposal could be implemented with only the removal of several low and moderate value trees, the collective loss of which would have a moderate impact on amenity.

The Council's Forestry Officer has been consulted on the proposal and raises no objections to the proposal subject to a number of conditions. Additionally the Council's Landscape Officer has been consulted and finds the scheme layout to have an acceptable impact in landscape terms, with a reasonable density of open space and built development. It is recommended that the scheme be subject to full conditions for all boundary treatments, all soft landscape and surfaces.

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, if there is:

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

The UK implemented the EC Directive in The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection:

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

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

In PPS9 (2005) the Government explains that LPAs “should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered..... In taking decisions, [LPAs] should 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..... If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

With particular regard to protected species, PPS9 encourages the use of planning conditions or obligations where appropriate and advises, “[LPAs] should 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 species detriment, development alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this case protected species surveys have been undertaken and a number of protected species identified including Great Crested Newts, Bats and Barn Owls. Great Crested Newts are present in garden ponds adjacent to the application site. Mitigation measures have been put forward in the form of amphibian fencing and pitfall trapping in accordance with Natural England guidelines. This is a standard best practice approach and is considered acceptable by the Council’s Nature Conservation Officer. In addition, to compensate for the loss of terrestrial habitat a substantial hibernacula and native species hedgerow is proposed for the north/east boundary of the site and three new ponds are proposed for an area of plantation woodland located off-site but within 250m of the proposed development. The off site works would need to be secured by a S106 legal agreement. The Councils Nature Conservation Officer also notes that the applicants state that the remainder of the plantation could be enhanced through native species planting and advises that to provide an acceptable area of replacement terrestrial habitat to compensate for the loss of habitat to the development the plantation must be managed to increase its value for amphibians and general biodiversity. This matter could be controlled by condition.

In terms of bats, there was evidence of limited bat activity in the form of a feeding perch or temporary roost within one of the buildings on site. The loss of this roost, in the absence of mitigation, is likely to result in a minor impact upon a very small number of individual bats and a negligible impact upon the conservation status of the species as a whole. The submitted report recommends the construction of a replacement bat loft above one of the proposed buildings to mitigate for the loss of the roost and details the supervision and timing of the demolition to reduce the risk of killing or injuring any bats that may be present. The Council’s Nature Conservation Officer considers that the proposed mitigation/compensation is acceptable and is likely to reduce the potential adverse impacts of the development to a negligible level.

Whilst there is evidence of owls having been on the site, the Council’s Nature Conservation Officer considers that there is no evidence of breeding having occurred therefore it is unlikely that the proposed development will have a significant impact on barn owls (if they were present) provided suitable alternative roosting sites are provided as part of the development.

In this case it is considered that the tests of the EC Habitats Directive are met in that there is no suitable alternative to the proposal and it is of overriding public interest. The proposal involves the development of a disused poultry farm in a rural location. It would enable the site to be redeveloped to provide rural affordable housing which would meet local and national housing objectives and would help to compensate for the current shortfall within the Borough. Additionally the scheme would improve the visual amenity of the area. Mitigation measures put forward by the applicants are considered acceptable and will serve to adequately mitigate any harm caused.

A condition is also suggested by the Nature Conservation Officer to ensure that breeding birds are not disturbed during the construction phase and also to ensure that provision is made for breeding birds as part of the development.

Leisure Provision

In accordance with the former Macclesfield Borough Council's SPG on Planning Obligations which remains in place in this part of the Borough, a commuted sum of £45,000 is required to be paid to the Council for the provision of Public Open Space provision. The closest facility to the site is one provided by the Parish Council and consists of a play area, amenity areas and football pitch. The Council carries out regular assessments of the facility and advise the Parish Council of required works. The play area is well maintained but contains some of the oldest equipment in the Borough and is much in need of updating and enhancement. Improvements and additions to the amenity areas and pitch are also required. The commuted sum would be used to make additions, enhancements and improvements to the Local Parish Facility.

The applicants have agreed to pay the amount requested.

Other Matters

Another material consideration to be taken into account is the Over Peover Parish Plan and the findings of the Over Peover SPD, though the latter is still in draft form and has yet to be adopted. The Parish Plan states that the majority of respondents to the consultation accepted that some redevelopment and additional development would be inevitable and there was some support for affordable housing to be developed for local families and for first time home owners. The Parish Plan recommendation was that a SPD should be developed to incorporate these views. As stated, this is currently in the process of being prepared. It is not considered that there is anything within either the Parish Plan or the draft SPD that would preclude the principle of the proposed development.

The sites former use as a poultry farm means that the land may be contaminated. Reports submitted in support of the application recommend that an intrusive investigation is required to identify any potential contamination that may be present. No objections are raised by the Council's Contaminated Land Officer subject to a condition being imposed on any consent granted requiring the submission of further contaminated land reports and remediation works where these are required.

With regard to other matters raised in representation that have not already been covered in the report, these appear to be limited to concerns regarding the Council's ability to control the occupation of the dwellings and the impact of the Council's Choice Based Lettings Policy; concern that approval of this application could set a precedent for other similar developments; concern that trees won't grow on the site as it is contaminated;

concern about future maintenance of the dwellings and the view that approval of the proposal could be the subject of judicial review.

In terms of the mechanism to control the future occupation of the dwellings, this would be ensured by the use of a S106 legal agreement which would set out the occupancy restrictions on the dwellings. The occupation of the dwellings would initially be restricted to those meeting the local connection with Over Peover and if no-one came forward who met that criteria, then the search would be cascaded to adjoining parishes within the Borough and beyond until the dwellings were occupied. Whilst Cheshire Home Choice enables people to apply for any housing within the Borough, the policy would not override the S106 agreement which would take precedence in the assessment of potential occupiers.

The approval of this application would not set a precedent for other similar developments in Over Peover as each proposal would need to be assessed on its own merits having regard to relevant policy and guidance. In the case of proposals for additional housing, this would need to be justified by an up to date assessment of need, having regard to the fact that if approved and implemented, this proposal would provide additional affordable housing provision within the locality. Any existing contamination on the site would be remediated as part of this proposal meaning that it would not affect the ability of any future landscaping scheme to succeed. Any future maintenance of the properties would be carried out by the Housing Association in conjunction with occupiers. This is similar to any other housing development.

The statement of the QC that if approved the permission would be unlawful and could be the subject of judicial review is noted. This view appears to be based on the opinion that the proposal represents a prima facie breach of a series of planning aims and objectives which could only be justified on the basis of a very clear and powerful needs case, a need which he considers has not been demonstrated at any level. As stated within this report, officers do not concur with that view. It is considered that there is enough evidence that a need exists for 15 houses in the parish and that whilst the location may not provide the best access to services and facilities, this is not a determining factor. Reference has been made to fact that planning applications have recently been submitted for new housing in Chelford and that as submitted, these proposals would provide affordable dwellings which could meet the needs of Over Peover and other rural parishes. Whilst an application has been submitted on the Stobart site and whilst this is proposing 15 affordable houses as part of a larger scheme for up to 60 dwellings, it is not considered that this negates the need for housing in Peover as if approved any affordable housing in Chelford would initially be offered to those with a local connection to Chelford before being cascaded to other parishes. Additionally the Rural Housing Needs Survey 2008 identified a total of 56 people responding to the survey with a demand for housing within Chelford meaning that even if approved and built, it is likely that need would still exist for further housing in Chelford to serve the needs of that parish.

Heads of Terms

Should the Council be minded to approve the application, then a S106 legal agreement would be required to include the following matters:

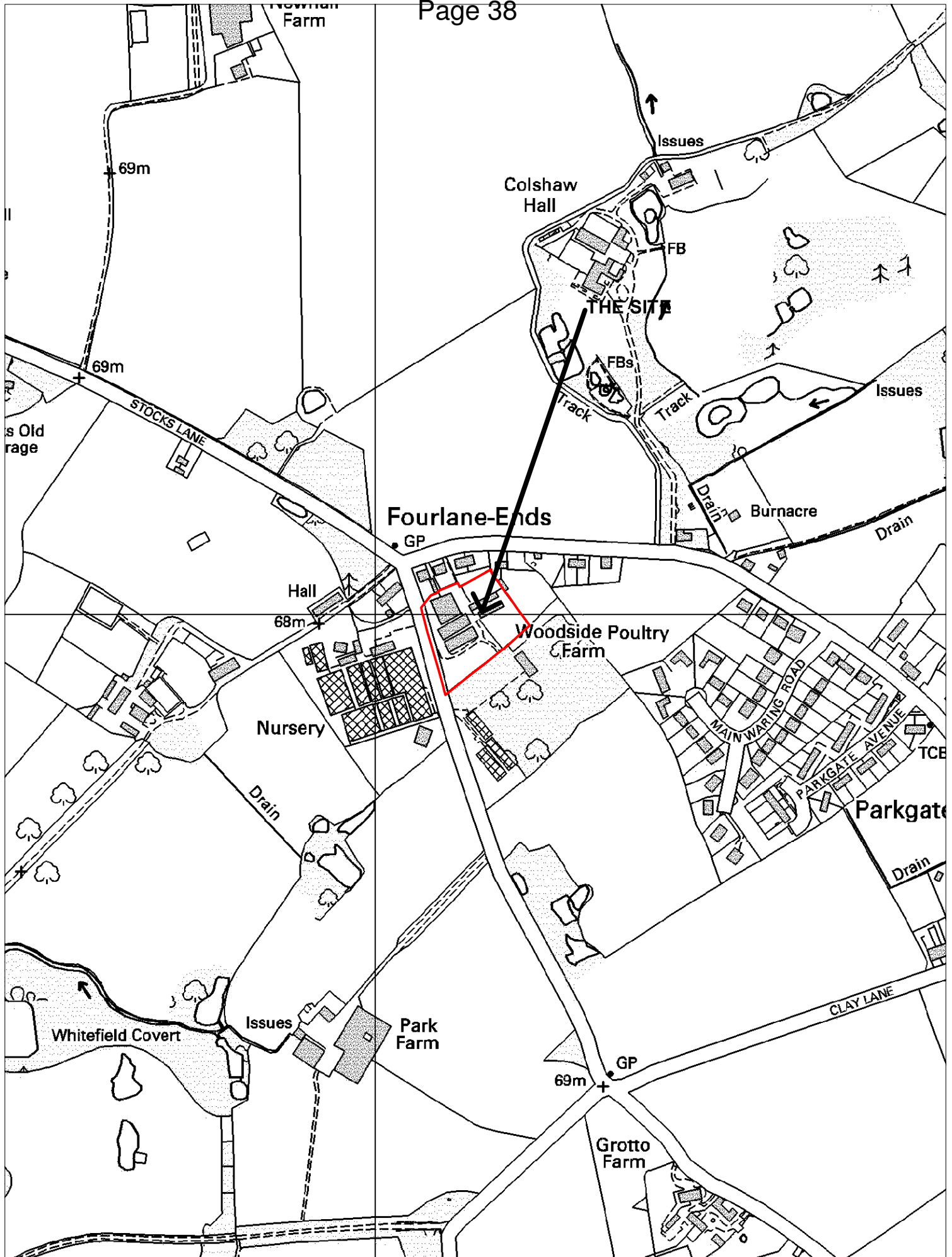
- dwellings will be retained as affordable housing in perpetuity and that occupation is restricted to those in genuine need who are employed locally or have local connection to the parish of Over Peover and then cascaded initially to adjoining parishes before being offered to residents of other areas of the Borough (it is likely that this would

initially be Bucklow Ward, then former MBC, then wider CEC though the final details of this is to be agreed in consultation with Plus Dane Housing and the Parish Council).

- provision of off site ecological works and habitat management plan
- commuted sum of £45,000 to be paid to the Council to make additions, enhancements and improvements to the Local Parish play facility in Over Peover

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that the principle of rural affordable housing in this location is acceptable and is supported by local and national policies. The specific proposal for 15 dwellings in Over Peover on the site of a former poultry farm is acceptable and it is considered that there is sufficient evidence to demonstrate that a need exists in this location for at least 15 dwellings. The siting, layout and design of the scheme is considered acceptable as are the access and parking arrangements. It is not considered that the proposal would result in any significant adverse impact on the amenity of nearby residents, on existing trees on the site or on protected species. There are no other material planning considerations that would warrant the refusal of the application which for the reasons outlined within the report, is considered acceptable subject to conditions and the prior completion of a S106 legal agreement.



WOODSIDE POULTRY FARM, STOCKS LANE, OVER PEOVER, KN

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Scale 1:10000

Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A05EX - Details of materials to be submitted
4. A10EX - Rainwater goods
5. A12EX - Fenestration to be set behind reveals
6. A20EX - Submission of details of windows/doors including materials and finish
7. A01GR - Removal of permitted development rights
8. A07GR - No windows to be inserted
9. A22GR - Protection from noise during construction (hours of construction)
10. A12HA - Closure of access
11. A07HA - No gates - new access
12. A01HP - Provision of car parking
13. A30HA - Protection of highway from mud and debris
14. A01LS - Landscaping - submission of details
15. A04LS - Landscaping (implementation)
16. A12LS - Landscaping to include details of boundary treatment
17. A04MC - Electromagnetic protection (Jodrell Bank)
18. A08MC - Lighting details to be approved
19. A17MC - Decontamination of land (Phase II Report required)
20. A19MC - Refuse storage facilities to be approved
21. A06NC - Protection for breeding birds
22. A01TR - Tree retention
23. A02TR - Tree protection
24. A05TR - Arboricultural method statement
25. Construction of new junction prior to construction of any other part of the development
26. Construction of highways (manual for streets layout)
27. Provision of Bat Loft
28. Provision of Barn Owl Nesting Boxes
29. Provision of facilities for breeding birds
30. Prior to the occupation of the dwellings, in the absence of a scheme for redevelopment, Building A shall be demolished

STRATEGIC PLANNING BOARD – 15 SEPTEMBER 2010

UPDATE TO AGENDA

APPLICATION NO: 10/0346M

LOCATION Woodside Poultry Farm, Stocks Lane, Over Peover

UPDATE PREPARED 13 September 2010

RELEVANT HISTORY

A planning application has now been received by the Council for the conversion of the building that it is proposed to retain on site. The application details are outlined below.

10/3506M

Conversion of Barn A into offices (Use Class B1) together with associated parking.

The application was received on 1 September. It has not yet been registered as it is currently being validated.

The submitted plans indicate that the area of land to the side of proposed dwelling 15 is proposed to be used as car parking in association with the proposed office use.

APPLICANTS SUBMISSION

Following the Committee site visit on 10 September 2010, the applicant's agent has confirmed that an existing Lime tree located to the rear of the site is to be retained. This matter would be controlled by the proposed tree protection condition.

OFFICER APPRAISAL

As there are no significant new issues that have arisen since the original report was drafted, the original recommendation of approval subject to a S106 and conditions remains.

APPENDIX TWO-MINUTE OF STRATEGIC PLANNING BOARD 15 SEPTEMBER 2010

40 10/0346M-ERECTION OF 15 NO. AFFORDABLE HOUSES, WOODSIDE POULTRY FARM, STOCKS LANE, OVER PEOVER, KNUTSFORD FOR DEAN JOHNSON FARMS LTD/ DANE HOUSING

(During consideration of the application Councillor B Livesley arrived to the meeting. In accordance with the Code of Conduct he did not take part in the debate nor vote on the application).

Consideration was given to the above application.

(Councillor A J Knowles, the Ward Councillor, Parish Councillor J Bennett, Chairman of Peover Superior Parish Council, Mr Nicholls, an objector and Mrs C Payne, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

A. That, minded to approve the application subject to the Heads of Terms and the Conditions listed in the Report (as varied at B below) but taking into account the Applicant's offer to submit amended plans repositioning plots 10-15 2m further away from the boundary, adjacent to Woodcroft and Woodside Cottage power be delegated to the Head of Planning & Housing, in consultation with the Chairman, to determine the application after expiry of the reconsultation period for the amended plans.

B. That condition 30 shall include implementation of a redevelopment scheme.

The conditions were agreed as follows:-

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A05EX - Details of materials to be submitted
4. A10EX - Rainwater goods
5. A12EX - Fenestration to be set behind reveals
6. A20EX - Submission of details of windows/doors including materials and finish
7. A01GR - Removal of permitted development rights
8. A07GR - No windows to be inserted
9. A22GR - Protection from noise during construction (hours of construction)
10. A12HA - Closure of access
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12. A01HP - Provision of car parking
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15. A04LS - Landscaping (implementation)
16. A12LS - Landscaping to include details of boundary treatment
17. A04MC - Electromagnetic protection (Jodrell Bank)
18. A08MC - Lighting details to be approved
19. A17MC - Decontamination of land (Phase II Report required)
20. A19MC - Refuse storage facilities to be approved
21. A06NC - Protection for breeding birds
22. A01TR - Tree retention
23. A02TR - Tree protection

24. A05TR - Arboricultural method statement
25. Construction of new junction prior to construction of any other part of the development
26. Construction of highways (manual for streets layout)
27. Provision of Bat Loft
28. Provision of Barn Owl Nesting Boxes
29. Provision of facilities for breeding birds
30. Prior to the occupation of the dwellings, in the absence of a scheme for redevelopment, Building A shall be demolished

Planning Reference No:	10/3955N
Application Address:	Tesco, Vernon Way, Crewe
Proposal:	Reserved Matters Application for Erection of Replacement Foodstore (A1 Retail) with Ancillary Café, Associated Parking, Highway Work and Landscaping.
Applicant:	Tesco Stores Ltd.
Application Type:	Reserved Matters
Grid Reference:	370800 355392
Ward:	Crewe East
Earliest Determination Date:	17 th November 2010
Expiry Dated:	10 th January 2010
Constraints:	Settlement Boundary

SUMMARY RECOMMENDATION:

- **APPROVE** subject to conditions

MAIN ISSUES:

- Principle
- Access.
- Layout
- Appearance and Scale
- Landscape

1. REASON FOR REFERRAL

The application has been referred to committee because it is a commercial building of over 1000 square metres in floor area.

2. DESCRIPTION OF SITE AND CONTEXT

The application relates to the existing Tesco store in Crewe, which is a single storey retail unit of red brick construction with a pitched and tiled mansard roof. The store occupies a 2.5ha site and was built in the early 1990's as a Safeway store and was taken over by Tesco in 2004. The store is situated to the rear of the site, with a large surface level car park in front and a petrol filling station (PFS) adjacent to the site entrance. The site is bounded to the east by the West Coast Main Line, to the west by Vernon Way and to the South by the Crewe Heritage Centre and Crewe to Chester Railway Line.

3. DETAILS OF PROPOSAL

Planning permission was granted on 2nd November 2009 for the demolition of the existing 2,740sq.m store and the erection for a replacement 5,500 sq.m store, which will be constructed over two levels. The permission was in outline,

with all matters reserved, although an indicative layout was provided with the application. This application seeks approval of all reserved matters, including access, appearance, landscaping layout and scale.

The existing PFS will be retained and integrated into the scheme.

4. RELEVANT HISTORY

7/13945	Use of Land as Heritage Centre – Approved 17 th February 1987
7/18292	Use of land as heritage centre. 45,000 sq/ft foodstore, associated car parking and petrol filling station. – Approved 15 th March 1990
P95/0582	Extension to form coffee shop and crèche. – Approved 24 th August 1995.
P05/0507	Single storey extension and alterations to service yard- Approved 9 th June 2005
09/2329N	Outline Planning Permission for Erection of a Replacement Foodstore (A1 retail) with Ancillary Café, Associated Parking, Highway Works and Landscaping – Approved 2 nd November 2009

5. POLICIES

North West of England Plan - Regional Spatial Strategy to 2011

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 W 1	Strengthening the Regional Economy
Policy W 5	Retail Development
Policy RT 1	Integrated Transport Networks
Policy RT 2	Managing Travel Demand
Policy RT 3	Public Transport Framework
Policy RT 9	Walking and Cycling
Policy EM9	Secondary and Recycled Aggregates
Policy EM 11	Waste Management Principles
Policy EM 12	Locational Principles
Policy EM 15	A Framework For Sustainable Energy In The North West
Policy EM 16	Energy Conservation & Efficiency
Policy EM 17	Renewable Energy
Policy EM18	Decentralised Energy Supply
Policy MCR 4	South Cheshire

Cheshire Replacement Waste Local Plan

Policy 11 (Development and Waste Recycling)

Borough of Crewe and Nantwich Replacement Local Plan 2011

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

TRAN.1 (Public Transport)

TRAN.3 (Pedestrians)

TRAN.4 (Access for the Disabled)

TRAN.5 (Provision for Cyclists)

TRAN.6 (Cycle Routes)

TRAN.9 (Car Parking Standards)

S.10 (Major Shopping Proposals)

S.12.2 (Mixed Use Regeneration Areas) Mill Street, Crewe

E.7 (Existing Employment Sites)

National policy

PPS 1: Delivering Sustainable Development

PPS 6: Planning for Town Centres

PPS 25: Development and Flood Risk

PPG 13: Transport

Department for Transport – Manual for Streets

Proposed Changes to PPS6: Planning for Town Centres – Consultation

6. CONSULTATIONS (External to Planning)

Highways Authority

- There is a signed 106 agreement for this development, which included all of the agreed highways improvements.
- No highways objections.

Sustrans

1. The site lies hemmed in by railway lines and a busy road, Vernon Way taking traffic around the town centre. Pedestrian access is limited currently to the pelican crossing and the rather unattractive route into the town centre, and the existing footways on Vernon Way. There are no pedestrian facilities on the Mill Street/Vernon Way roundabout which can be quite difficult to cross.
2. Cycle access is very poor currently, since Vernon Way carries a lot of traffic and is not wide enough for cycle lanes. The roundabout at Mill Street/Vernon Way is not easy to negotiate due to gradients; High Street is one-way only outbound, and the crossing on Vernon Way is a pelican only.

3. The site is being expanded to attract more custom and potentially more car journeys will result in a congested part of Crewe. Therefore, we would expect the developer to make a significant contribution to improve walking/cycling in the location. A range of measures discussed in the past with the council are:

- Vernon Way cycle tracks as long as they are constructed to a high standard on width, crossings etc
- High quality town centre access from the Tesco site and Mill Street for pedestrians and cyclists via the Sainsburys site, requiring a toucan crossing at a convenient location over Vernon Way.
- Contra-flow to be permitted on High Street
- These type of measures are also important to encourage pedestrian/cycle access to the adjacent Crewe Heritage Centre.
- Secure and convenient cycle parking is required for staff as well as customers

Environment Agency

Have no objection to the above reserved matters application and no further comments to add to their previous comments.

United Utilities

No objection to the proposal subject to the following:

- The applicant must demonstrate the current drainage system currently discharging in to the public sewerage system
- 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.

Environmental Health

Environmental Health have no objections to the proposal.

7. VIEWS OF THE PARISH / TOWN COUNCIL:

N/A

8. OTHER REPRESENTATIONS:

Sainsbury's

- Paragraph 5.2 of the Design and Access Statement states that the gross external floorspace of the proposed store is 9,767sq.m. rather than

8,231sq.m that was approved in the outline permission. This represents a 1,536sq.m. difference or 19% uplift in the gross floorspace which is considered to be materially different to that consent. In the light of this, it is, in their view questionable whether the current application can legitimately form a reserved matters submission to the outline consent, and consider that the Authority should give this matter due consideration prior to determination of the application.

- In the event that the reserved matters submission is found not to be consistent with the outline then either a new outline application is required or the current scheme should be submitted as a full application with all of the necessary supporting information.
- The Design and Access Statement states that the proposed net floorspace complies with the condition of the outline permission limit of 5,5500 sq.m. However it is not possible to determine that from the submitted first floor (trading level) plan which does not provide sufficient detail to confirm the position. It appears that the sales floor area exceeds that permitted when considered as a percentage of the claimed gross floor area, even when discounting the cafe and WC areas.
- In order to clarify the position, they suggest that the Council requires that the applicant provide evidence of the proposed net floorspace by the submission of clearly marked internal floor plans to an appropriate measured scale. They consider that this is necessary and given the issues of inaccurately built floorspace at the Tesco store in Stockport.
- The submitted plans illustrate a substation on the western side of the car park. This building was not included on the outline permission approved site plan and cannot therefore be included within the reserved matters application. A separate planning application is therefore required for this element of the proposal.
- Savell Bird and Axon highway consultants to Sainsbury's have undertaken a preliminary review of the Transport Assessment submitted with the outline application scheme and considered that in the context of the increase gross floorspace proposed in their reserved matters application. That exercise concludes that the replacement store as consented (gross floorspace of 8.231sq.m) will have a material impact on the operation of the Earle Street / Vernon Way roundabout during the weekday pm and Saturday peak, hours, particularly increasing queuing on the Earle Street east arm. (It is their view that the highways impact of the larger store should, therefore be fully assessed by the Council Highways Officer prior to the determination of the current application)

9. APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement

This document provides an explanatory design and access commentary on the application for reserved matters submitted pursuant to Condition 1 of planning

permission 09/2329N. The detailed drawings prepared by Saunders Partnership Architects and Charnwood Landscape Design which accompany the submission address the reserved matters of access, appearance, landscaping, layout and scale, and indicate a high quality development which incorporates an innovative mix of environmentally friendly design, materials and technology in response to the aims of Tesco's Climate Change Programme.

Response to Sainsbury's Letter

Gross Floorspace

The difference in the gross floorspace referenced in the outline planning submission (ref. 09/2339N) and the application for the approval of reserved matters (ref. 10/3955N) is accounted for by the floorspace created by the atrium and means of escape at ground floor and first floor levels (i.e. void or stair/elevator areas necessary to accommodate an elevated store development above car parking). The size and position of the building indicated on the site plans submitted with the application for approval of reserved matters (ref. 6457 P04 Rev C and 6457 P05 Rev C) is the same as that shown on the drawings approved under the outline planning permission (ref. 6457 PL02 and 6457 PL03), i.e. there is no actual increase in the floorspace of the building above that which is indicated in the drawings approved under the outline planning permission.

Although a gross floorspace figure of 8,231 sq m was referred to in the planning application forms, Design & Access Statement and other documents accompanying the outline planning application, the 'increase' in floorspace attributable to the atrium and means of escape at ground floor and first floor levels does not affect the conclusions of the Retail Assessment (which is based on net sales floorspace) or the Transport Assessment (see below).

Significantly, Condition 3 of the outline planning permission states that *"the development hereby approved shall be carried out in accordance with the approved plans 6457 PL03 and PL02 unless the Local Planning Authority gives written consent to any variation"*. The outline planning permission therefore specifically includes a condition which requires development (and subsequent reserved matters approvals) to be in accordance with the drawings submitted at the outline stage. The outline planning permission does not contain a condition which restricts the overall gross external floorspace, nor is the gross external floorspace referred to in the description of development. As we have set out above, the reserved matters submission is consistent with the plans approved under the outline planning permission and therefore meets the requirements of Condition 3.

Net Floorspace

The reserved matters scheme for the store complies with Condition 21 of the outline planning permission which states that the overall net sales floorspace should not exceed 5,500 sq.m. The area dedicated to the sale of comparison goods is less than the 2,200 sq. m permitted by Condition 18. Sainsbury's are

therefore incorrect in their assertion that the sales floorspace indicated on the drawings submitted with the application for the approval of reserved matters exceeds that permitted under the outline planning permission.

Electricity Sub-station

An electricity sub-station to the rear of the replacement store is clearly indicated on drawing ref. 6457 PL02 (Proposed Site Plan – Ground Level), which was submitted with, and approved under the outline planning permission for the replacement store (ref. 09/2329N). However, due to Tesco's operational requirements it has been necessary to relocate the proposed sub-station to the west of the site for the purposes of the reserved matters submission. As the sub-station was part of the scheme approved under the outline planning permission, it is wholly appropriate to include it in the reserved matters submission. No condition was attached to the outline planning permission requiring the sub-station to be located in a specific position on the site. Therefore, there is no requirement to submit a separate planning application as suggested by Sainsbury's.

Impact on Local Highway Network

We have sought advice from Tesco's highway consultant, Mouchel, on this point who has confirmed that the TRICS (Trip Rate Information Computer System) database was interrogated to find trip rates for the proposed replacement foodstore. These trip rates are based on comparable foodstore sites which are all at-grade, i.e. the store and car park are all at the same level. These sites do not have an entrance atrium or other vertical circulation facilities, and the only reason that the proposed replacement store at Crewe has these is to provide customer access between the car park and the store. The atrium floorspace and means of escape are not considered to generate trips on their own right and are therefore usually excluded from the trip generation calculations.

A full Transport Assessment was submitted in accompaniment with outline planning application 09/2329N. This assessment was accepted by Highways Officers of Cheshire East Council, subject to a contribution to pedestrian and cycle links with and within Crewe town centre, which has been secured through a Section 106 Agreement. On this basis, there is no requirement to further consider the highway impact of the proposed store.

10. OFFICER APPRAISAL

Acceptability in Principle

The site is located outside, but adjacent to, the Crewe Town Centre Boundary. However, the acceptability in principle for the demolition of the existing 2,740sq.m store and the erection for a replacement 5,500 sq.m store was established by the previous outline permission. Consequently, the impact of the development on the vitality and viability of the town centre has already been carefully assessed and found to be acceptable.

Sainsbury's have argued that the reserved matters application does not comply with the terms of the outline permission because the design and access statement submitted with the reserved matters makes reference to a gross external floorspace of 9,767sq.m., whereas, the supporting documentation submitted at the outline stage referred to a gross floor area of 8,231sq.m.

The reason for the discrepancy is that, in preparing the supporting documentation for the outline planning application, Tesco neglected to include within the floorspace calculations, the atrium and emergency staircases.

Notwithstanding this inconsistency, it is considered that the store, as now shown on the current drawings, can fall within the parameters of the outline consent for the following reasons. Firstly, matters of scale, design and layout were reserved and did not form part of the outline approval. Secondly, there was no reference to gross floor area in the description of development on the outline consent. Thirdly, there were no conditions applied to the outline consent limiting gross floor area. The only floor area restrictions were conditions limiting the overall net sales floorspace to 5,500 sq.m net sales and the area used for the sale of comparison goods to 2,200 sq m. The reserved matters application complies with these restrictions.

Sainsbury's have claimed that the sales floor area exceeds that permitted when considered as a percentage of the claimed gross floor area, even when discounting the cafe and WC areas. However, given that the sales floor restrictions are based on specific areas, rather than percentages, there is no conflict with the terms of the outline consent. For the avoidance of doubt, Sainsbury's have agreed to submit a more detailed floor plan to show clearly the area of net retail floor space and areas proposed for comparison and convenience goods.

Consequently, the principle of the development has already been established and this application does not present an opportunity to re-examine those issues. The main issues in the consideration of the reserved matters, therefore, are the acceptability of the proposed access, layout of the site, the scale and appearance of the building and the landscaping.

Access

It is important to ensure that adequate parking and servicing facilities are available within the site and that a safe access can be achieved into and out of the site which does not result in an unacceptable level of congestion or queuing at any of the existing roundabouts. The impact of the additional traffic generated on the wider highway network must also be taken into account.

The traffic impact generated by the additional floorspace was considered, along with the other matters relating to the principle of the development at the outline stage. A full Traffic Impact Assessment was undertaken and a package of mitigation measures including off-site highway works and a £50,000 contribution to cycling infrastructure within the town centre was secured. Therefore, this

application does not present an opportunity to re-open issues relating to traffic generation.

However, as access was a reserved matter, the detail of the point of access, internal site layout, parking and servicing provision are relevant.

The access point will be the same as that utilised by the existing store from the roundabout on Vernon Way. This is a well constructed junction and at the time of the outline application it was considered that it was of sufficient capacity to serve both the new Tesco development and the proposed Sainsbury's store.

479 parking spaces are to be provided underneath the new Tesco store, along with disabled spaces, parent and child spaces and a drop-off zone to the front. Provision is also to be made for cycle parking.

A decked service yard is to be constructed to the rear of the store, with access via a ramp from a service road to the side of the store, which will also provide access to the railway heritage centre.

Whilst the comments of Sainsbury's highway consultants, about the up-lift in gross floorspace, referred to above are noted, given that the increase relates to stairwells and non-retail areas, it is not considered that there would be any increase in traffic generation as a result of the amendment. In the absence of any objection from the Strategic Highways Manager, it is not considered that a refusal on access grounds could be sustained.

Layout

The existing store is set back from the Vernon Way frontage, and is separated from it by a large surface carpark. Consequently, there is no active frontage to this part of Vernon Way and the street scene is dominated by an expanse of parked cars and hard surfacing. The carpark also provides a significant barrier to pedestrians wishing to access the site from either the footway along Vernon Way or the town centre.

The proposed building, by contrast will be sited much closer to Vernon Way, helping to provide a sense of enclosure to the street and a more active frontage as a result of the glazed atrium. The store has been orientated in such a way that the main entrance to the building is at the closest point to the Vernon Way boundary and immediately adjacent to the pedestrian crossing giving access to the town centre. This is a considerable improvement over the existing arrangement.

Although the decked service yard is a more undesirable feature in design terms, it will be concealed to the rear of the building and will only be visible from the heritage centre, and the railway line. In this location it will be viewed in the context of railway infrastructure, which is industrial in nature. Furthermore screen planting is proposed to the boundaries and is therefore considered to be acceptable.

In terms of ancillary development within the site, the existing petrol filling station will remain. The existing recycling centre will be relocated, to a new position, close to the store entrance, where its visual impact will be no greater than in its existing location, which is also close to the site frontage. An electricity sub station is proposed in the south west corner of the site. Sainsbury's have argued that because this was not mentioned in the outline planning approval, a separate full planning application is required. However, it is considered that this is ancillary to the supermarket, similar to other features on the site, (such as the recycling centre and other plant within the service yard to the rear,) which, although not mentioned by name within the description on the outline permission are to be expected with a development of this nature.

The substation is in a concealed location in the corner of the site, where it is bounded by the carpark to the north and east, the railway to the south and is surrounded by dense tree planting and landscaping the west. It will therefore have minimal visual impact. However, whilst elevational drawings have been provided of the recycling centre, no elevational details of the substation have been provided. It is therefore recommended that these are secured by condition.

Given the town centre location and the nature of the surrounding land-uses, which are predominantly associated with commercial and retail activity, this impact on neighbour amenity is not considered to be a significant issue in this case

Appearance & Scale

Due to its very large scale and prominent location, the proposed building will have a significant visual impact on the immediate area and the character of the town centre as a whole.

The new store is essentially a rectangular, flat roofed structure, with a decked service yard to the rear, and projecting stair towers to the sides. The front elevation is to be finished predominantly in glazing, whilst the rear elevation is finished predominantly oyster coloured cladding panels. The side elevations are a combination of the two materials. The design relies on the use of panels of timber cladding and white render as well as the addition of a glazed atrium, (also with an oversailing canopy roof), to the front of the building, facing the road, to break down its massing and add visual interest.

Whilst it could be argued that architecturally, it is uninspiring, it does reflect the current Tesco corporate image and general practice in supermarket design at the present time. Although it does little to enhance local distinctiveness, contemporary retail architecture of this type is to be expected in modern town and city centres and as further regeneration and redevelopment takes place within Crewe town centre, it will almost certainly appear more in keeping. In particular the approved Sainsbury's store which will be constructed on the opposite side of Vernon Way is similar in terms of overall form and massing and incorporates many similar features including the glazed atrium giving access to the first floor retail area, the ground level under-croft parking and the decked service area.

Landscape

There is a significant amount of existing well-established landscaping around the site perimeter. It will be important to ensure that as much of this as possible is retained and integrated into the development to soften the impact of this large new building. The retention of the semi-mature trees along the Vernon Way frontage will be particularly important to screen the undercroft parking and unslightly service area and rear elevation to the petrol station.

This has been achieved within the submitted design, the building is set back sufficiently from the frontage to avoid adverse impact on the trees, and the extent of the hard surfacing forming the access road, will not extend beyond that of the existing car park. Furthermore, no changes are proposed to the layout of the main vehicle access or petrol filling station. Therefore, subject to appropriate tree protection conditions, there will be no adverse impact on exiting access. The majority of the site will be taken up by the proposed building, and therefore opportunities for new planting with the development are limited. However, areas of new planting are proposed around the substation, in the area in front of the recycling centre, adjacent to the service road to the north eastern side and on the boundary with the heritage centre to the south east. No details of species, spacing's, height on planting etc. have been provided and it is therefore recommended that conditions are imposed requiring these details to be submitted and approved.

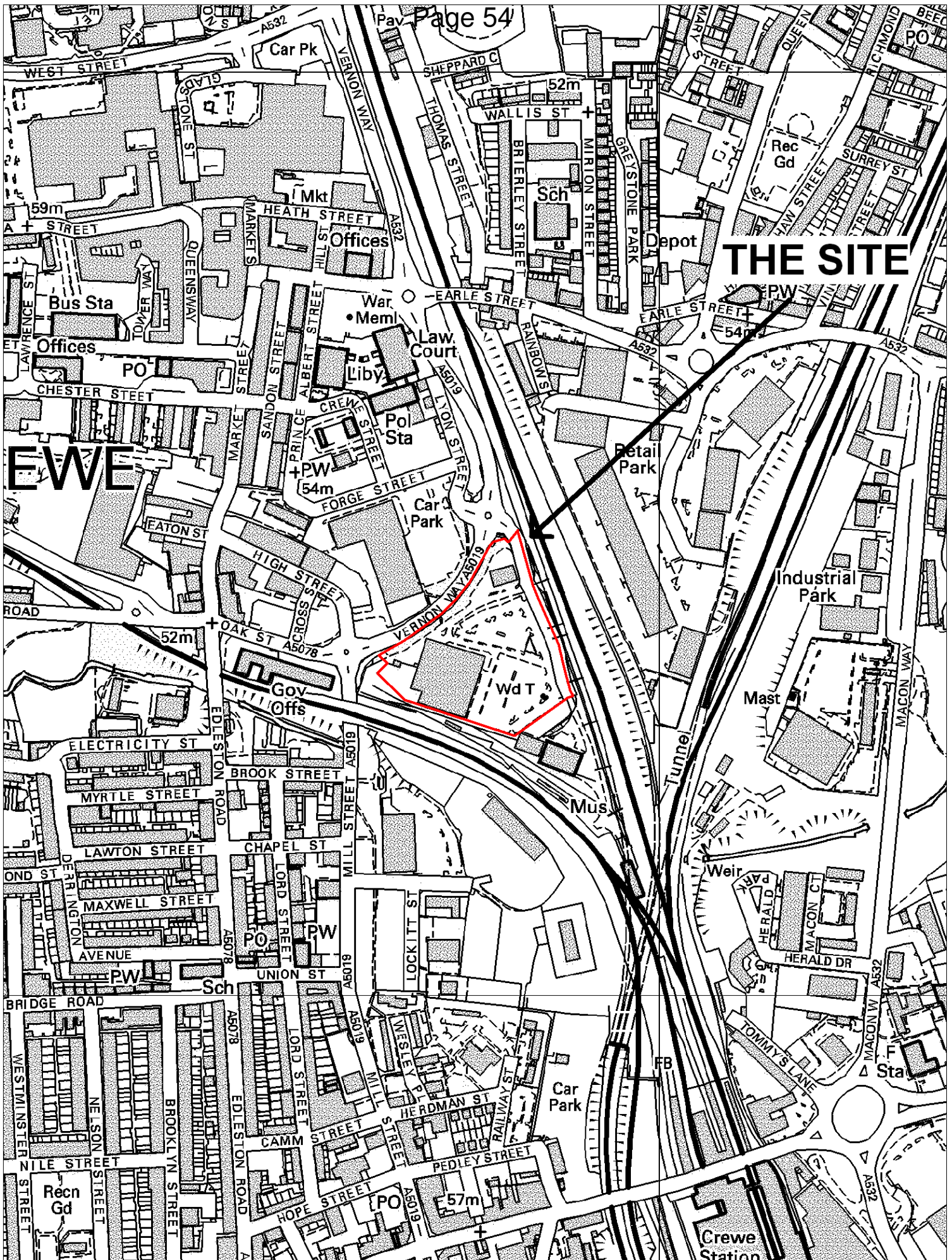
10. CONCLUSION

For the reasons given above, and having due regard to all other matters raised, it is considered that the access, appearance, landscaping, layout and scale of the proposed store are acceptable and in compliance with the relevant Development Plan policies, and in the absence of any other material considerations, it is recommended for approval subject to conditions as set out below.

11. RECOMMENDATIONS

APPROVE subject to conditions

- 1. Plans**
- 2. Scheme of tree protection**
- 3. Implementation of tree protection**
- 4. Scheme of landscaping**
- 5. Implementation of landscaping**
- 6. Elevational details of substation to be submitted and approved**



TESCO SUPERSTORE VERNON WAY CREWE

N.G.R; 370.810 - 355.380

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Scale 1:10000

Planning Reference No:	10/2984W
Application Address:	Whittakers Green Farm, Pewit Lane, Bridgemere, CW5 7PP
Proposal:	Application for the removal of conditions attached to previous consents prohibiting the export of compost from the site. Planning Condition 11 of 7/P04/0124 and Condition 7 on permissions 7/2006/CCC/11, 7/2007/CCC/7 and 7/2009/CCC/1
Applicant:	Mr Rushton
Application Type:	Major Waste – Section 73 application
Grid Reference:	369055 345426
Ward:	Doddington
Earliest Determination Date:	13 th September 2010
Expiry Dated:	3 rd November 2010
Date of Officer's Site Visit:	
Date Report Prepared:	
Constraints:	Wind Turbine Consultation Area

SUMMARY RECOMMENDATION:

To instruct officers to contest an appeal against the non-determination of the application.

MAIN ISSUES:

Nature of application

Traffic impact

Potential environmental impact and its assessment

Assessment of suitability in comparison to preferred sites.

REASON FOR REPORT AND NATURE OF APPLICATION

Due to the site area, this application is considered to be a major waste application and should therefore be determined by the Strategic Planning Board in accordance with the established terms of reference.

The applicant has appealed against the non-determination of this application. The decision has therefore been taken from the Board and will be made by the Planning Inspectorate. This report seeks from the Board, an indication of how it would have determined the application, thereby establishing the Council's position at the forthcoming appeal.

DESCRIPTION OF SITE

The application site is an existing green waste composting facility, located within the open countryside, approximately 8.5 miles south east of Nantwich and a kilometre south of Hunsterson. The surrounding countryside is slightly undulating, divided into medium sized fields utilised for arable production. There are a number of isolated properties and farm units widely spaced surrounding the compost site. The nearest residential property, Fox Moss, is 230 metres to the north east of the site, with Pewit

House a further 200 metres away to the north east. The Uplands lies 440 metres and Whittakers Green Farm is located 470 metres to the north of the application site. Woodend is 350 metres to the east of the site, and Woodfall Hall Farm is 670 metres to the south west.

The site has a weighbridge and small office and on-site facility building at its entrance. The reception of waste, shredding, composting and storage takes place upon a large sealed concrete pad. Hunsterson Footpath No. 22 lies immediately on the eastern and southern boundary of the compost site.

SITE HISTORY

The site has been operational for approximately five years. The original application (7/P04/0124) was granted for the use of the land for the composting of green waste on 11th August 2004. The permission enabled the applicant to produce compost for use as a soil improver to assist the farm to become organic. The compost is produced as a soil improver and for sole use on the applicant's farm and cannot be exported. This was controlled by condition.

The conditions on all the permissions relating to the composting site state: *No compost shall be exported from the area edged in blue*. The area edged blue is the farm holding. It is very clear therefore that the site is an on-farm composting facility.

Application 7/2006/CCC/11 to vary condition 13 of permission 7/P04/0124 to allow the importation of green waste on Bank Holidays except for Christmas was approved on 6th December 2006. The conditions attached to the initial permission, with the exception of pre-commencement conditions which had been satisfied, were replicated within this consent.

Application 7/2007/CCC/7 to provide an extension to the existing green waste composting facility, doubling the size of the concrete storage pad, was approved on 25th June 2007. Previous conditions were again replicated.

Application 7/2008/CCC/7 to create a new access off Bridgemere Lane and track to join up to existing tracks at Whittaker's Green Farm, and thereby the compost site (and hence avoid the use of Pewits Lane), was approved 30th March 2009, subject to a legal agreement regarding routing.

Application 7/2008/CCC/9 for a variation of Condition 14 of permission 7/P04/0124 to increase the green waste vehicle movements from 10 movements to 40 a day was refused permission 7th July 2008.

The decision to refuse was appealed (Appeal ref: APP/A0645/A/08/2080691) and the appeal was dismissed on 27th October 2008. The reasons for the appeal dismissal were that the increase in vehicle movement would generate a level of traffic which would be unsuitable on the local highway network and which would harm the safe movement of traffic on the local roads, and it would also have an unacceptable impact on local communities and the local environment with regards to increased noise and disturbance contrary to Policy 28 of the WLP.

Application 7/2009/CCC/1 was a resubmission to vary Condition 14 of permission 7/P04/0124 to increase the number of vehicle movements, differing from the previously appealed and refused application by including seasonal variations in maximum vehicle movements, but less vehicles than the refused application, and included restricted hours of delivery to avoid school delivery and pick-up times and to encourage an alternative route. The application was approved 11th March 2009.

Application 09/1624W was a retrospective application for the improvement and extension of an existing agricultural track for use in association with agricultural and green waste compost operations at Foxes Bank and Whittakers Green Farm. This permission regularised development that took place to extend the track approved by 7/2008/CCC/7 and to join existing tracks. The application was approved on 21st October 2009.

Applications 10/1005N and 10/2251N, for a revision to the definition of waste allowed on the site and allowance for a quantity of contaminated waste to be imported were refused permission on 12th November 2010. Both of these decisions have now been appealed and have reference numbers APP/R/0660/C/09/2140836 and 2141878 respectively.

Application 10/4485N was registered on 19th November and seeks to amend the hours of working back to a position prior to the increase in numbers permitted by 7/2009/CCC/1. This application will be brought to the attention of the Board at a future meeting.

Enforcement Appeal; APP/Z0645/C/09/2098882

An enforcement notice was served by Cheshire County Council on 30 January 2009, alleging that without planning permission, an unauthorised change of use had occurred in that an unauthorised Waste Transfer Station was being operated on the land in addition to the permitted green garden waste composting activities. Despite the condition limiting the import of waste to 'green' garden wastes, it was apparent a considerable proportion of mixed waste was being brought onto the site.

The operator appealed against this enforcement notice and following a hearing, the appeal was dismissed but time periods for compliance were extended in a decision letter dated 7th October 2009.

The appellant then appealed against the above appeal decision at the High Court on 2 November 2009. Part of that appeal was allowed, as the High Court Judge considered that the Inspector had failed to give any or any adequate reasons for her conclusion that a material change had occurred.

For this reason, the Inspector's decision is not allowed to stand and the decision has to be returned to the Secretary of State. As such, the court has ordered that the appeal should be decided again. This does not necessarily mean that the original decision will be reversed. The current situation is that the decision is open for re-determination under Rule 17 of the Town and Country Planning (Enforcement (Hearing Procedures) England). This appeal is now scheduled for a Hearing on 1st February 2011.

DETAILS OF PROPOSAL

The applicant has applied to remove condition 11 of 7/P04/0124 and conditions 7 of planning permissions 7/2006/CCC/11, 7/2007/CCC/7 and 7/2009/CCC/1. All state;

No compost shall be exported from the area edged in blue..... The area edged blue is the farm holding.

The reasons for the conditions are to control the scale of the development, in the interests of residential amenity and to comply with Policy R7 of the Cheshire Replacement Structure Plan, Policies 7 and 12 of the Cheshire Replacement Waste Local Plan, Policy BE1 of the Crewe and Nantwich Replacement Local Plan and Policy DP 7 of the RSS.

These policies seek to protect amenity, promote environmental quality, control the impact of development and ensure correct location of facilities.

The effect of this application would be to allow the export of compost from the site.

POLICIES

The Development Plan comprises of The Cheshire Replacement Waste Local Plan 2007 (CRWLP) and The Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 (CNLP). The Regional Spatial Strategy (RSS) has also been considered as it is despite Government intention to abolish it, still at this time part of the Development Plan.

The relevant Development Plan Policies are:

Cheshire Replacement Waste Local Plan (CRWLP)

- Policy 1: 'Sustainable Waste Management'
- Policy 7: 'Sites for Open Air Windrow Composting Facilities'
- Policy 12: 'Impact of Development Proposals'
- Policy 14: 'Landscape'
- 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 28: 'Highways'

Borough of Crewe and Nantwich Adopted Local Plan 2011

BE.1 Amenity

BE.4: Drainage, Utilities and Resources

NE.2 Open Countryside

NE.5 Nature Conservation and Habitats

NE.9 Protected Species

NE.12 Agricultural Land Quality

NE.17: Pollution Control

RT.9: Footpaths and Bridal ways

Regional Spatial Strategy

EM10: A Regional Approach to Waste Management

DP 7 Promote Environmental Quality

Other Material Considerations

Waste Strategy (2007)

National Planning Policy and Guidance

PPS 1: Delivering Sustainable Development

PPS 7: Sustainable Development in Rural Areas

PPS 9: Biodiversity and Geological Conservation

PPS 10: Planning for Sustainable Waste Management

PPS 23: Planning and Pollution Control

PPG 24: Planning and Noise

CONSULTATIONS (External to Planning)

The Strategic Highways and Transport Manager has not raised objections on the grounds that there will be no increase in vehicular movements beyond that approved.

The Borough Council's Environmental Health Officer considers that, regardless of limits on vehicle movements, there is a potential to increase impacts on the environment. He notes that no consideration has been given to the noise, odour and air quality (bio-aerosols) impacts of the proposal and that these need to be adequately assessed. On current information, he considers he is unable to recommend approval.

The Public Rights of Way Unit does not object to the proposal. The property is adjacent to Public Footpath Hunsterson No. 22 as recorded on the Definitive Map. It appears unlikely that the proposal would interfere with the public right of way. However, should planning permission be granted, the Public Right of Way Unit requests an informative to be attached to any decision notice, listing the developers' obligations with regards to the public footpath.

The Environment Agency whilst having no objection to the export of compost, they note that only those green wastes collected and delivered to the site by Cheshire East Council has reached PAS 100 standard. They also note more recent improvements in quality. If non PAS 100 compost is removed from site it will still be classed as a waste and the relevant exemptions will be required at the site.

VIEWS OF THE PARISH / TOWN COUNCIL

Doddington and District Parish Council objects to the application due to the damage it would inflict on the local environment and the hazards caused by heavy vehicles on narrow country lanes used by children walking to school, ramblers, cyclists and horse riders. They point out that the size of lorries will increase making the roads less safe.

Hatherton and Walgherton Parish Council objects to the application due to the increase in activity the proposal would bring and the impact on local roads which are not suitable for the size and quantity of vehicles visiting the site. They point out that the original intention of the applicant was to import green waste being garden, park and roadside tree trimmings with a maximum annual tonnage of 10,000 tonnes and on average 4 vehicles a day. The current application now wishes to fundamentally change the nature of the development with consequent adverse impact on the local environment and populous.

OTHER REPRESENTATIONS

The **Campaign to Protect Rural England** objects to the proposal. They state they had concerns regarding the initial application in such a rural area and have since seen a series of applications aimed at intensifying the scale of the operation. They consider no further concessions should be granted as the area and roads are

inappropriate for the scale of development likely to develop. They also have concerns about how the contaminated compost would be disposed of.

A total of 36 individually written letters of objection have been received including letters from the Headteachers of both Stapeley Broad Lane Primary School and Bridgemere CE Primary School. A petition signed by 54 local residents has been received expressing concerns towards this application.

The main issues which are raised include:

- The existing consent is for an on-farm composting facility. This proposal will change the scale and nature of the operation and result in an industrial and commercial use.
- Such a facility is not suitable for a rural tranquil area. It will change the character of the area and should be located on an industrial site.
- This is not a preferred site as identified by the Waste Local Plan.
- There is no need for the level of composting likely, the material being brought in is coming from outside the County, particularly Blackpool, making this a dumping ground for other areas waste.
- There will be increased activity on site, leading to disturbance within a peaceful rural area, including noise, smell, dust and pollution.
- Local roads are not suitable for the traffic.
- There will be more HGV's and larger vehicles.
- There is already damage to verges, road surfaces and hedges.
- There are fears over road safety, particularly near schools where the lack of pavements, on road parking and attempts to encourage children and parents to walk to school will lead to accidents.
- Traffic already ignores opening times and conflicts with school traffic, despite earlier assurances.
- More and larger vehicles will be more intimidating.
- This is part of a long term plan to introduce an industrial operation. It will lead to further development and to further commercialise the site with other development like bagging and on site sales being difficult to resist.
- The Environment Agency acknowledge contaminated wastes are brought onto the site and mixed into the compost, that compost to be removed will be classified as waste and potentially spread elsewhere.
- The export of compost is not essential for agriculture
- The same vehicles would not be used to import and export material due to cross contamination
- The site has a history of planning breaches. It would be impossible to monitor and police and there is no confidence the site would be operated correctly
- Decision on this application is premature bearing in mind the other outstanding appeals

APPLICANT'S SUPPORTING INFORMATION

A Supporting Planning Statement dated August 2010 accompanies the application.

OFFICER APPRAISAL

The original application, reference 7/P04/0124 was submitted to Cheshire County Council on 30th January 2004, the proposed development was described as Green Waste Composting and a quantity of up to 10,000 tonnes a year was applied for. The applicant clarified by letter dated 16th March 2004 that the compost was to be used on the farm to help obtain organic status.

Planning permission was granted on 11th August 2004, subject to conditions that required the development to be carried out in accordance with the submitted documents unless modified by further condition. Whilst it was stated within the approved documents that the compost would be used on the farm, a specific condition was also applied stating;

No compost shall be exported from the area edged blue on plan 9. This area was the farm unit.

Therefore, it is very clear that the permission is for an on-farm composting site.

The site has been the subject of several previous applications as noted within the site history section. The above condition has been replicated on each of the relevant permissions. The stated reasons for the conditions are to control the scale of the development, in the interests of residential amenity.

This application has been made under Section 73 of the Town and Country Planning Act 1990 and is seeking to remove the above condition. The affect of removing the condition would be to allow compost to be removed from site. This would result in a fundamental change to the nature of the development, as the condition ensures this is an on-farm composting facility. Without it, the site can and will become a commercial composting venture which is not what was originally applied for. It is considered that such a fundamental change to the nature of the development cannot be made under Section 73 and that a full planning application is necessary. The applicant has declined to put in a full application and requested the Section 73 application be determined. On the above basis alone it is considered the application should be refused.

However, should the planning inspectorate consider the application is valid, the Board are requested to consider how they would have determined a valid application.

Traffic

The original restriction of 10 movements a day was amended by permission 7/2009/CCC/1 which limits traffic movements to a maximum of 40 vehicle movements a day (20 in 20 out) during summer months and 32 (16 in 16 out) during the winter. The applicant states that these figures will not be increased should the export of compost be allowed and has not applied to increase them.

There have been a large numbers of objections bearing in mind the rural nature of the area. Most objectors have serious concerns over the quantity and size of

vehicles using the site at present and the likelihood that allowing the export of compost would increase vehicle movements and the size of vehicles. Whilst vehicle numbers are controlled by condition (which can be monitored and enforced), it is considered that the mix of sizes visiting the site is likely to change. At present vehicles vary from small landscape contractors delivering small quantities of material in pick up's and trailers, to large HGV's originating from transfer and bulking stations. Residents fear that the small local deliveries will be halted in order to maximise input and export through the utilisation of large HGV's alone. Such vehicles, it is said, would have an unacceptable impact on the rural roads around the area and be particularly dangerous and intimidating in the locality of schools. Residents also consider there is damage to verges and hedges caused by existing HGV's visiting the site and this would increase.

Residents have also expressed a concern that should the export of compost be allowed, the site would become more commercial over time and seek expansion of the quantity of material produced and also the nature of it. They consider the bagging of compost, development of buildings and introduction of on-site sales would be the next step and that this would be difficult to oppose. Such developments would impact on the site and lead to yet further traffic impact. Whilst there is some logic to this argument, further development would need to be subject to planning permission that would be determined on its merits, albeit considered in relation to a commercial composting facility.

The Highway Engineer has not raised objection to the proposal on the basis that the local road system can accommodate the existing daily total of 20 in and 20 out and this would not alter. However, local residents concerns, particularly those relating to fear and intimidation of increased heavy vehicles on rural roads and in proximity to schools, extend beyond the physical ability of the roads to take the number of vehicles anticipated. They also point to a previous planning appeal (APP/A0645/A/08/2080691) that considered such movements unacceptable.

Planning Policy

The Cheshire Replacement Waste Local Plan was adopted in 2007. Policy 7 relates to Sites for open air windrow composting facilities. The policy firstly directs such development to preferred sites that have been identified within the plan and states that sites not shown as preferred sites will not be permitted unless it can be demonstrated that, the preferred sites are no longer available or are less suitable for the proposed development. Whittakers Green Farm is not identified as a preferred site, nor has the applicant demonstrated that preferred sites are no longer available or that this site is more suitable than them. Secondly, that the proposal would meet a requirement not provided for by the preferred sites. The applicant has not demonstrated this and would have been requested to submit further information had the application not been appealed. The application as it currently stands is therefore contrary to policy 7 and should not be approved.

Whilst it could be argued that the site already has the benefit of planning permission for the composting of green waste, as noted above this permission relates only to on-farm composting and not the commercial composting now being applied for by removal of the control on compost exporting.

Environmental Impact

The removal of the existing condition prohibiting the export of compost from the site is likely to result in an increase in waste being brought onto the site and composted since in addition to the existing permissions primary purpose to spread the compost within the farm, additional compost will be sold and taken from site. Additional activity on site would increase the level of noise, dust, litter, odour and emissions of bio-aerosols and potentially adversely impact on residential amenity. The nearest property is 230 metres from the site boundary. The Environmental Health Officer considers the application has not been adequately supported by information to assess the likely impacts and therefore at this time cannot recommend approval. Again, had the application not been appealed, this information would have been requested.

The increased impact that is considered would arise should the 'no export' condition be removed, is contrary to the reasons on the original condition to control the scale of the development, in the interests of residential amenity.

Quantity

The applicant has declined to state the quantity of waste he expects to treat on site, relying on his existing vehicle limits. The current limit of 40 movements (20 in and 20 out) a day in summer and 32 movements (16 in 16 out) in winter could result in total waste imports of over 50,000 tonnes a year. This is somewhat over the originally quoted annual tonnage of under 10,000 tonnes which was assessed. The environmental impacts of such increases are not considered acceptable.

Should it be considered that export of compost from the site is acceptable, then it is recommended that a finite annual quantity of imports should be set so that impacts can be adequately assessed and thereafter monitored and enforced if necessary. The original annual tonnage applied for was 10,000 tonnes.

CONCLUSIONS

This application has been appealed on non-determination grounds. The decision on it will therefore be determined by the Planning Inspectorate at a time yet to be confirmed. The Board are therefore being requested to indicate what their view would have been had it come before it and to establish what the Council's position is to be at the appeal.

The application was submitted under Section 73 of the Town and Country Planning Act 1990 and is for the removal of a condition on four previous permissions. That condition stated there should be no export of compost from the farm. It was applied to control the scale of operations and protect residential amenity. The condition limits activity to on-farm composting where all product is spread over the farm unit. Its removal would enable compost to be exported from the site and would turn the

development into a commercial activity. It is considered that the removal of the condition would be a fundamental change to the character of the development and that consequently this application is not suitable to be determined under Section 73.

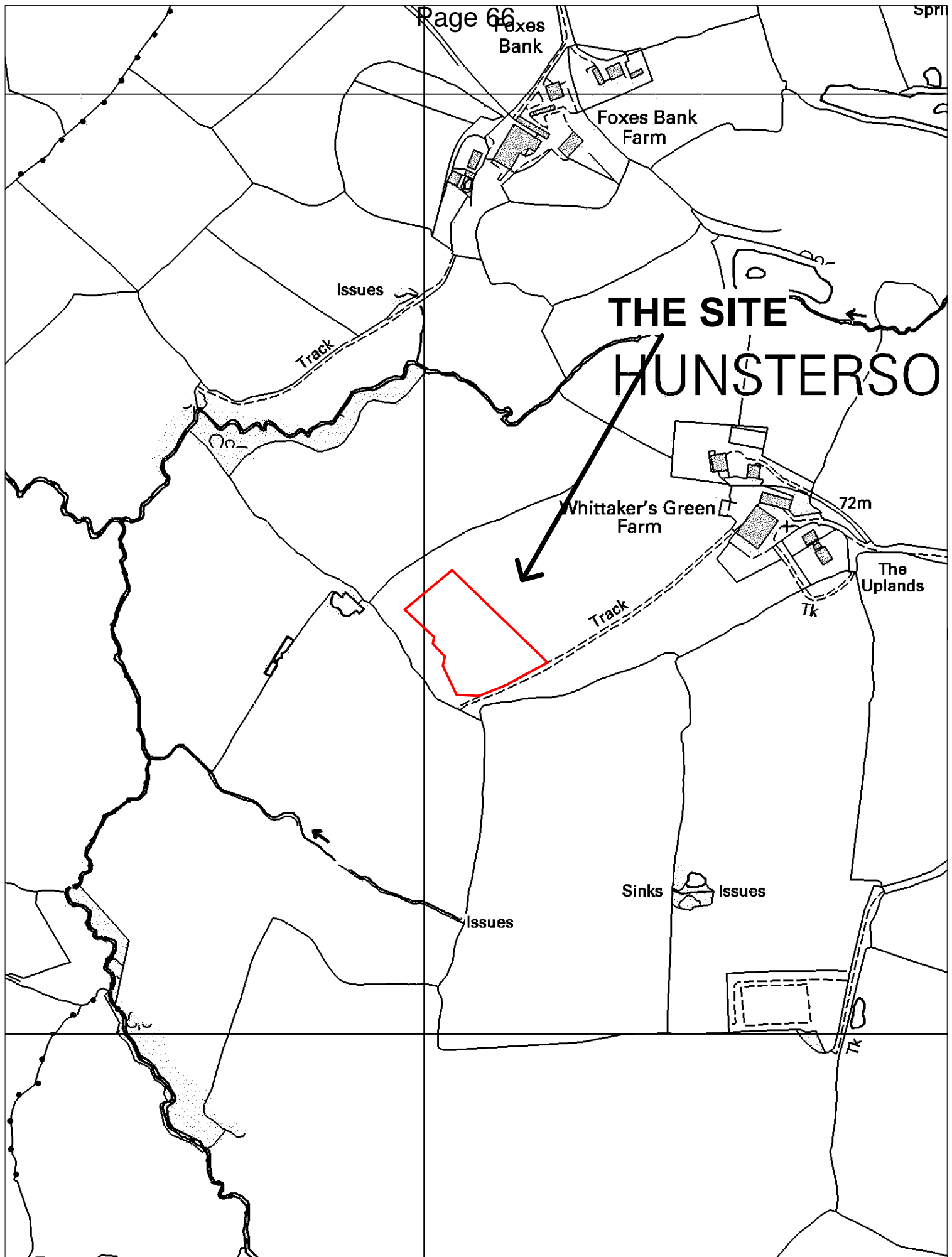
It is considered there are likely to be unacceptable environmental impacts should export be allowed, including a change in the size of vehicles using the site, which would impact on local rural roads, safety and amenity. It is also considered that increased activity could also lead to noise, dust, odour and emissions of bio-aerosols to the detriment of residential amenity. These impacts have not been addressed by the applicant. The applicant has also not addressed the requirements of policy 7 of the Cheshire Replacement Waste Local Plan, as the site is not a preferred site for open windrow composting, and the applicants need to demonstrate why other preferred sites are not available or are not as suitable as the application site.

Should the Board be mindful not to contest the appeal, then it is recommended that additional conditions be applied covering the quantity of annual waste imports, quantity of waste and compost allowed on site at any time, daily records of waste deliveries and compost exports, and a scheme to monitor and control bio-emissions.

RECOMMENDATION

That the Board agrees to contest the appeal on the grounds that;

1. The application should not be determined under Section 73 of the Town and Country Planning Act 1990 as the development applied for is fundamentally different from that approved, and should be considered through a full application.
2. The export of compost from the site would lead to an unacceptable increase in the quantity of waste being handled at the site, resulting in;
 - Larger vehicles adversely impacting on the safety of pedestrians, children attending school, cyclists, horse riders and other road users,
 - Increased activity on site impacting on the residential amenity of residents in terms of noise, dust, litter, odour and bio-aerosol emissions.



10/2984W WHITTAKERS GREEN FARM, PEWIT LANE, BRIDGEMERE, CW5 7PP
NGR- 369,050:345,420

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Scale 1:5000

Planning Reference No:	09/2806W
Application Address:	Mere Farm Quarry, Chelford Road, Nether Alderley.
Proposal:	Extension to sand workings
Applicant:	Hanson Quarry Products Europe Ltd, Hanson House, 14 Castle Hill, Maidenhead, Berkshire, SL6 4JJ
Application Type:	Major mineral application
Grid Reference:	382310 375011
Ward:	Bucklow Alderley
Earliest Determination Date:	
Expiry Dated:	13 Dec 2009
Date of Officer's Site Visit:	
Date Report Prepared:	
Constraints:	Manchester Airport Safeguarding, Wind Turbine consultation area, Green Belt

SUMMARY RECOMMENDATION:

Approve subject to conditions and amended Section 106 legal agreement

MAIN ISSUES:

Validity of application

Need for sand extraction

Impact on hydrology

Loss of agricultural land

Protected species

Ecological enhancement and restoration

1. REASON FOR REFERRAL

The application is a major mineral development and therefore needs to be brought before the Board for determination.

2. DESCRIPTION OF SITE AND CONTEXT

The site is located approximately a kilometre east of Chelford, to the north of the A537 and east of the A535, and 8km west of Macclesfield. Access to the quarry is by a dedicated tarmac road with deceleration and acceleration lanes directly off the A537. This access road connects with the processing plant, stockpile area and site offices and car park.

The proposed site is a 6 ha extension to the north west of the existing quarry. This land is currently improved pastureland surrounded by hedges and fencing with occasional mature trees. The land has been classified as grade 2 and 3a agricultural land which is considered best and most versatile.

Immediately to the south of the extension lies the active excavation of the existing quarry with previously quarried areas to the south east now consisting of a large lake. The processing plant, settling lagoons, stockpiles and offices lie approximately a

kilometre east of the proposed extension. Beyond a 60 metre wide strip of agricultural land to the west of the site lies the A535.

The closest properties on the A535 are approximately 350m to the south west, whilst Roadside Farm lies 300m to the north with the land falling to Pedley Brook a further 450m north. To the north east of the site and north of the quarry are a number of isolated properties all gaining access off Bollington Lane, with most set within existing woodland. The nearest of these properties to the site is Sandlewood Farm which lies approximately 250m to the east. Public footpath Chelford No 2 has been diverted to the north of the existing excavation and currently runs through the proposed site in an east west direction.

Existing screen mounding and tree planting ensures that the majority of active workings or site infrastructure is not visible from either the west (A535) or the south (A537) and existing woodland to the north and east also aid to screen activity.

The quarry has generally been worked from east to west exploiting a sand body that has varied in thickness between 10 and 25m and consists of two deposits separated by a clay band varying from 2 to 4 metres thick. Soils and clay overburden tends to vary in depth between 0.4 to 1.5m. Historic extraction rates for the sand vary between 250,000 and 280,000 tonnes a year, although this rate has dropped in recent years due to the downturn in the economy. The maximum production is equivalent to 42 HGV's a day.

From 1988, the local watertable has been reduced by continued pumping to enable sand to be removed down to 60m AOD although recent depths are between 63 and 65m AOD, equal to a working depth of less than 20m. Ground levels outside the quarry vary from 90m AOD to the east of the quarry to 78m to the west.

Sand is excavated by wheeled front loaders and taken by conveyor to a pump house where oversized material (stone) is sieved out and the sand is mixed with water and then pumped by pipeline to the processing plant. Sand is then settled out and the surplus water further settled in lagoons and a large lake, ready for reuse or discharge via pipeline crossing third party land to Pedley Brook.

3. DETAILS OF PROPOSAL

A 6 ha extension to the quarry is proposed in a northern direction. Of the 6 ha, 3.5 ha would be excavated and the remaining 2.5 ha used for screening and soil storage. An additional 500,000 tonnes of sand would be extracted from the area.

There is now less than a year of permitted reserves remaining and the applicant considers the proposed reserves, which are the last available, should provide an additional three years of production, taking working up to the permitted completion date for the quarry of 2014. Six on-site jobs, together with servicing and HGV driving jobs, would be safeguarded for the duration of the additional excavation works.

Soils would be stripped from the excavation area and stored in mounds up to 3m high for topsoil and 5m high for subsoil along the north, east and west boundaries of the site or partially used directly to restore other parts of the quarry. Overburden would be relocated to the existing working area to create an island within what would become one of a number of restored lakes.

Existing hours of quarry working are 0730 to 1800 Monday to Friday and 0730 to 1230 on Saturdays, with no working on Sundays or Bank Holidays. The proposed extension would retain these hours.

Restoration of the site is proposed and would result in an additional 3.5 ha of lake, 0.2 ha of marginal habitat and 2.3 ha of woodland. An amendment to the existing proposed restoration of the quarry immediately adjoining the proposed extension would also be required. It is proposed to separate a lake to the south west of the existing quarry, from that now proposed, with a land bridge along which the diverted public footpath No 2 would be relocated (its original route). To the north would be the new lake containing an island and significant marginal habitat. Land to the west, north and east of the new lake would be planted to woodland.

4. RELEVANT HISTORY

Mere Farm Quarry is a large established sand quarry that has operated since the 1970's under several planning permissions, the latest of which is 5/06/02940 granted in June 2008 and permits extraction until April 2014 followed by a comprehensive restoration scheme. The sand extracted, has been used for concrete and building purposes.

5. POLICIES

Regional Spatial Strategy

DP1: Spatial Principles

DP4: Make the best use of existing resources and infrastructure

DP7: Promote Environmental Quality

EM7: Mineral Extraction

Local Plan Policy

Cheshire Replacement Minerals Local Plan

Policy 1: Sustainability

Policy 2: Need

Policy 9: Planning Applications

Policy 15: Landscape

Policy 17: Visual Amenity

Policy 20: Archaeology

Policy 23: Nature Conservation

Policy 25: Ground Water/ Surface Water/ Flood Protection

Policy 26/27: Noise

Policy 28: Dust

Policy 29: Agricultural Land

Policy 31: Cumulative Impact

Policy 33: Public Right of Way

Policy 34: Highways

Policy 37: Hours of Operation

Policy 41: Restoration

Policy 42: Aftercare

Policy 47: Sand and Gravel Area of Search

Macclesfield Borough Local Plan

NE 2: Protection of Local Landscapes
NE 3: Landscape Conservation
NE 11: Nature Conservation
GC 2: Green Belt
RT 8: Access to Countryside
DC 19: Water Resources

Other Material Considerations

Mineral Planning Statement 1

6. CONSULTATIONS

Manchester Airport has raised concerns regarding the possible increased risk of bird strikes and would wish to see a number of conditions added to any permission. (add comments and expand).

Natural England has not objected to the application but does recommend a condition to protect breeding birds and draws the Council's attention to the regulations governing protected species.

The Environment Agency have been significantly involved with issues relating to surface and groundwater on and around the site, partially in response to complaints and objections received. They originally objected to the proposed development but have, based on further information and negotiation, withdrawn that objection. See later comments on ecology.

The Archaeological Officer has no objection to the proposal subject to conditions relating to a watching brief including advanced notification of commencement and access by the archaeologist to the site.

The Environmental Health Officer raises no objection to the proposal.

The Public Rights of Way Officer raises no objection to the proposal and notes the affect on Public Footpath No 2 Chelford. The standard advisory note covering work on public rights of way is recommended for inclusion within any decision notice.

The Highway Engineer notes that the existing access is to be used and the proposal would not generate more traffic than existing. Therefore, as the existing development has not caused any significant highway issues, he has raised no objection.

The **Council's Ecologist** has no objection to the proposed development subject to conditions to ensure;

- no development within 30m of badger setts
- that a further badger survey is undertaken immediately prior to commencement
- that a standard condition is applied to protect breeding birds
- barn owl boxes are provided
- a detailed landscaping plan is provided
- a management plan is submitted and agreed.

Overall it is considered the restoration of the quarry is likely to secure significant gains for nature conservation.

The Council Landscape Officer notes that there would be a loss of hedgerow and mature trees and that this would have a moderate impact in terms of landscape impact. Proposed screening, using soils, would effectively screen the site except for users of footpath No 2 during operations. No objections are raised.

7. VIEWS OF THE PARISH / TOWN COUNCIL:

Nether Alderley Parish Council has no objection to the proposed development, but considers it should receive benefits from a Section 106 legal agreement.

8. OTHER REPRESENTATIONS:

Objections have been received from 9 local residents, some of which relate to ongoing neighbour and third party disputes, one of which has now been resolved leading to the withdrawal of an objection. The issues raised were;

- The application is invalid as no ownership (blue line) information has been provided.
- The application boundary doesn't cover the whole development as the full quarry and any discharge routes should be included and owners notified accordingly
- The application should be accompanied by an Environmental Impact Assessment.
- The quarry has caused ponds and brooks to dry out and affect wildlife including great crested newts.
- Great crested newts have been inadequately surveyed.
- The quarry has caused flooding.
- There is no need for the sand, the quarry is big enough already and further green belt and farmland would be lost
- Noise.
- Promised benefits in terms of restoration are not being delivered.
- The site isn't being adequately maintained

9. APPLICANT'S SUPPORTING INFORMATION:

The application was accompanied by;

- supporting statement,
- revised restoration plan,
- Assessment of Environmental Impact of Noise, prepared by Vibrock Ltd and dated 29/05/2009,
- Ecology Report dated 06/03/2009,
- Agricultural Land Classification and Soil Resource Survey, dated 05/01/2008,
- Landscape and Visual Assessment, dated June 2009,
- Water Issues Assessment, prepared by Entec 20/07/2009, to which were later added;
- Water Features Survey, prepared by Entec dated 14/04/2010
- Flood Risk Assessment prepared by Entec dated 14/04/2010.
- Letter from applicant dated 12 May 2010 enclosing a note on translocation (of GCN's) from ponds within existing permitted area.

10. OFFICER APPRAISAL

Principle of Development

The application is valid as the appropriate forms and plans have been submitted.

It is not necessary to include within the application the remaining currently consented quarry and plant, nor long existing off-site water discharge arrangements as raised by an objector.

Prior to the submission of the application the proposed development was subjected to screening under the Town and Country (Environmental Impact Assessment)(England and Wales) Regulation 1999, and the then Cheshire County Council provided an opinion that an Environmental Statement was not required. This opinion was challenged by a local resident and the views of the Government Office for the North West were sought. The Government Office concurred with the Council that no Environmental Statement was necessary to accompany the application and the application was therefore valid.

Mere Farm Quarry has produced building and construction sand for use in the local economy since the 1970's. The use of the quarry for sand production has therefore been established.

The current planning permission (5/06/2940) requires the completion of extraction and final restoration of the site by 28 April 2014. Reserves of sand in the currently consented area are now becoming exhausted and the operator is now seeking consent to work an additional 3.5 ha area that would provide 500,000 tonnes of sand over a three year period. The additional extraction would be undertaken within the existing time limits for completion and are proposed to be worked in accordance with existing conditions attached to the quarry's operation.

Whilst the demand for sand is linked to economic activity and therefore has declined in recent years, there is still a need. Mineral Planning Statement 1 emphasises the need to ensure there is an adequate and steady supply of minerals, such as sand, utilised by society and the economy. To meet need, the Statement provides guidance on the provision and maintenance of landbanks, which for sand is set at 7 years supply. The North West Aggregates Working Party established the Cheshire sand reserves at 31st December 2008 as 16.4 million tonnes, which was equivalent to 8.3 years historic supply. There is therefore considered to be a need for further reserves to be released.

The proposed extension is located within an Area of Search as identified within the Cheshire Replacement Minerals Local Plan and therefore subject to policy 47 of the Plan which states;

Any additional reserves required to maintain the landbank for sand and gravel will only be permitted from within the Area of Search as defined on the Proposals Map, unless exception circumstances prevail.

The extension site therefore has policy support.

Green Belt and Agriculture

The quarry is within the Green Belt.

Planning Policy Guidance 2 : Green Belts identifies that minerals can only be worked where they are found, that their extraction is a temporary activity and that mineral extraction need not be inappropriate development or conflict with the purposes of including land in Green Belts provided that high environmental standards are maintained and that the site is well restored. It is considered that the proposed extension is not contrary to Green Belt policy.

The proposed development will entail the permanent loss of some grade 2 and 3a agricultural land, this being considered the best and most versatile. However, this loss is balanced by the prudent use of a mineral resource and the restoration of the site to provide biodiversity and the creation of a number of valuable habitats, primarily open water, reedbeds, and tree planting.

Ecology

The site is within the consultation zone for Manchester Airport where development likely to result in increased bird strikes on aircraft can be of concern. The Airport Authority have made a number of recommendations to be applied as conditions that would reduce any hazard, including constructing the proposed island so that it remains sparsely vegetated, reduce shallow margins and plant reeds or emergent vegetation, require marginal fencing should Canada Geese become established, prohibit feeding and produce a bird management plan. All are recommended as conditions and could be incorporated within a revised restoration and management plan.

The Council's Ecologist has also recommended conditions including a detailed landscape plan that can pick up on the issues above, together with a management plan.

In order to access sand below the watertable, the quarry workings have been pumped dry since 1988, this has artificially reduced the watertable within the area of pumping and surrounding areas. The pumping is only necessary within the area of extraction, so pumping has ceased in those areas worked out, and the watertable has returned to approximately original levels.

Surface water flows have also been affected over the life of the quarry, were originally surface water would have flowed out of the quarry site, it now flows internally into the ponds and lakes created. There has therefore been a small impact on watercourses since quarrying commenced.

An existing Section 106 legal agreement attached to the quarry development requires monitoring boreholes to be regularly checked and flows within Bag Brook to the south of the quarry to be augmented if necessary. Further augmentation of local ponds is carried out by the operator voluntarily on landowner's requests.

The Environment Agency has noted some discrepancy between existing water discharge consents and actual discharges and is in discussion with the operator to vary or regularise these consents. These are not planning matters.

Surface water on the proposed extension site flows eastwards to a small intermittent watercourse that runs along the east boundary of the extension site. This watercourse then runs in a northerly direction to feed Pedley Brook. The loss of surface water flow from the majority of this 6ha site is not considered to be significant. There will be no impact on surface waterflows within Bollington Pits which is over a kilometre to the east.

Objections have been received claiming existing ponds are affected by the pumping exercise and down-draw of the watertable and this will be made worse by a further extension to the quarry. As the underlying geology in this area is sand, ponds can only exist if they are on a perched watertable which in this area is provided by fluvial and glacial clays. Providing the watertable isn't in continuity with these clay drift deposits (which doesn't appear to be the case), movements in the watertable caused by pumping are not likely to impact on ponds. Water loss from ponds occurs through evaporation and transpiration and or leakage through an imperfect seal. Water levels within ponds may also be affected by reduced surface flow into them. Historic reduction in surface flows are likely to be related to past excavation. It is considered that the temporary further pumping to the extension site is unlikely to have any additional impact on local ponds.

The objection relating to flooding was investigated and found to be caused by woodland clearance unrelated to quarry activity.

The proposed development is not reasonably likely to result in an adverse impact upon great crested newts. Whilst earlier phases of the quarry development have encountered the species and mitigation ponds and habitats have been created, it is not considered they are present within the area now applied for.

A number of badger setts have been recorded around the site and it is recommended that no disturbance takes place within 30 metres of them. There will also be a slight loss of foraging area and although tree planting is proposed as part of the restoration it is considered an element of fruiting trees should be planted as mitigation. These matters can be controlled by condition and incorporated within detailed landscape and management plans.

Local residents have complained that promised restoration and amenity facilities have yet to materialise. However, it should be noted that whilst the restoration will provide such facilities, the site is still an active quarry and subject to health and safety constraints. As such, public access can not at this time be provided within the quarry working areas. The proposed extension would not extend the workings or restoration of the site beyond the consented completion date of 2014.

The Parish Council consider that planning gain should be delivered through a Section 106 legal agreement but have not indicated what is necessary or why. Operators of large facilities such as quarries do at times voluntarily offer

planning gain and this is often incorporated into a legal agreement. However, Local Authorities can only impose such agreements in cases where the development would be unacceptable without the agreement. That is not the case here.

The restoration scheme does provide significant habitat gain; it is principally for nature conservation, amenity and agricultural use. Aftercare and maintenance of the restored site can be controlled by condition requiring a 5 year scheme, in view of the nature conservation uses proposed it is recommended this be extended by Section 106 to a total of 15 years, that is an additional 10 years beyond that required by condition.

An existing Section 106 legal agreement requires the monitoring of hydrology in accordance with an approved scheme and augmentation of flows in Bag Brook. These agreements will need to be reviewed within an updated agreement by way of a deed of variation should permission be granted.

Residents have also raised issues over site maintenance and noise. These are issues that have and will continue to be investigated by the monitoring and enforcement officer. The Environmental Health Officer has no objection to the proposed extension subject to existing conditions including those dealing with noise being applied.

An initial objection regarding a disputed water discharge pipe that has operated since 1988 and handling the flow of surplus water from the site to Pedley Brook has now been resolved between the quarry operator and landowner and the objection removed.

11. CONCLUSIONS

The proposed extension to Mere Farm Quarry would enable an additional half million tonnes of sand to be extracted over the remaining three years of the quarry's existing consent. The extension area lies to the north west of the existing quarry and would involve the progressive excavation of 3.5 ha of agricultural land within a 6 ha field; the remaining land being utilised for soil storage. The extension is proposed to be worked in accordance with the existing conditions applied to the quarry. The existing restoration plan for the quarry, which includes a number of lakes and ponds, tree planting, areas for nature conservation and agriculture, would need to be amended. This will result in additional areas of lake, woodland and habitat creation.

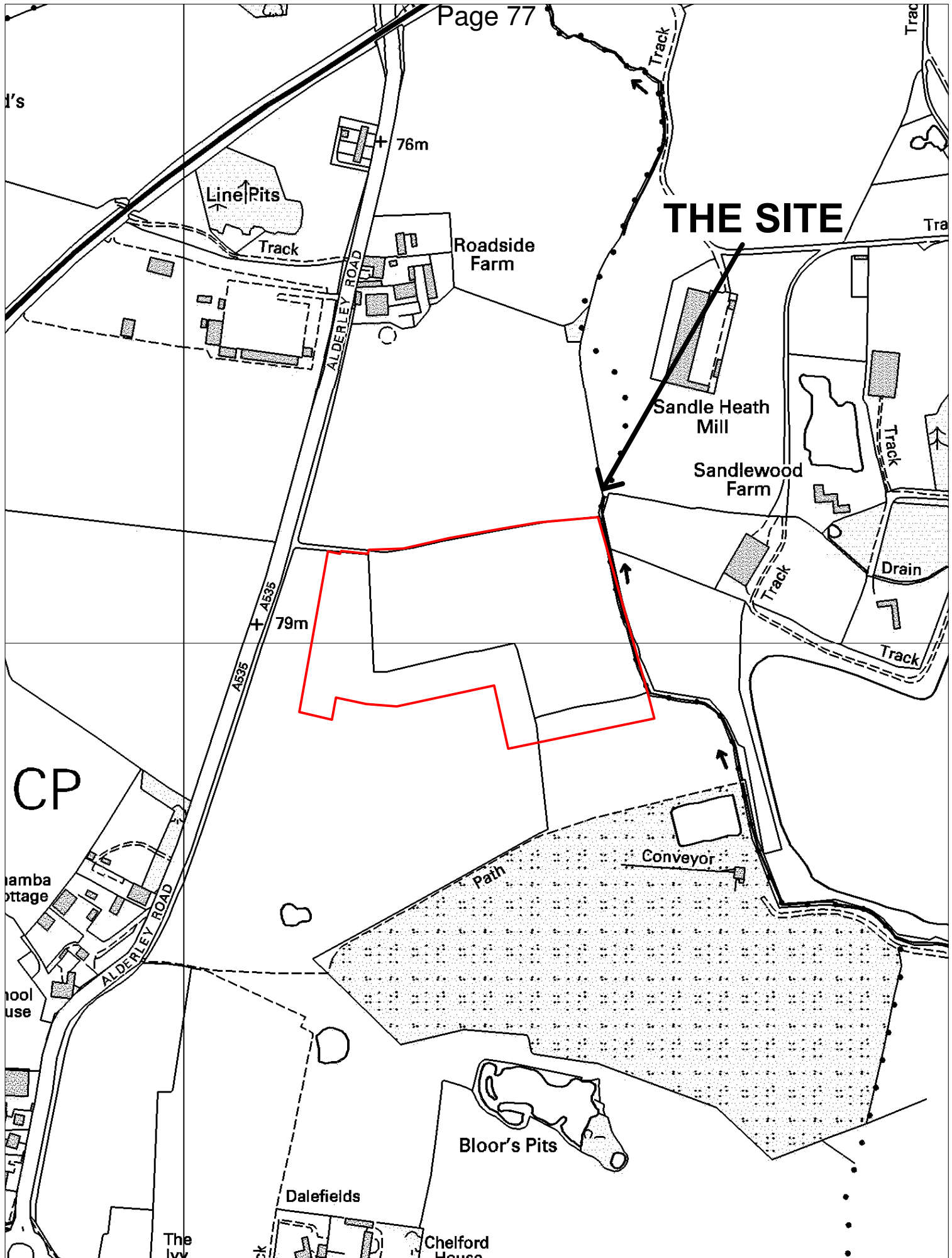
Whilst there would be a small loss of quality agricultural land this is compensated for by the release of sand reserves and restoration that will provide significant biodiversity. It is not considered the extension would adversely impact on protected species.

Development of the quarry over past decades has entailed the local watertable being affected by continuous pumping and also led to localised reductions in surface flow. Whilst the watertable will rebound once quarrying is completed in 2014, historic impacts on surface flows will remain. It is not considered that the extension will significantly impact on either surface or groundwater flows.

12. RECOMMENDATIONS

APPROVE subject to entering into a deed of variation to update the existing Section 106 agreement and enter into further agreement to secure an additional 10 year aftercare scheme beyond the five years required by condition and subject to the following conditions:-

- 1. The replication where relevant of the existing 68 conditions attached to the current permission for the quarry that deal with;
Duration of working
Hours of working
Traffic
Method of working
Plant and machinery
Noise
Dust
Drainage
Pollution control
Archaeology
Site maintenance
Soil stripping and storage
Restoration
Aftercare
Plus additional conditions;**
- 2. No working within 30 metres of badger setts**
- 3. Additional badger survey in advance of working**
- 4. Protection of breeding birds**
- 5. Provision of barn owl boxes**
- 6. Submission of detailed landscaping plan**
- 7. Submission of a habitat and management plan**



09/2806W MERE FARM QUARRY, CHELFORD ROAD, NETHER ALDERLEY, MACCLESFIELD, CHESHIRE, SK10 4SZ
 NGR- 382,310:375,030

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Planning Reference No:	10/2551W
Application Address:	Land off Pochin Way, Middlewich
Proposal:	Great Crested Newt Receptor Site, to include the creation of three ponds, creation of four hibernaculums, wet grassland and areas of scrub.
Applicant:	Covanta Energy Ltd
Application Type:	
Grid Reference:	371482 365398
Ward:	Middlewich
Earliest Determination Date:	
Expiry Dated:	09 Sept 2010
Date of Officer's Site Visit:	11 August 2010
Date Report Prepared:	
Constraints:	

SUMMARY RECOMMENDATION:

Refuse as the application is considered premature.

MAIN ISSUES:

- The application is an integral part of, and dependant on, the Covanta application 09/0738W for an Energy from Waste Plant
- The application is part of an EIA development and therefore needs to be considered in conjunction with it.
- Impact on protected species.
- Need for development.

1. REASON FOR REFERRAL

The proposal is considered a major waste application on the basis that it covers 2.9ha of land and is linked to the Covanta Middlewich Energy from Waste application (09/0738W), which is the subject of an Environmental Statement.

2. DESCRIPTION OF SITE AND CONTEXT

The proposed site consists of the eastern half of the Sanderson Brook valley, sandwiched between the brook and existing built development off ERF Way, Midpoint 18 Business Park, Middlewich. This corridor varies in width between 45 and 115 metres and stretches for 530 metres from ERF Way to the north, to Cledford Lane to the south. Sanderson Brook meanders in a south to north direction forming the west boundary of the site.

The valley bottom consists of marshy grassland and scrub running into improved grassland with recently planted broadleaf plantation (approximately 10 years old) forming the upper slopes and providing a landscaped screen to the industrial development and ERF Way.

The site is on the opposite (eastern) side of Pochin Way adjacent to the site of the proposed Covanta Waste Plant. Middlewich town centre is approximately a kilometre north west of the site.

The application has been submitted in connection with the Covanta Waste plant application which is the subject of a forthcoming Public Inquiry.

3. DETAILS OF PROPOSAL

It is proposed to construct three ponds and four hibernaculums within wet grassland and areas of scrub. The site would be enhanced to accommodate and provide a receptor for great crested newts that would need to be relocated from the Waste plant site, should this be granted planning permission.

The three ponds would be created within the slope of the valley, above the 31m contour level and thus beyond the 1 in 25 year flood level. The ponds would have surface areas of 155 square metres, 202 square metres and 240 square metres and be constructed with graduated slopes to a maximum depth of between 1.5 and 1.9 metres. Each pond would require material to be excavated and relocated to form a downslope bund.

The four hibernaculums would consist of mounds of rubble and logs approximately 2m by 1m by 1m high and covered with turf. Their purpose is to provide a refuge within which newts and other amphibians can safely hibernate. Each would be located along the eastern boundary of the site within and adjoining the woodland and elevated on the valley side sufficiently to ensure they are above the floodplain. Scrapes and wet grassland would also be created to provide a suitable habitat for the newts.

4. RELEVANT HISTORY

Planning permissions (07/0323/OUT and 08/0557/REM) give consent for the development of Phase 3 of Midpoint 18 and construction of the remaining section of Pochin Way (the Middlewich By-pass). An ecological mitigation strategy, to compensate for habitat losses caused by the proposed development of the business park and by-pass, includes the ecological enhancement of the proposed newt receptor site. The site is therefore already the subject of proposed ecological and landscaping works.

5. POLICIES

Regional Spatial Strategy

- DP7 Promote Environmental Quality
- EM1 Integrated Enhancement and Protection of the Regions Environmental Assets.

Local Plan Policy

Cheshire Replacement Waste Local Plan

- Policy 17, Natural Environment.

Congleton Borough Local Plan

- GR21 Areas at risk from flooding
- NR4 Wildlife and Nature Conservation

- RC2 Protected Area of Open Space / Recreational Facility

Other Material Considerations

The Strategic Planning Boards decision on application 09/0738W,
Covanta Energy from Waste Plant, Pochin Way, Middlewich.

EC Habitats Directive

Conservation (Natural Habitats &c.) Regulations 1994

PPS9 Biodiversity and Geological Conservation and guidance ODPM
Circular 06/2005

6. CONSULTATIONS (External to Planning)

The **Environment Agency** has not objected to the proposal but notes that Sanderson Brook is a main river and therefore any works within 8 metres of it will require the Agency's written consent under the Water Resources Act 1991 and Land Drainage Byelaws. They also note all works must comply with an approved Natural England European Protected Species Mitigation Licence.

Natural England has indicated that it is unable to comment on the details of this application or the adequacy of the mitigation strategy. It notes the presence or likely presence on site of European Protected Species and notes they may be a material consideration in planning terms and points out that these should be taken into account by the Local Authority in determining the application. It also indicates that a licence would be required and any applicant would need to meet the criteria set out in Regulation 53.

The **Council's Ecologist** has not objected to the proposal, subject to conditions requiring a detailed species list for planting, protection for breeding birds and a management plan.

7. VIEWS OF THE PARISH / TOWN COUNCIL:

Middlewich Town Council believes that any consideration of this application should be deferred until after a decision has been made on the appeal against the refusal of permission for the Covanta Waste plant.

8. OTHER REPRESENTATIONS:

No further representations have been received.

9. APPLICANT'S SUPPORTING INFORMATION:

- a) **Ecological Assessment** dated April 2010 including a **Great Crested Newt Mitigation Strategy** dated November 2009 both prepared by Parsons Brinckerhoff Ltd.
- b) **Arboricultural Survey** dated June 2010 prepared by Tyler Grange Ltd.
- c) **Flood Risk Assessment** dated April 2010 prepared by Parsons Brinckerhoff Ltd.

10. OFFICER APPRAISAL

Principle of Development

This application is directly linked to the Covanta Waste facility application which is the subject of an appeal and Public Inquiry commencing on 8th March 2011.

Great crested newts are present on the Covanta site and would be adversely affected by that development. A mitigation strategy has been suggested whereby the newts would be captured and relocated to a specially prepared receptor site should planning permission be eventually granted for the Waste plant. The receptor site would therefore not be required should the Secretary of State dismiss the appeal.

The site is allocated within the Congleton Borough Local Plan as an area at risk from flooding and a protected area of open space / recreational / leisure or community use. It is not considered that the development would be an unacceptable risk of flooding or exacerbate flooding elsewhere, nor is it expected that it would negatively impact on open space provision. There is no objection to the proposal in land use terms.

Ecology

The proposed receptor site is currently subject to a landscaping and habitat enhancement scheme required as mitigation for the further development of the Middlewich By-pass and Phase 3 of the Midpoint 18 Business Park. The ecological mitigation strategy includes;

- excavation works for backwaters,
- feed channels and floodplain scrapes, within the flood plain,
- grassland, scrub, shrubs and woodland on the valley sides.

The proposed development of ponds, hibernaculars and habitat favourable for newts, would be in addition and in replacement to that required above, should the By-pass and Business Park be developed. The newt receptor site therefore provides no additional areas for nature conservation.

To accommodate the newt receptor site there would be a small loss of proposed woodland, shrub and scrub mix, and grassland. In view of the scale of the ponds proposed, this loss is not considered significant. In principal there is no objection to the works proposed.

The receptor site has not been subject to a recent newt survey. Surveys undertaken in 2006 identified a number of ponds containing GCN's to the north and south of the site. It is considered that the receptor site is already part of the terrestrial habitat of the local newt population. The proposed excavation of ponds is likely therefore to affect great crested newts during construction and will itself necessitate a licence from Natural England.

Badgers are known to be present in the general area and the site has the potential to provide foraging opportunities. Otters are known to traverse along Sanderson Brook. It is considered the proposed works are unlikely to affect either species. However, the submitted assessment recommends, as a

precautionary measure, that surveys are undertaken prior to development commencing.

The potential impact on breeding birds would need to be minimised by the use of suitable conditions, restricting works to acceptable times of the year.

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.

This development is only required if the Covanta Waste plant is allowed on appeal. The Council's position on that proposed development is that it is not necessary and there are already satisfactory alternatives to it. It is also considered that the Waste plant has not been demonstrated to be in the interests of public health and safety or for an imperative reason of overriding public interest. As such the requirements of Article 16 of the Directive are not met.

11. CONCLUSIONS

The proposed newt receptor site would be required as a mitigation measure to accommodate great crested newts from the proposed Covanta Energy from Waste site off Pochin Way, should that proposal, which was refused permission by the Board and then appealed, be allowed following a Public Inquiry due in March next year.

European protected species are present within the receptor site and whilst the applications purpose is to provide habitat enhancement for great crested newts, the construction involved would in itself disturb the existing terrestrial habitat of that species and potential individuals. The Habitat Directive only allows such disturbance where there is no satisfactory alternative to the development or that there is an imperative reason of overriding public interest. The Council in refusing the Covanta Waste plant, indicated that it considered there was no need for the facility and hence no overriding public interest in developing the plant and that alternatives already existed. Development on the receptor site is therefore considered contrary to the Habitat Directive.

Should the Secretary of State allow the appeal, thereby confirming there are no satisfactory alternatives to the Waste plant and it is of overriding public interest, there would be no objection to the receptor site, subject to appropriate conditions being developed. Under such circumstance the determination of this application is considered premature, and it is considered necessary to co-join its determination into the public inquiry for the waste plant.

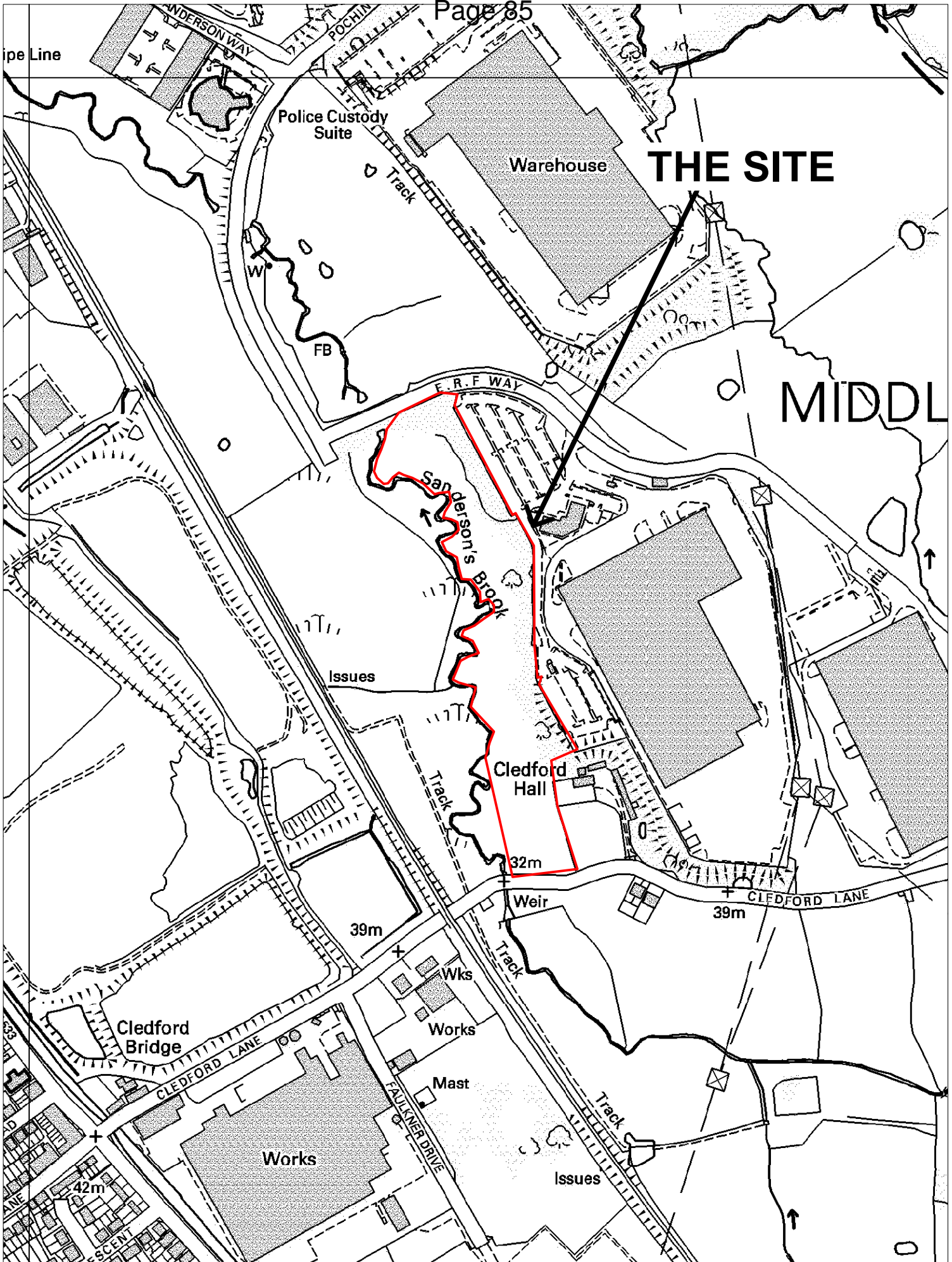
12. RECOMMENDATIONS

REFUSE for the following reasons:-

1. The proposed development is considered premature and would unnecessarily affect protected species.

Reason(s) for Decision:-

The development forms an integral part of the Covanta Energy from Waste proposal, and is unnecessary in isolation. The Energy from Waste proposal is an EIA development and the subject of a current appeal. There is no requirement to disturb protected species unless the above appeal is upheld. The application is currently contrary to policies 12 Impact of Development Proposals and 17 Natural Environment of the Cheshire Replacement Waste Local Plan and policies NR2 Statutory Sites and NR3 Habitats of the Congleton Borough Local Plan which seek to protect habitats and species.



10/2551W - LAND OFF, POCHIN WAY, MIDDLEWICH
N.G.R. - 371,510 - 365,410

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Planning Reference No:	09/0738W
Application Address:	Land off Pochin Way, Middlewich
Proposal:	Additional Information: Erection of Energy from Waste facility with associated buildings, car park and hardstanding areas.
Applicant:	Covanta Energy Ltd
Application Type:	Major Waste
Grid Reference:	712 655
Ward:	Middlewich
Appeal ref:	APP/R0660/A/10/2129865/NWF
Date of Public Inquiry	8 th March 2011

SUMMARY RECOMMENDATION:

- To note the update regarding the forthcoming Public Inquiry.
- To agree further reasons for refusal of the application based on supplementary information and changes made by the applicants since the application was determined and appealed.
- To agree grounds for objection to supplementary information and changes made by the applicants since the application was determined and appealed, that have been submitted for assessment but not included within the application.

MAIN ISSUES:

- The inclusion for assessment, but not addition to the planning application, of a connecting electricity link from the proposed waste site to the national grid overhead power line, and an underground high pressure steam pipeline and return water pipe to and from the waste site to British Salts Cledford Works.
- The inclusion of an application for a great crested newt reception site, the subject of a further report on the agenda.
- The impact on protected species.
- Significant changes to the expected sources of waste to fuel the proposed plant and introduction of significant levels of imports from outside the County.
- Sustainable transport.

1. REASON FOR REFERRAL

This report is submitted to firstly update the Board in relation to the appeal against its refusal of application 09/0738W, an Energy from Waste facility off Pochin Way, Middlewich. It will also bring to the attention of the Board additional information and changes to the application made since the application was refused and after an appeal was registered.

In light of these changes, the views of the Board are sought regarding the introduction of further reasons for refusal, the introduction of objections to assessments submitted not forming part of the application, and authority to compile draft conditions and negotiate a draft Section 106 for recommendation to the Secretary of State should he uphold the appeal.

2. BACKGROUND AND APPEAL UPDATE

Covanta Energy Ltd submitted a planning application, supported by an Environmental Statement, to construct and operate an Energy from Waste Facility, to the Cheshire County Council on 5th March 2009. The application was validated on the 19th March 2009 under reference 8/2009/CCC/3, and initial advertising and consultation was undertaken by the County Council. Following the local government reorganisation of Cheshire on 1st April 2009, a second validation letter was issued by Cheshire East Borough Council on 8th April 2009 amending the application reference to 09/0738W.

Over the following months there was considerable correspondence between the Council, statutory and other consultees, and the applicant, that led to the submission of significant additional information by the applicant to support the application. For the sake of clarity and in order to draw this disparate information together, the applicant was requested to combine the information into a single submission. This was undertaken in December 2009 in the form of Supplementary Information, now referred to as SIP 1. This was advertised and fully consulted upon, and eventually taken into consideration within the officer's report.

The application was refused by the Council's Strategic Planning Board at a special meeting on 26th April 2010.

The applicant, Covanta, submitted an appeal against the Council's decision on 3rd June 2010 and a start date for a Public Inquiry was set for 30th November 2010. The grounds for the appeal are as follows;

- In determining the application, it is necessary to have regard to the substantial and material benefits that will be delivered by the proposed development.
- That the LPA has failed to determine the application in accordance with the adopted policies contained within the Development Plan, the wider strategic policy framework applicable in this case and other material considerations. In particular, the LPA has failed properly or at all to consider and attach proper weight to regional and national energy policies when determining the application.
- That the LPA has failed in its legal duty to consider and attach weight to other material considerations including, in particular, the benefits flowing from the proposed development and the relative lack of adverse impacts, local and national policies on energy from waste developments and recent Secretary of State decisions.
- That the LPA has failed properly to provide reasonable interpretation of its own adopted policies and regional and national policies, having regard to the nature of development proposed and planning precedents.

Covanta subsequently submitted and advertised two further sets of Supplementary Information (SIP 2 and SIP 3) received by the Council on 2nd September and 17th September 2010. The latter being sent the working day before the Pre-Inquiry Meeting (PIM) held in Middlewich on Monday 20th September and hence giving officers, or the inspector little if any time to assimilate the information.

At the PIM, a legal submission was made to the Inspector by the Council claiming that the Environmental Statement supporting the application was unlawful because of the disjointed nature of its submission over a significant time period, and that it was internally inconsistent. As such, it was not possible for ordinary members of the public to follow. SIP 2 and 3 introduced new information, not available to the Board members when they reached their decision on the application. The information has been submitted in an attempt to overcome or address some of the reasons for refusal. The Planning Inspectorate appear satisfied that this information could be advertised by Covanta. However, there was considerable confusion amongst the public as various press adverts appeared giving a variety of dates within which they could respond.

The Secretary of State's response (as the appeal has been recovered and will now be subject to his determination) was to allow Covanta a week to consolidate the various elements of the Environmental Statement into one comprehensive set of documents. The Council further objected to the Secretary of States response claiming that time scales were now too tight and unachievable and necessary consultation could not be undertaken. Furthermore in view of the degree of new information submitted, consideration would be rushed if submission dates for evidence and the start of the Inquiry remained as set.

It was further considered that members of the public, already confused by the multiple submissions of information could only gain an appropriate understanding of the proposals if they had particular energy and persistence to view and cross reference all of the documents.

The Secretary of State was warned that his decision would be the subject of a Judicial Review should the Inquiry not be delayed. The Secretary of State has now agreed to postpone the Inquiry and it will not now commence on the 2nd December as planned. A new date for the commencement of the Inquiry has now been set for the 8th March 2011, and a further Pre-Inquiry Meeting is to be held on Monday 7th February 2011.

The April report to the Board included a section on need within which three waste facilities with planning permissions were brought to the Boards attention, namely Peel Holding's Ince Marsh, Ineos's Weston Point and Bedminster in Lostock. The Weston Point Energy from Waste plant, with a capacity of 850,000 tonnes, is currently under construction. Peel Holdings now have a partner to develop the 600,000 tonnes Ince Marsh Energy from Waste plant and negotiations are in hand to discharge pre-commencement conditions. The partner is Covanta. It is understood that the Bedminster plant has a financial backer.

The Board were also informed that the 25 year PFI contract to treat Cheshire domestic waste collections had been reduced to two bidders; a successful bidder, Viridor has now been selected. Cheshire East and Cheshire West and Chester Councils are currently discussing the withdrawal of PFI support with the Secretary of State. The two planning applications submitted to Cheshire West and Chester

Council by Viridor and RRS were both refused. However, Viridor re-submitted a slightly smaller application, for 200,000 tonnes, and this has now been granted planning permission. The Brunner Mond application for 600,000 tonnes was submitted under the Electricity Act; it is anticipated that the consultation response from Cheshire West and Chester Council will be determined at a forthcoming committee of that Council.

It was reported in April that the thermal capacity of the above three permissions approximated 1.6 million tonnes. With the approval of the Viridor plant, this has now extended capacity to 1.8 million tonnes. Members will be aware that the Cheshire Replacement Waste Local Plan sets a need figure for residual waste, that is waste not expected to be recycled or landfilled at 387,000 tonnes.

3. DETAILS OF SUPPLEMENTARY INFORMATION.

The postponement now provides the opportunity to inform members of the content of material submitted since their determination of the application in April. The original report is appended and includes a detailed description of the original proposals, site history, relevant planning policies, consultation responses and representations and the officer's appraisal leading to a recommendation.

Members should be aware that the position and therefore importance of the Regional Spatial Strategies policies used to support the decision are now the subject of pending change. At present they are still a material planning consideration. The policies of the Waste Local Plan do however closely approximate those of the RSS and it is not considered the abolition of these policies weakens the reasons for refusal.

The grounds for refusal agreed by the Board were;

i) 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.

ii) 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.

iii) 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.

Council and Sections 9 and 10 of PPS1 Climate Change Supplement, DP1, DP5, DP9, EM10, EM12 and EM13 of the Regional Spatial Strategy.

iv) 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.

v) 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.

SIP 2, submitted 2nd September 2010, comprises;

- a grid connection which is shown by an indicative route, linking the site by possible underground cable across Pochin Way, along ERF Way, either within the road or to either side of it, to the existing 132 kV overhead national grid power cables approximately 800m to the east of the site. The route has yet to be defined in any detail. A temporary pylon and permanent replacement pylon, incorporating platform and transformers, but of the same height as existing, either on the existing site or adjacent to it, are proposed.
- an indicative underground route for a high pressure stream and return water pipeline linking the site southwards to the British Salt works at Cledford Lane. The underground pipelines would leave the southern part of the site, cross Cledford Lane and run along the route of PRow Middlewich Footpath No 20 for approximately 400 metres before crossing the rail way line and entering the British Salt site.
- details of application 10/2551W, a proposed receptor site, to the east of Sanderson's Brook, to accommodate great crested newts displaced from the Covanta site. The receptor site includes three ponds, creation of four hibernaculares and wet grassland and areas of scrub. The application was submitted on 15th July 2010 and a separate report appears elsewhere on the agenda. No further comment on this element is therefore made.

Sip 3, submitted on 17th September 2010 comprises;

- Transport Sensitivity Assessment Tests that model three scenarios of differing percentages of waste imports from areas outside Cheshire supplied by road.
- An Assessment of Carbon Benefits of Sourcing and Treatment that looks at various scenarios and assesses the carbon footprint of these.

4. CONSULTATIONS (External to Planning)

As the appeal is now in the hands of the Planning Inspectorate the Council has only undertaken internal consultations.

The **Public Right of Way Unit** has objected to both elements of SIP 2 as they would obstruct and impact on footpaths Middlewich No 19 and 20 and the extent of that impact has not been assessed due to the indicative nature of the proposal, nor has any mitigation been provided. It is noted that a formal diversion will be required.

The Council's **Archaeology Officer** has no objection to the additional areas and considers an archaeological watching brief would be an appropriate strategy.

The Council's **Arboricultural Officer** has identified that no mature or significant trees are affected by the electricity and steam links. However, immature tree and shrub planting would be removed and not replaced. Impacts are therefore likely to be mainly visual.

The Council's **Conservation Officer** notes that Cledford Hall and its range of farm buildings are listed and on the buildings at risk list. The setting of the buildings have been already affected by development of large industrial units off ERF Way. The incinerator would further affect the setting of the buildings but the two links are unlikely, after construction to have any impact. Landscaping will help mitigate any overall impacts.

The **Highway Engineer** has no objection to the supplementary information.

The Council's **Landscape Officer** notes the lack of detailed design and that proposals for the grid and CHP links are assessed as assumptions based on 'worse case scenarios'. In relation to the grid connection, although considering the landscape has a high capacity to accept change, given the cumulative impact of the EfW plant proposed, he does not feel it has the capacity to accept the scale proposed. He also considers effective mitigation would be difficult to achieve and that the impact would be adverse as removed landscaping would impact on views from ERF Way, Footpath 19 and the Sanderson Brook corridor. He notes removed woodland and scrub along ERF Way, whilst small in area, is the only cover available and hence the impact would be more significant than the assessment states. He considers that there are no real opportunities for mitigation and does not consider the design of the building can be seen as mitigation for the loss. He further considers the replacement pylon with extended platform will have an adverse visual impact especially on walkers using Footpath 19. No comment is offered in relation to the CHP link.

The **Environmental Protection Officer** notes that the supplementary information uses updated figures and also a new methodology to assess air quality. The appellants have not however taken the opportunity to consider the impacts of revised traffic flows along the A54 through Sproston, within Cheshire West, which generated concern by that Council in terms of air quality.

The **Council's Ecologist** has concerns regarding the adequacy of information provided in respect of protected species. The impact assessment and mitigation can only be considered indicative at this stage and must be known prior to any determination as such matters cannot be left to conditions.

5. OFFICER APPRAISAL

SIP2

This submission seeks, in part, to overcome reason 5 of the refusal and includes indicative routes for an electricity grid connection and an indicative route for a steam pipeline to British Salt's Cledford Works. This information has been submitted to assist the overall assessment of impacts for this project which is a Schedule 1 development under the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999, by indicating the likely impacts of these two potential developments. It should be noted however that the information does not constitute an extension to the planning application. The export of electricity or steam from the site, should the incinerator be granted permission, would still need to be the subject of additional planning permissions. Under such circumstances, the applicant has still not demonstrated that the application makes adequate provision for the export of energy from the site, it merely indicates the likely impact such provision may have should, at some time in the future, they seek and are granted planning permission. The applicants have had over a year to amend the application to incorporate energy export details and make this EIA submission comprehensive, but have not taken the opportunity to do so. The application, as submitted and appealed, is for a stand alone incinerator with aspirations for future energy export. It therefore must still be considered low on the waste hierarchy and contrary still to the Waste Local Plan and Regional Spatial Strategy policies. As the applicants have continued to expressly omit any details of energy export facilities from their planning application, they cannot expect to benefit from policy support on matters not applied for.

Both elements (the grid connection and the steam pipeline link), have been accompanied by an environmental assessment based on assumed indicative proposals which cover:

- traffic and transport,
- noise and vibration,
- landscape and visual,
- archaeology and cultural heritage,
- solid waste, hydrology, geology, soils and water quality,
- ecology and nature conservation.

The assessment of the relevant impacts the above developments may have, can only be accurately completed once final details are submitted. However, on some issues, a worst case scenario can be assumed. Such impacts will be cumulative and additional to any arising from the construction and operation of the Covanta Waste plant.

The grid connection will entail the excavation of an 810 metre long trench linking the Covanta site to the national grid. The trench would be located either within the road (ERF Way) or within a corridor either side of it. The corridor would be 1.2m deep and 700mm wide and contain 132kV cables. In order to access the trench and provide a working and storage area for stripped soils and materials, a 5 metre corridor is required. It has been estimated that up to 712 cubic metres of material from the trench may need to be removed, although some may be suitable for

replacement. Any landscaping, in the form of trees and shrubs along the corridor, would need to be removed and would not be replaced due to the need to maintain an easement. It is not known how much, if any of the existing landscaping along ERF Way would be removed. Temporary fencing, lighting and possibly site facilities would be required. Electrical switchgear and transformers would connect the cables to the main plant and would be located to the rear (west) of the main building. A new 32.3 metre high pylon with transformer platform would need to be constructed to link the underground cables into the overhead grid. It is likely a temporary pylon would need to be constructed to facilitate this work. The total duration of works would be between 38 and 42 weeks, although there is a possibility that some elements may overlap, thereby reducing the time for construction.

The steam pipeline connection would consist of an insulated steam pipeline, 630mm in diameter, running 1.6 kilometres from the Waste plant to the British Salt Works, together with a parallel water return pipe of 225mm diameter. Both are likely to be buried approximately 1.4m deep. The indicative route runs south from the proposed waste plant, crosses Cledford Lane, then follows the line of public footpath 20, before crossing under the railway line and continuing within the Salt Works. A temporary road would be required to enable the construction, thereby requiring a working corridor 15 metres wide that would also accommodate stripped soils, excavated materials and work materials. Temporary stoned compounds, 20m by 20m, would be required to enable the pipelines to be bored under the railway line. It is anticipated the works would last a maximum of 33 weeks.

The construction of a grid connection and a steam pipeline will entail additional traffic movements and potential partial road closures to Cledford Lane, Pochin Way and ERF Way. The Highway Engineer does not consider the traffic increase, which would be over a limited time period would be sufficiently significant to warrant refusal and could be controlled by condition.

The works would add to the noise, dust and vibration generated by the construction of the Waste plant. However, the Environmental Protection Officer does not consider this impact would be significant and could be controlled by conditions.

Landscape

The impact on landscape and visual amenity likely to occur was cited as a reason for refusing the original Covanta Waste Plant application. It is considered that further impacts will arise as a result of the proposed grid connection, as existing landscaping, in the form of tree and scrub planting along ERF Way, would be removed and not replaced. Some proposed planting in front of the main building would now have to be omitted to maintain a wayleave over proposed buried cables and a replacement pylon with extended platform is proposed, increasing the visual impact of the overhead power line. Impacts would be both during construction and permanent.

Ecology

Surveys of Sanderson Brook have only been undertaken along the section next to the steam pipeline. They have not been undertaken in the section that would be affected by the construction of the grid connection. The grid connection cables

would need to be laid under the brook and protective measures constructed. Consequently there is likely to be significant disturbance to the brook, its bed and its banks, and any wildlife within it or using it. Otter, a European Protected Species, is known to be increasingly using the brook for movement. It is therefore possible they have holts or resting places within this section. Water vole, not identified within the area to date, could also be present. However, unless surveyed, this can't be established.

Additional surveys have been undertaken to supplement earlier great crested newt (GCN) pond surveys from 2006. These surveys identified the presence of GCN's in ponds within close proximity to the proposed works. It is considered the area is widely used as terrestrial habitat and any works, such as those proposed, would require a licence from Natural England as the species and its habitat would be affected.

Proposed mitigation for GCN's is presently generic and details are being left to be determined once the exact route details are established through negotiation with Natural England. Receptor areas for displaced GCN's are expected to be on the land to the north of ERF Way or that to the south where known GCN ponds already exist. The Environmental Statement indicated that no enhancement is proposed, yet notes two ponds could be improved to provide better habitat. Neither is within the planning boundary or within the ownership of the applicants.

Badgers are known to be present within the area to be used for the CHP pipelines, and there is a likelihood a sett will be affected, however, detailed assessment of impacts and mitigation have not been undertaken as required.

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, planning permission should be refused. Until such time as adequate surveys have been submitted to enable the decision maker to assess whether there are likely to be any impacts and mitigation measures are provided in detail to address those impacts, permission cannot be granted.

SIP 3

The Supplementary Information received on 17th September 2010 (SIP 3) contains two elements, a Transport Assessment Sensitivity Test and a report on Carbon Benefits of Sourcing and Treatment.

The Transport Assessment Sensitivity Tests, it is claimed, complements the Transport Assessment contained within the original Environmental Statement (ES) and SIP 1. Transport modelling within these original documents is based on the proposed plant being supplied by waste generated from within Cheshire East and Cheshire West and Chester Councils. Throughout the planning process, Covanta have continually stated that the facility was proposed for Cheshire waste. Even their Grounds of Appeal refute the Council's assertion that waste may be import from outside the County.

The Board's determination of the application was based on this. However, SIP 3 now introduces two new scenarios, and three variants of these, which are tested and based on significant levels of waste being imported into Cheshire. This constitutes a significant change to the nature of the application and one made after the Board's determination, after the appeal was lodged and only a single working day before the Pre-Inquiry Meeting.

The first scenario assumes waste is imported from other authority areas in the Mersey Belt (this includes the 10 Greater Manchester Council's, the 5 Merseyside Council's, together with Halton and Warrington). The level of import is then modelled for annual tonnages of 103,000 tonnes, 140,000 tonnes and 172,000 tonnes, the latter being half the proposed plant's capacity. The second scenario assumes for the same set of annual tonnages, imports based on a 50 minute travel time to the site, which would include most of the above authorities together with Flintshire to the west, the Potteries, and as far south as Stafford.

The impact of this revised assumption on waste sources is assessed in terms of traffic movements on local highways and junctions, on air quality and on noise levels. The conclusion reached within the report is that the impacts are not significantly different to the original assessment. Despite an objection from Cheshire West and Chester Council to the earlier ES, where concern over the air quality on the A54 at Sproston was raised, the applicant has not sought to allay these concerns by including information on this area. The proposed changes to now import significant quantities of waste from outside Cheshire are likely to increase road traffic on the A54, as it is the link to the M6, and hence lead to a deterioration of air quality at Sproston.

The original ES did include a Rail Feasibility Study, as required by policies in the Cheshire Replacement Waste Local Plan (CRWLP), particularly policy 27: Sustainable Transportation of Waste and Waste Derived Materials. That Study

looked at the relative costs of road transport compared to providing a rail facility on the site and loading facilities within Cheshire at two locations identified as Ellesmere Port and Knutsford. The conclusion of the Study was that rail transport sourcing waste from Cheshire was not economically feasible. Over short distances there is little benefit to be achieved by implementing a system of rail transfer of waste especially if facilities need to be built. However, this changes significantly over distance and particularly where rail facilities may already exist. Considering waste is now proposed to be imported from outside the County, it is considered essential that an appropriate assessment is submitted for consideration based on the significant changes. Policy 27 states:

An application to develop a waste management facility will only be permitted if it can be demonstrated that the proposed facility will utilise rail, waterway or pipeline transport as an alternative to road transport unless it is shown that such alternative forms of transport have been investigated but would not be practical, economically feasible or more sustainable than sole use of the highway network....

Despite having a railway line adjoining the site, Covanta do not propose to use rail transport and it has not been demonstrated that the amended proposals have been investigated to identify if rail is a suitable alternative. The proposed changes to the application turn what was considered a local facility treating Cheshire waste, into a regional facility accepting waste from other sub-regions of the North West and other Regions such as Wales and the West Midlands.

Policy 12: Impact of Development Proposals, lists relevant environmental issues, including alternative methods of transportation and concludes;

...or the proposal is accompanied by insufficient information on potential impacts the application will not be permitted.

Policy 1: Sustainable Development, states;

.An application must also demonstrate how the development would; c) maximise opportunities for transporting waste by rail or water.

The proposal as now amended is considered to be contrary to policy 27, 12 and 1 of the CRWLP as sustainable alternatives have not been assessed and the sole use of road transport to move large quantities of waste over significant distances and between regions and sub-regions is considered unsustainable. At the time the Board considered the original application, it was still proposed as a facility designed to serve the waste needs of Cheshire, not a regional facility. The proposals now raise sustainable transport as a new issue which is contrary to policies within the CRWLP.

The Assessment of Carbon Benefits of Sourcing and Treatment has been submitted to compare the carbon footprint arising from three scenarios. The first scenario is to compare the proposed plant with landfill. The second scenario compares the overall carbon footprint arising from Cheshire only waste deliveries, the 140,000 tonnes import option from the Mersey Belt and the 140,000 tonnes option from neighbouring authorities within 50 minutes travel time. The third scenario compares the proposed plant with a smaller 204,000 tonnes facility and

landfill, and two smaller facilities. It hasn't been made clear why these scenarios have been selected or what particular relevance they may have.

6. CONDITIONS AND SECTION 106 AGREEMENT

It is standard procedure in appeal cases to provide the planning inspector with a list of conditions for consideration should the inspector be mindful to uphold an appeal. Similarly in cases where it is warranted, an indication of the acceptable content of a Section 106 legal agreement should also be submitted.

At the time the Board considered the original application, Covanta had submitted to the Council draft terms for a section 106 agreement, comments on which were incorporated within the report. Covanta have been requested to submit further details of a unilateral agreement and section 106, but have, as yet, failed to do so.

7. CONCLUSIONS

Following the Boards determination of the Covanta application (09/0738W) in April 2010 and also following Covanta's appeal against that refusal, additional supplementary information has been submitted by Covanta. The information to be added to the Environmental Statement is considered an attempt to overcome part of the reasons for refusal of the application.

The information originally submitted in August and September 2010 in the form of SIP 2 and SIP 3, has now, by order of the Secretary of State, been incorporated within a consolidated environmental statement. This statement will inform the Public Inquiry now due to start on 8th March 2011.

SIP 2 contains an assessment of indicative routes and infrastructure to enable the main site to be connected to the national electricity grid and also to the British Salt Works at Cledford Lane to provide potential high pressure steam. Details of a planning application (10/2551W) for a newt receptor site have also been included. This application is to be separately reported to the Board.

SIP 3 contains a carbon footprint assessment for a variety of alternatives and also assessments for three levels of waste imports from areas outside the County.

As great crested newts, otters, water vole and badgers are or may be present on site, adequate surveys need to be undertaken and there are admitted gaps within the submissions. There will be temporary and permanent loss of habitat as a result of the two links. As European Protected Species are likely to be affected, consideration must be given to the three tests prescribed by the Habitat Regulations. As the Council considers the main facility to be unnecessary in terms of need, it is considered there is an alternative for the proposal; that it is not in the public interest and therefore these elements of the proposed assessment do not meet the tests set by the Habitat Regulations.

It is possible that the submission of adequate surveys and information, and where necessary mitigation, may overcome objections. However, until these are received and agreed, it is considered that these objections are introduced into the Public Inquiry. The impact of the proposed plant is already the subject of objection in terms of landscape and visual impacts. The further works, and particularly the pylon works, are also likely to add to this impact.

Throughout the application submission and determination by the Board, Covanta have insisted the proposed facility was for Cheshire waste arisings. Indeed, even within their grounds for appeal submitted in June 2010, it was claimed in relation to the third reason for refusal that the proposal would not '*lead to a requirement to import wastes from outside Cheshire as claimed by the LPA*'. However, the submission of SIP 3 fundamentally changes the nature of the application, as this is now being assessed under three scenarios of various degrees of waste imports from outside the County from 30 to 50%. The proposed plant is now being considered as a regional facility. The sole dependence on road traffic from distant sources is not considered sustainable. The Environmental Statement no longer has an adequate transport assessment and the role of rail has not been considered. As such the proposed plant is considered contrary to policies 1, 12 and 27 of the Cheshire Replacement Waste Local Plan.

8. RECOMMENDATIONS

- That the report updating members be noted,
- That the Planning and Housing Manager be authorised, on behalf of the Board, to submit comments on the content of any unilateral undertaking made by Covanta and the contents of any Section 106, and to submit to the Inspector a list of acceptable conditions,
- That the Inspector be notified that the Council considers the grid connection and CHP link should be formally submitted in detail for inclusion within a comprehensive planning application and supporting environmental statement.
- That approval be given to introduce further reasons for refusal into the planning appeal as follows:
 1. That the proposal fails to demonstrate that sustainable transport has been adequately considered. It is therefore contrary to policies 1, 12 and 27 of the Cheshire Replacement Waste Local Plan, Policies DP1, DP 4, DP5, DP7, EM 12 and EM 13 of the Regional Spatial Strategy and policy GR 1 of the Congleton Borough Local Plan.
 2. The importation of significant quantities of waste by road from outside the County of Cheshire is considered unsustainable and undermines the principle of treating and disposing of wastes close to source. The importation of waste now proposed is therefore contrary to policies 1, 12 and 27 of the Cheshire Replacement Waste Local Plan, Policies DP1, DP 4, DP5, DP7, EM 12 and EM 13 of the Regional Spatial Strategy and policy GR 1 of the Congleton Borough Local Plan.
- That approval be given to raise objection to the introduced assessments, which have not be included within the application details, as follows:
 3. The indicative routes for the grid connection and steam pipeline would negatively and unacceptably impact on Public Rights of Way, Middlewich footpath N^{OS} 19 and 20. These impacts have not been adequately assessed nor mitigation measures proposed. The assessments are considered

contrary to policy 20 of the Cheshire Replacement Waste Local Plan, and GR16 of the Congleton Borough Local Plan.

4. The indicative route and infrastructure required to provide a grid connection taken cumulatively with the submitted proposal details for a waste facility would have an unacceptable impact in terms of landscape and visual amenity. The assessments are considered contrary to policies 2,12,14, and 36 of the Cheshire Replacement Waste Local Plan, Policy DP 7 and EM 1 of the Regional Spatial Strategy and policies GR 1,2,5 and 6 of the Congleton Borough Local Plan.
5. That adequate ecological surveys and mitigation have not been provided to assess the impact on protected species. The assessments are considered contrary to policies 1, 12 and 17 of the Cheshire Replacement Waste Local Plan, EM1 of the Regional Spatial Strategy.

CHESHIRE EAST COUNCIL

Strategic Planning Board

Date of Meeting:	5 th January 2011
Report of:	Head of Planning and Housing
Subject/Title:	Cheshire East Local Development Framework Annual Monitoring Report 2009/10
Portfolio Holder	Councillor David Brown

1.0 Report Summary

- 1.1 This report sets out the findings in the Annual Monitoring Report 2009/10. The Annual Monitoring Report sets out information on the implementation of the local development scheme and the extent to which the policies set out in local development frameworks are being achieved during the period 1st April 2009 to 31st March 2010.

2.0 Recommendation

- 2.1 That the Strategic Planning Board note for information the findings in the Annual Monitoring Report 2009/10.

3.0 Reasons for Recommendations

- 3.1 Every planning authority has to make an annual report to the Secretary of State containing information on the implementation of the local development scheme and the extent to which the policies set out in local development schemes are being achieved. The report has been to the Environment and Prosperity Scrutiny Committee on 21st December 2010 and will subsequently be signed off by the Portfolio Holder for Performance and Capacity in due course.

Monitoring is very important in order to establish what is happening now, what may happen in the future and then compare these trends against existing policies and targets to determine whether any changes are necessary. It provides a crucial method for feedback within the process of policy making and implementation whilst also identifying key challenges and opportunities enabling adjustments and revisions to be made as necessary through the Local Development Framework (LDF) process.

4.0 Wards Affected

- 4.1 All Wards.

5.0 Local Ward Members

5.1 All.

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

6.1 The report contains statistical evidence on the performance of existing development plan policies which will be crucial in the formulation and process of policy making and implementation of the Local Development Framework.

7.0 Financial Implications

7.1 N/A

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 Submission of an annual report containing prescribed information regarding:
a) implementation of the Local Development Scheme and
b) the extent to which the policies set out in Local Development Documents are being achieved is a statutory requirement imposed by s35 Planning & Compensation Act 2004.

9.0 Risk Management

9.1 To comply with Section 35 of The Planning and Compulsory Purchase Act 2004.

10.0 Background and Options

10.1 This is the second Annual Monitoring Report for Cheshire East Council. Every local planning authority has to make an annual report to the Secretary of State containing information on the implementation of the local development scheme and the extent to which the policies set out in local development frameworks are being achieved. However at present the existing Development Plan for Cheshire East consists of:

- North West of England Plan Regional Spatial Strategy to 2021 (2008)
- Cheshire 2016 Structure Plan Alteration (2006)
- Cheshire Replacement Minerals Local Plan (1999)
- Cheshire Replacement Waste Local Plan (2007)
- Congleton Borough Local Plan First Review (2005)
- Borough of Crewe and Nantwich Replacement Local Plan (2005)
- Macclesfield Borough Local Plan (2004).

- 10.2 The Executive Summary to the Annual Monitoring Report is set out in Appendix 1. It gives the extent of development and progress throughout the Borough highlighting the main conclusions from each of the chapters. The full report is available on the Council's web site:
http://www.cheshireeast.gov.uk/environment_and_planning/planning/spatial_planning/local_development_framework/annual_monitoring_report.aspx
- 10.3 This is the second Annual Monitoring Report that Cheshire East Council has produced and progress is being made on the preparation of the Local Development Framework with consultation on the Core Strategy Issues and Options being underway. In addition three Supplementary Planning Documents have been adopted during the period. The saved policies of the Local Plans continue to withstand the test of the appeal procedures with the more general policies being tested the most however national policy, namely Green Belt, has been challenged the most.
- 10.4 The area continues to be affected to some extent by the national economic climate with the number of houses built remaining low and economic floorspace completions falling to almost half the rate of the previous monitoring period. However the number of vacant shops in town centres has reduced, unemployment rates remain below the regional level and Cheshire East's top attractions have had a steadily increasing number of visitors.
- 10.5 The number of affordable dwellings built has been increasing each year since 2006 with 334 being completed in this monitoring period. In addition a significant number of all the houses built this year have been smaller sized 1 and 2 bedroom properties.
- 10.6 Local Planning Authorities are required to identify and maintain a rolling 5-year supply of deliverable housing sites. The Strategic Housing Land Availability Assessment identified 4.48 years supply. Consequently the Council intend to identify broad locations for future housing growth. The Council has agreed to introduce an interim statement on the release of housing land following consultation. The statement suggests that this will provide the authority with a 5.3 years supply of deliverable housing sites.
- 10.7 The natural environment and heritage assets continue to be well managed throughout the Borough and work continues on the management of climate change. While there has been a drop in demand for materials for the construction sector, standards of development/ energy efficiency is improving. Waste management is moving away from landfilling in favour of recycling/composting.

- 10.8 It is imperative that the Council continue this monitoring. Monitoring provides a crucial method for feedback within the process of policy making and implementation whilst also indentifying key challenges and opportunities enabling adjustments and revisions to be made as necessary through the Local Development Framework (LDF) process on which work is progressing well.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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Cheshire East Local Development Framework

Annual Monitoring Report 2009/10

December 2010

Chapter 1 Executive Summary

Chapter 1 Executive Summary

1.1 This is the second Annual Monitoring Report (AMR) produced by Cheshire East Council to comply with the requirements of Section 35 of the Planning and Compulsory Purchase Act 2004.

Local Development Scheme

1.2 The following progress has been made with the preparation of the Local Development Framework:

- The Evidence Base to support the LDF, particularly the Core Strategy, has been put together over the last year.
- The Sustainability Appraisal Scoping Report for the Core Strategy was undertaken between 27th April and 1st June 2009.
- The first stage of consultation on the Core Strategy Issues and Options Paper (Regulation 25 Consultation) was undertaken between November/December, for a 6 week period.
- Three Supplementary Planning Documents have been adopted: Alsager Town Centre, Local List, and Smallwood Village Design Statement.

Communities

1.3 The numbers of houses built remains low, with only 634 net dwellings being completed in 2009/10, whilst the affordability of housing remains a significant issue within Cheshire East, with house prices remaining high. On the positive side there has been an increase in the numbers of affordable dwellings built and a significant number of the dwellings built have been smaller sized 1 and 2 bedroom properties.

1.4 The Strategic Housing Land Availability Assessment identified 5,147 deliverable dwellings that were expected to come forward within the 1-5 year period, this equates to 4.48 years supply. Therefore there are currently insufficient 'deliverable' sites to meet the five year supply requirement. The Council intend to identify broad locations for future housing growth which will provide an additional 1,350 dwellings to the 5 year supply and consequently increase the 5 year supply total is increased to 6,097 dwellings. This equates to 5.3 years supply.

1.5 The population of Cheshire East is forecast to continue to grow, with an increasing number of people in the 65 or older age category, a likely result of the high life expectancy and good health in the area and as well as the general age profile of the Borough.

Economy

1.6 The effects of the economic recession continued throughout most of 2009, however, there appeared to be signs of recovery during 2010 evidenced at the national level by increases in GDP and stabilising unemployment rates. Cheshire East has felt the impact of the recession, with employment floorspace completions falling to almost half the rate in the 2009/10 period compared with the previous monitoring period. Despite this, the area

Chapter 1 Executive Summary

has proven itself to be resilient with unemployment rates remaining below the regional level, and GVA projections anticipating higher annual growth in Cheshire East than the expected regional rates.

1.7 It is difficult to analyse indicator results at the present time due to a lack of time-series data. Nonetheless, certain trends appear to be emerging and will require further monitoring in order to assess their implications. Supply figures were down on the previous year by around 12 ha; half of this is accounted for by completed developments, whilst the remainder is due to permissions having expired. Over 80% of the supply is for mixed use development, and four large sites account for more than half of the supply (two of these are located in Crewe). It will be important to ensure that the Council maintains a supply of sites available for employment development and addresses any deficits in employment land provision through losses of existing uses.

Town Centres

1.8 The main conclusions that can be drawn from how the Borough's retail offering has performed during 2009/10 are that there has generally been a decrease in the number of vacant shops and retail uses within the town centres; most notably shops (A1) and financial & professional (A2) uses, although there are variations within the Borough. Notwithstanding this the majority of retail and leisure development has taken place within the town centres, which is a positive outcome. There are also currently 2 major regeneration schemes in the pipeline for Crewe and Macclesfield and a smaller scheme for Congleton.

Tourism and Culture

1.9 Cheshire East boasts many cultural assets, which appear to be performing well as reflected by steadily increasing visitor numbers to the area's top attractions. In addition to built attractions the area hosts a number of festivals which are well attended and help to generate income and increase the profile of Cheshire East. The authority is proactive in developing its visitor economy, and has developed a Visitor Economy Strategy for the area. This is an important component of the Council's economic priorities as it is an important contributor to the economy, contributing to local quality of life, and has a positive impact on decisions over business location and individual choices over where to live and work. The LDF will need to reflect these trends and aspirations within its policy framework.

Minerals and Waste

1.10 A key trend for minerals is the reported reduction in production of primary land won aggregates. The drop in demand for materials from the construction sector has been the principle reason for this. Aggregate landbanks remain above the national indicators although the recent revision of regional aggregate apportionments which require less primary land-won aggregates will need to be considered in the formulation of future policy.

1.11 The key trend for waste is the continued decline in overall municipal solid waste (MSW) arisings and the move away from landfilling in favour of recycling/composting. An implication of this trend has been the extension of the consented lifespans of existing landfill facilities as capacity is being reached slower than anticipated. New permitted

Chapter 1 Executive Summary

facilities are utilising methods of waste management that move away from disposal and instead recover energy and recycle. This shows consistency with existing planning policy and waste strategy.

1.12 Consistent data capture on commercial and industrial waste (CIW) and construction, demolition and excavation waste (CDEW) streams has proved problematic. However, updated figures on CIW show an overall reduction in arisings and a significant increase in recycling whilst evidence also points towards a reduction in overall CDEW arisings.

Environment

1.13 Heritage assets present within Cheshire East are being pro-actively managed through the provision of guidance to landowners; the development of guidance notes on heritage features; the creation of a Local List of Important Buildings identifying locally important structures; the development of Conservation Area Appraisals for 31 of the 76 conservation areas in Cheshire East and the implementation of planning policy relating to heritage assets.

1.14 This proactive management has ensured that no nationally designated heritage features have been lost during the monitoring period and a significant reduction in the number of assets deemed to be at risk from 51 to 38 structures has occurred between the last two monitoring periods.

1.15 The natural environment within Cheshire East is being managed through the provision of guidance to landowners and the implementation of planning policy in Local Plans.

1.16 This management has resulted in an improvement to the condition of a number of locally important habitats; although a revision of the boundaries of Folly Cottage Meadow and Wood and Brereton Plantation has reduced the overall extent of locally important habitats. Planning policies have also ensured that none of these sites have been negatively impacted by development during the 2009/10 monitoring period.

1.17 Management has also positively reduced the area of land with SSSI status in favourable, declining condition by 149ha and subsequently increased the area of land with SSSI status in unfavourable, recovering by 82ha. However, there has been a decrease of 24ha of land designated with SSSI status deemed to be in favourable condition.

1.18 Planning policies have ensured that no SSSIs have been negatively impacted by development during the 2009/10 monitoring period.

1.19 Based on these results it can be concluded that the management strategies and policies seeking to ensure the protection and maintenance of the natural environment within Cheshire East are operating successfully.

Chapter 1 Executive Summary

Climate Change

1.20 Cheshire East is committed to the management of climate change: cause and effect and the achievement of sustainable development. This is to be achieved through ensuring the efficiency of Council activities and positively influencing development across the Borough.

1.21 Air quality within Cheshire East is being positively influenced by management activities. This is indicated by the improvement to the majority of the Air Quality Management Areas declared in Cheshire East (due to their poor air quality). However, there may be a need to ensure that air quality outside these areas is similarly maintained and improved.

1.22 Water quality has also improved. As evident in the increase in the proportion of rivers achieving a good status for both chemical and biological quality between 2004 and 2006. A key factor contributing to this is the fact that during the most recent monitoring period, no applications were granted contrary to the advice of the Environment Agency on water quality or flood risk grounds.

1.23 The standard of development completed during the 2009/10 monitoring period was of good quality, with the average energy efficiency, SAP rating, of new homes in Cheshire East exceeding the national average for England (which was 78.5 in 2008). However, there is a need to continue to improvement of the efficiency of new development in order to meet national targets relating to carbon dioxide emissions and energy usage. Equally, the results of the Building for Life Assessment, which appraises the overall quality of a housing scheme show that there is significant room for improvement.

Policy Appraisal

1.24 The main policies which seem to be performing well are those in relation to Green Belt, National policy PPG2, this is due to the fact that a high proportion of the land within the former Macclesfield borough is within the Green Belt. Also the general design policies also appear to be performing well, these were the most commonly referred to policies in dismissed appeals e.g. BE.2 (Crewe and Nantwich Borough Council Replacement Local Plan 2011) and GR2 General Design Requirements (Congleton Borough Council Local Plan First Review). The design policies will be applicable to the majority of applications for new development and as a result referred to in a lot of decisions.

1.25 The Planning and Compulsory Purchase Act 2004 required Local Authorities to identify which policies they would like to save prior to their replacement with additional LDF documents. Guidance advised that only those policies which did not replicate existing national policy should be saved. As part of this process many policies from the former Boroughs Local Plans were saved. Subsequently an issue has emerged in relation to the loss of a particular policy from the former Macclesfield Borough Local Plan which related to replacement dwellings in the Green Belt. As a result there have been several appeals in relation to this and most recently a Judicial Review. Consideration is currently being given to what action is required by the Council to address this situation.

Chapter 1 Executive Summary

1.26 The Government revoked the Regional Spatial Strategy (RSS) in July 2010. This was subsequently challenged by Cala Homes with the outcome that the revocation has been quashed. The effect is that RSS remains part of the development plan until the revocation has been through the necessary statutory procedures. The implications of the revocation are listed in Chapter 4 (para 4.18), however the Council must consider which policies of RSS need to be retained should the Government decide not to put in place transitional arrangements.



Cheshire East Council

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CHESHIRE EAST COUNCIL

Strategic Planning Board

Date of Meeting: 5 January 2011
Report of: Strategic Director - Places
Subject/Title: Local Development Scheme
Portfolio Holder: Cllr David Brown

1.0 Report Summary

- 1.1 This report seeks approval for the Local Development Scheme 2010-2014.

2.0 Recommendation(s)

- 2.1 That the Strategic Planning Board recommends that the Portfolio Holder approves the Local Development Scheme 2010-2014.

3.0 Reasons for Recommendation(s)

- 3.1 To ensure that the Council has an approved three year programme for the preparation of the various documents that will make up the Local Development Framework.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 The Cheshire East Local Development Framework will set out the vision, objectives, spatial strategy and policies for the development of Cheshire East (outside the National Park) to 2030. It will interpret national planning policies within the context of Cheshire East Borough and will aim to ensure that the future development of the Borough is planned in a sustainable manner. It will be developed in co-operation with other adjacent local authorities to ensure that it contributes to the strategy for the future development of the sub-region.
- 6.2 The Local Development Framework will take into account other strategies and plans produced by the Council and its Local Strategic Partners in order to present a shared vision and strategy to ensure consistency in

programme delivery. It will deliver the spatial aspects of the Cheshire East Sustainable Community Strategy, "Ambition for All".

7.0 Financial Implications

- 7.1 The costs of preparing the various documents will be met from current and future Spatial Planning budgets. The Local Development Scheme has taken into account the potential reduction of Spatial Planning staffing and revenue budgets from April 2011.

8.0 Legal Implications

- 8.1 Local authorities are required by Section 19 of the Planning and Compulsory Purchase Act 2004 to prepare documents to form their Local Development Framework in accordance with their Local Development Scheme.
- 8.2 Section 15 of the Planning and Compulsory Purchase Act 2004 sets out the roles of the local planning authority and the Secretary of State in relation to an authority's Local Development Scheme. Every local planning authority must prepare and maintain a local development scheme specifying the documents that will be local development documents, their subject matter and area and the timetable for their preparation and revision. The local planning authority must submit their local development scheme to the Secretary of State who can direct changes to the scheme as he thinks appropriate. PPS12 sets out guidance on the preparation of Local Development Schemes.
- 8.3 Section 15 requires Local Planning Authorities to revise their Local Development Schemes "at such time as they consider appropriate". This Council's current Scheme was produced in February 2009, several changes to its content and timetable need to be made, a revised Scheme must therefore be approved and published.

9.0 Risk Management Implications

- 9.1 The Local Development Schemes sets out the risks associated with the preparation of the Local Development Framework. Two new risks have arisen since the preparation of the first Local Development Scheme:
- Uncertainties about the proposed revisions to the plan making process announced by the Coalition Government
 - Uncertainties about the possible reduction in Spatial Planning staffing and revenue budgets from April 2011.

10.0 Background and Options

- 10.1 The Local Development Scheme sets out a programme and timetable for the preparation of documents for the Cheshire East Local Development Framework. The first Cheshire East Local Development Scheme was approved in February 2009 and included an extensive list of Development Plan Documents.

- 10.2 The Local Development Scheme is the starting point for people to find out about the Council's timetable for preparing the various documents of the Local Development Framework, the status of each document and the policies contained in it. The Local Development Scheme describes:
- the content and geographic area to which each of the Development Plan Documents relates;
 - the timetable and the key milestones in their preparation;
 - the interrelationships between each document;
 - arrangements during the transitional period for saved policies.
- 10.3 As part of preparing this Local Development Scheme the format of the Local Development Framework has been reviewed and the number of Development Plan Documents has been reduced to two: the Core Strategy and the Site Allocations Documents. The timetable has also been reviewed with the aim of completing these key documents by the end of 2014. Appendix 1 summarises the timetable for the preparation of documents for this period.
- 10.4 The 2009 Local Development Scheme included a schedule of Supplementary Planning Documents that would also be prepared. The Council is no longer required to include these in its Local Development Scheme. However, it is intended that in future, priority will be given to the preparation of Supplementary Planning Documents that will support the delivery of major development proposals (eg area or site specific briefs for major development proposals) or guidance on the implementation of specific policies (eg affordable housing).
- 10.5 Progress with the preparation of the Local Development Framework documents will be reviewed annually as part of the Local Development Framework Annual Monitoring Report. The Local Development Scheme will be updated in the light of this review and at such other times when circumstances require a change to the timetable for the preparation of documents.
- 10.6 It should be noted that the Coalition Government has announced that it intends to bring forward proposals to review the plan making process. Once the legislation has been passed to introduce these proposals, they will be taken into account in future reviews of the Local Development Scheme.
- 10.7 The Council has consulted the Government Office for the North West in the development of the LDS.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

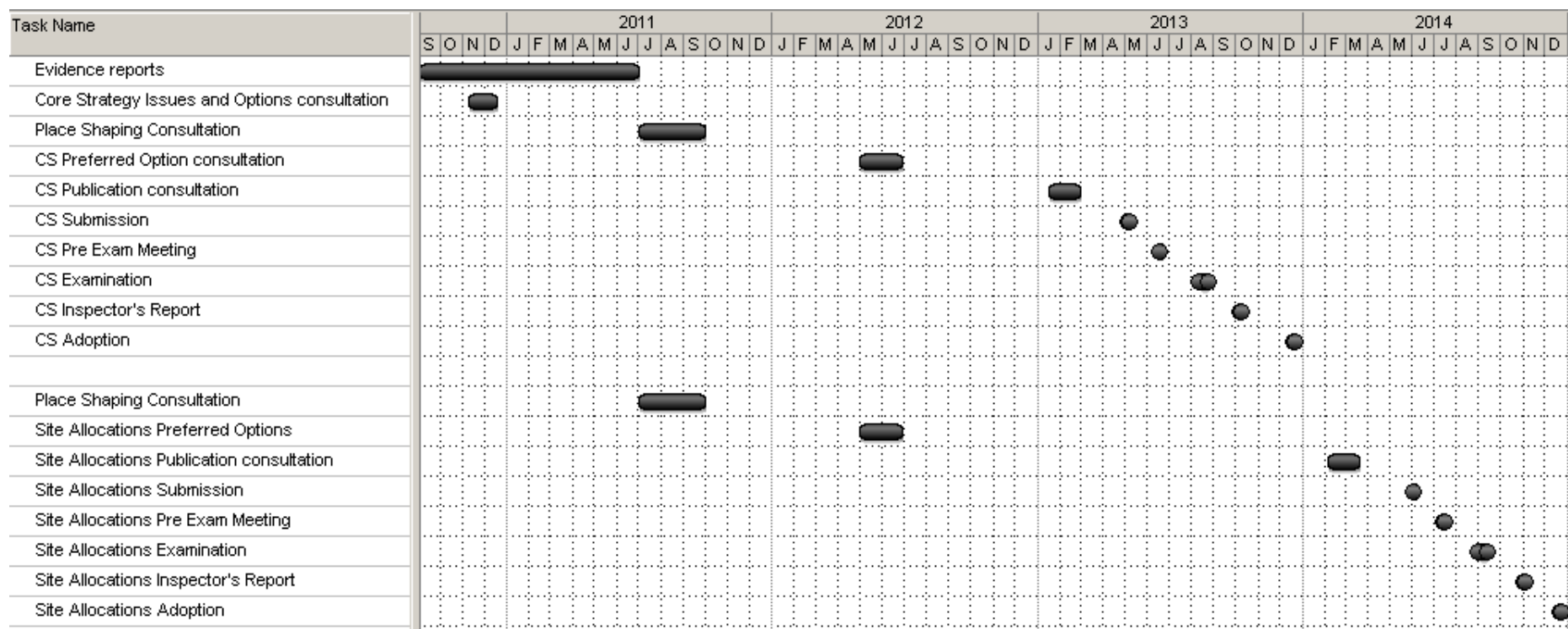
Name: Rosemary Kidd

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CHESHIRE EAST LOCAL DEVELOPMENT FRAMEWORK PROGRAMME



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Cheshire East Local Development Framework

Local Development Scheme
2010 - 2014

December 2010

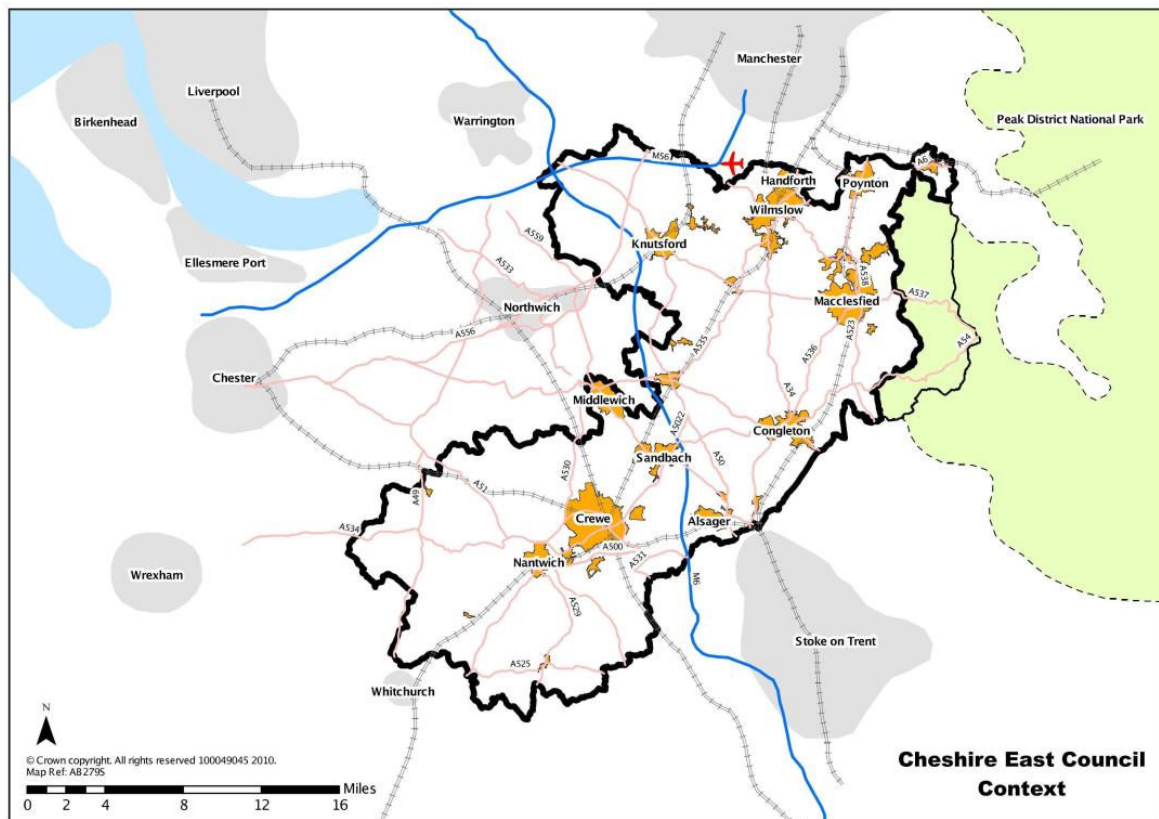
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1 Introduction

1.1 Cheshire East Borough Council was established as a unitary council in April 2009. It was formed from the former Congleton, Crewe and Nantwich and Macclesfield districts and part of Cheshire County Council. In 2009, it has a population of 362,700 and an area of 116,638 hectares. East Cheshire is bounded by the Manchester conurbation to the north, the Peak District National Park to the east, Staffordshire and Shropshire to the south and Cheshire West and Chester to the west. It contains the industrial town of Crewe, the old mill towns of Macclesfield, Bollington and Congleton, the market towns of Nantwich, Knutsford and Sandbach, the salt town of Middlewich, the commuter town of Wilmslow, as well as the smaller settlements of Alsager, Holmes Chapel and Poynton.

1.2 Much of the northern part of the authority and a smaller area to the east lie within the Green Belt which is intended to prevent urban sprawl and to assist in the urban regeneration of the neighbouring Manchester City Region and the Potteries conurbation. Cheshire East also has a number of other designated areas where development is restricted, including the Jodrell Bank Consultation Zone, which restricts development near to the Radio Telescope. The map below highlights some of the key features within Cheshire East.



Map 1.1 Cheshire East Location Map

2 What is the Local Development Framework?

2.1 Local Development Frameworks (LDFs) were introduced by the Planning and Compulsory Purchase Act 2004. Following the revocation of Regional Spatial Strategies, the LDF will constitute the statutory development plan for an area. They are to be prepared within the context of national planning policies set out in Planning Policy Statements and Guidance. The Government is also proposing to publish National Policy Statements to provide guidance on nationally important infrastructure developments.

2.2 Planning Policy Statement 12 (PPS12) “Creating Strong Safe and Prosperous Communities through Local Spatial Planning” was published in June 2008 by DCLG. It is accompanied by an online ‘plan making manual’ (www.pas.gov.uk) and Regulations. Together these set out the procedures and good practice on the preparation of Local Development Frameworks.

2.3 Since the election of the Coalition Government in May 2010, there have been a series of announcements about proposals to reform local spatial planning. The implications of the revocation of Regional Spatial Strategies in July 2010 are still being considered and will require consideration to be given to whether any regional policies should be included in the LDF Core Strategy. In particular the housing and employment land requirement will in future be determined through the Local Development Framework rather than through the Regional Strategy process.

2.4 The Coalition Government has indicated that it is proposing to review the plan making procedures in the future. This Local Development Scheme may need to be reviewed should the procedures for plan making be revised.

2.5 The first Cheshire East Local Development Scheme was approved in February 2009. This has been reviewed and the Development Plan Documents has been amalgamated and reduced to the Core Strategy and a Site Allocations Plan. Supplementary Planning Documents will be prepared for areas of change and to provide guidance on the implementation of particular policies.

2.6 The Cheshire East Local Development Framework will set out the vision, objectives, spatial strategy and policies for the development of the plan area for the next 15 to 20 years or so. It will interpret national planning policies within the context of Cheshire East Borough and will aim to ensure that the future development of the Borough is planned in a sustainable manner. It will be developed in co-operation with other adjacent local authorities to ensure that it contributes to the strategy for the future development of the region.

2.7 The Local Development Framework will take into account other strategies and plans produced by the Council and its Local Strategic Partners in order to present a shared vision and strategy to ensure consistency in programme delivery. It will deliver the spatial aspects of the Cheshire East Sustainable Community Strategy, “Ambition for All”.

2.8 The Local Development Framework will contain a number of separate documents:

2 What is the Local Development Framework?

- **Development Plan Documents (DPDs)** contain the vision, strategy, policies and allocations;
- **Supplementary Planning Documents (SPDs)** give more detailed guidance on the implementation of policies, for example, on affordable housing and planning contributions;
- **Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA)** set out the assessments that have been carried out during the course of preparing the Development Plan Documents;
- **Statement of Community Involvement (SCI)** sets out how and when consultation on the preparation of the Development Plan Documents and Supplementary Planning Documents will be carried out; and
- **Local Development Scheme (LDS)** sets out the timetable for the preparation of the other documents. This second Local Development Scheme sets out the documents that will be produced during the period 2010 – 14.

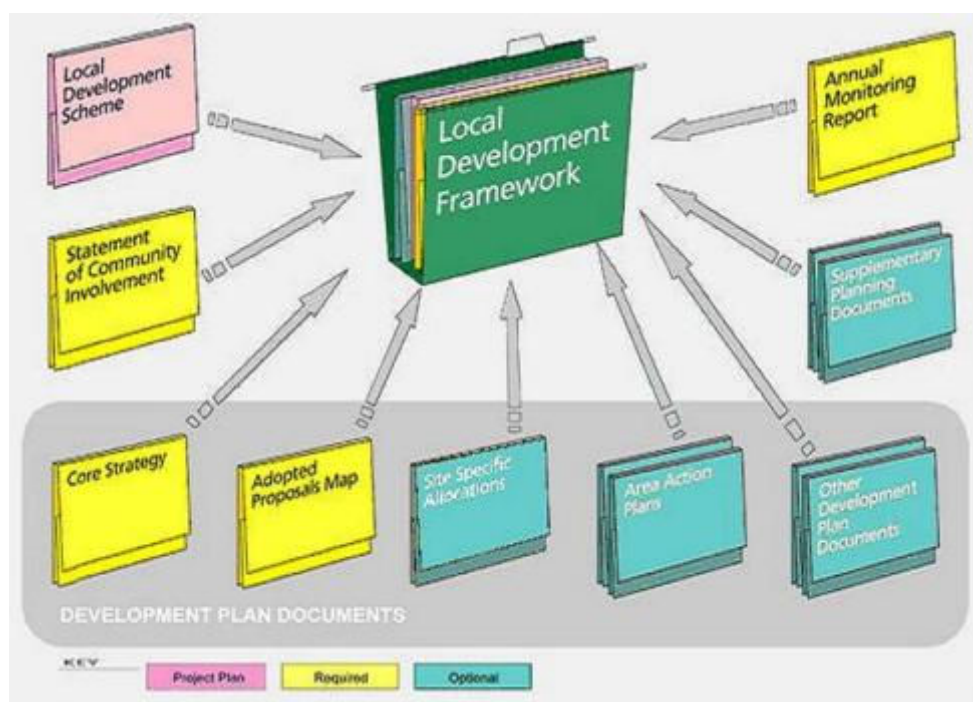


Figure 2.1 The Local Development Framework and its Component Documents

3 What is the Local Development Scheme?

3.1 This Local Development Scheme sets out a programme and timetable for the preparation of documents for the Cheshire East Local Development Framework during the period 2010 – 14. Appendix 1 summarises the timetable for the preparation of documents for this period. Progress with the preparation of the Local Development Framework documents will be reviewed annually as part of the Local Development Framework Annual Monitoring Report. The Local Development Scheme will be updated in the light of this review and at such other times when circumstances require a change to the timetable for the preparation of documents.

3.2 The Local Development Scheme 2010 – 2014 has been prepared to take account of changes arising since the announcement of the revocation of Regional Strategies.

3.3 The Local Development Scheme is the starting point for people to find out about the Council's timetable for preparing the various documents of the Local Development Framework, the status of each document and the policies contained in it. The Local Development Scheme describes:

- the content and geographic area to which each of the Development Plan Documents relates;
- the timetable and the key milestones in their preparation;
- the interrelationships between each document;
- the arrangements during the transitional period for saved policies.

3.4 The Council has consulted the Government Office for the North West in the development of the LDS.

4 The Proposed Cheshire East Local Development Framework

4.1 Those documents in the Cheshire East Local Development Framework that are Development Plan Documents will become the new development plan for the Borough outside the Peak District National Park. That part of the Borough within the Peak District National Park is covered by the Peak District Local Development Framework.

4.2 The preparation of the Cheshire East Local Development Framework will focus on the preparation of two Development Plan Documents: the Core Strategy and the Site Allocations Plan. As resources permit in the future, Area Action Plans and Supplementary Planning Documents will be prepared to provide guidance on the implementation of key policies.

4.3 Appendix 1 sets out the schedule of proposed Development Plan Documents (DPDs), including: a brief description for each DPD; key consultation milestones; its chain of conformity; and a brief description of the DPD's contents.

4.4 The stages of preparing a DPD comprise:

1.Pre-production	Evidence gathering stage to develop the evidence base to inform the preparation of a 'sound' DPD;
2. Production	Preparation of Issues and Options by involving the community and other stakeholders and consultation on these. A non-statutory 'Preferred Option' stage is included to increase stakeholder involvement. Although both are prepared under a framework of continuous engagement with stakeholders and the community; A Final draft version of the DPD is prepared for gathering representations for the Examination. Should significant new issues be raised there is the opportunity to go back to a previous stage before submitting the DPD for Examination to the Secretary of State in the light of the representations received. Formal representations are requested on the submitted DPDs;
3. Examination	Independent examination by a Planning Inspector to consider the 'soundness' of the DPD;
4. Adoption	The Inspector prepares a report with recommendations which are binding on the local authority. The DPD is adopted and published as part of the LDF.

Table 4.1 Stages of Preparing a DPD

4.5 The process of preparing SPD is shorter and does not involve independent examination:

4 The Proposed Cheshire East Local Development Framework

1.Preparation of Draft SPD	Includes evidence gathering and the involvement of the community and stakeholders from an early stage;
2. Consultation on Draft SPD	Representations invited on a published draft;
3. Adoption	Council considers representations received and finalises SPD before adoption.

Table 4.2 Stages of Preparing a SPD

4.6 Based on the experience of other Local Planning Authorities, it has become clear that it is crucial to have an appropriate evidence base and to ensure that there is sufficient time to carry out consultations with stakeholders and the local community to understand the challenges facing the Borough and to develop the spatial vision and the strategic objectives for the future of the Borough. A development strategy for the whole Borough and town and area strategies will also be prepared. The assessment of site specific proposals will support the development of the Core Strategy; and where appropriate, strategic allocations will be included in the Core Strategy. The Site Allocations DPD will be reviewed and finalised once the Core Strategy has been agreed. Generic development policies will be prepared and included in the Core Strategy or Site Allocations DPD as appropriate. Strategic and detailed policies and proposals for minerals and waste developments will be included in the Core Strategy and Site Allocations DPDs as appropriate.

4.7 Resources are being prioritised to deliver these two DPDs to ensure that we draw up a comprehensive Local Development Framework as quickly as possible. Work will continue on the preparation of the Area Action Plans for Congleton Town Centre and Middlewich Canal Corridor as resources become available. It may be that this work will be subsumed into the Site Allocations DPD with more detailed guidance set out in Supplementary Planning Documents. It is possible that priorities may change and there may be a need to address issues in other settlements. Any change in priorities will be addressed in a review of the Local Development Scheme.

4.8 The preparation of Supplementary Planning Documents will be focused on the development of guidance to support the delivery of major development proposals in particular affordable housing and developer contributions and tariffs. Area based guidance will be focused on major development opportunities or areas where significant change is planned.

4.9 Transitional arrangements allow for the policies in the adopted Local Plans of the former constituent local authorities to be "saved" until they are reviewed as part of the Local Development Framework. Directions were issued by the Secretary of State to "save" certain policies of the Congleton, Crewe and Nantwich and Macclesfield Local Plans. The publication "**Cheshire East Borough Council - Adopted Development Plan - A Guidance Note**" lists those policies that remain as "saved" policies. The Guidance Note will be updated as further DPDs are adopted.

4 The Proposed Cheshire East Local Development Framework

4.10 Supplementary Planning Guidance adopted by the former local authorities will be reviewed and updated as resources permit.

5 Resources and Project Management

5.1 The preparation of the Local Development Framework will be carried out by the Spatial Planning Team within Planning and Housing Services at Cheshire East Borough Council. Specialist consultants will be employed to carry out background and technical studies.

5.2 The Council's Place Shaping Group consisting of officers from relevant divisions of the Council will co-ordinate the preparation of the Local Development Framework and ensure its integration with the Sustainable Community Strategy and strategies that will impact on place shaping such as housing, economic development, transport, leisure and environmental strategies to help ensure shared ownership.

5.3 An Infrastructure Plan will be prepared in consultation with stakeholders and partners to set out the infrastructure requirements of the LDF and the implementation plan for their delivery.

5.4 The overall production of the Local Development Framework will be overseen by the LDF Member Panel led by the Portfolioholder for Performance and Capacity and Spatial Planning officers, headed by the Head of Planning and Housing Services.

5.5 The LDF Member Panel's terms of reference are:

- to consider all aspects of the preparation of Local Development Framework documents including regular updates on progress;
- to act as a reference point to provide feedback and input into emerging LDF documents including input to the range of options the Council may wish to evaluate and explore with the public;
- to provide a steer on policy direction for officer reports to Portfolio Holders/Cabinet;
- to ensure that all Members are engaged in the Local Development Framework process at the appropriate time;
- to receive and accept evidence base reports for the Local Development Framework as they are completed;
- to provide an arena for discussion on regional and sub-regional strategy ;
- to consider relevant plans and strategies prepared by other bodies (including national planning policy guidance) that may impact on Cheshire East;
- to make recommendations in respect of the above to the Cabinet/Portfolio Holder as appropriate.

5.6 Adequate budgets will be in place to cover the cost of the preparation of the Local Development Framework, the background evidence studies, printing and other costs associated with consultations and the costs of examination.

5.7 The Spatial Planning Manager and the Local Development Framework Manager will be the Project Managers and will be responsible for:

- Preparing and reviewing the Local Development Scheme;
- Monitoring progress in preparation of documents against key milestones,
- Identifying areas at risk and contingency where necessary;

5 Resources and Project Management

- Identifying and bidding for resources required to prepare and deliver the Local Development Framework;
- Understanding the statutory and technical requirements for preparing each local development document and the Local Development Framework as a whole;
- Overseeing the process of managing community involvement and undertaking sustainability appraisal and Habitats Regulations Assessment to ensure that the local development document production process is compliant with the Statement of Community Involvement, Sustainability Appraisal guidance and the Habitats Directive;
- Allocating resources and responsibilities and manage the work of Spatial Planning team in preparing the Local Development Framework;
- Overseeing the monitoring and review of the Local Development Framework and the preparation of the Annual Monitoring Report
- Delivering the documents to the required standard within the specified timescale
- Reporting progress including issues, risks and dependencies to the Local Development Framework Member Panel.

5.8 The Risk Management Log is set out in Appendix 3. It contains analysis of the areas of uncertainty and risk facing production of the LDF, with risks of a critical or significant potential impact and of a very high or high likelihood including changes to plan making procedures and national planning policy that have been heralded by the Coalition Government and the potential for high levels of local opposition to proposals in the LDF.

5.9 There are significant risks that could impact upon delivery of the LDF to the schedules set out within this Local Development Scheme. In order to minimise possible impacts, risk management has been embedded in the LDF production processes in order that risk can be evaluated and where possible eliminated. Whilst proposed responses or mitigation measures have been set out, seeking where possible to manage these risks, some areas of risk are outside the Council's control. In addition, financial pressures could curtail many of the proposed mitigation measures.

5.10 The risk assessment would suggest that the LDF programme remains extremely challenging particularly with the uncertainties that are arising from the revocation of Regional Spatial Strategies and the Coalition Government's announcement of its intention to reform local spatial planning and to reduce funding to local authorities. However, given the need to prepare an LDF for the new local authority area to replace the Local Plans from the former authorities to ensure the continuing supply of land for new developments, these risks must be accepted by the Council. The most fundamental overall mitigation measure that can be made is to build in realistic document production timescales into this LDS at the outset and ensure sufficient resources are available throughout the timescale of the LDS.

6 Sustainability Appraisal and Habitats Regulation Assessment

6.1 A Sustainability Appraisal, incorporating a Strategic Environmental Assessment, is to be carried out on Development Plan Documents at key stages of their preparation.

6.2 The Sustainability Appraisal will be carried out as an integrated process to consider how the principles of sustainable development are reflected in the strategy and policies of the Local Development Framework. It will examine the impact of the strategy, policies and options on economic, social and environmental objectives. It will also include an Equality and Diversity Impact Assessment and Health Impact Assessment as well as Rural Proofing the documents. Baseline indicators will be established as part of the process to enable the impact of the implementation of the LDF to be assessed in the future; these will be monitored through the Annual Monitoring Report.

6.3 The Sustainability Appraisal will to be undertaken in three 3 stages:

- Preparation - establishing baseline information and indicators;
- Emerging Options and Preferred Options - the production of a Sustainability Report for consultation considering the impact of the strategy and options;
- Publication and Submission - the production of the final Sustainability Report for consultation considering the impact of the policies and allocations.

6.4 Habitats Regulation Assessment under Article 6(3) and (4) of the Habitats Directive 92/43/EEC will be carried out on each Development Plan Document and Supplementary Planning Document to assess the impact of the document against the objectives of a European site to ascertain whether it would affect the integrity of the site.

7 Evidence Base

7.1 It is a key feature of the Local Development Framework that its policies and proposals are to be based on soundly researched evidence. A number of technical reports will be undertaken to provide essential background data that will assist in the development of policies and the selection of development options. This evidence base will also provide baseline data for the monitoring and review of the LDF.

7.2 Joint working on the background evidence for the minerals and waste is being progressed with Cheshire West and Chester Council, to inform minerals and waste policies in each area's Local Development Frameworks.

7.3 The main technical studies to be undertaken to support the Local Development Framework are listed in Appendix 2.

8 Monitoring and Review

8.1 Cheshire East Council produced its first Local Plan Monitoring Report in 2009 which compiled relevant data for the new local authority from its former constituent authorities.

8.2 Progress with the preparation of the Local Development Framework documents set out in the Local Development Scheme will be reviewed each year as part of the Annual Monitoring Report.

8.3 The Annual Monitoring Report will assess how the Council is performing against the timescales set out within the previous year's Local Development Scheme, consider the reasons for any slippage and the need for any revisions to the Local Development Scheme. The Local Development Framework will be updated and rolled forward in the light of this review.

8.4 The new planning system is intended to be an on-going rather than a finite process. It is intended that an ongoing programme of review of the Local Development Documents and Supplementary Planning Documents will be established to ensure that they are revised and updated as and when required in response to the findings of the Annual Monitoring Report.

Appendix 1 Schedule of Development Plan Documents

Title	Description	Geographic Coverage	Conformity	Reg 25 consultation	Publication Consultation	Submission	Pre hearing meeting	Examination	Inspector' Report	Adoption
Core Strategy DPD	Vision, Objectives and strategy for the spatial development of the area, and may include strategic sites. Generic development policies	Cheshire East outside the National Park	General conformity with PPS and PPGs	Jan 2009 – Oct 2012	Jan – Feb 2013	May 2013	June 2013	Aug 2013	Oct 2013	Nov 2013
Site Allocations DPD	Policies and proposals to guide the allocation of land for specific uses.	Cheshire East outside the National Park	General conformity with PPS and PPGs	Jan 2009 – Nov 2013	Feb - March 2014	June 2014	July 2014	Sept 2014	Nov 2014	Dec 2014
Local Development Scheme	Document setting out programme for preparation of LDD	Cheshire East outside the National Park	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Dec 2010
Statement of Community Involvement	Document setting out how the Council intends to engage the community and other organisations on DPD and SPD and on planning applications.	Cheshire East outside the National Park	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Oct 2010

Table 1.1 Schedule of DPD's

Appendix 1 Schedule of Development Plan Documents

CHESHIRE EAST LOCAL DEVELOPMENT FRAMEWORK PROGRAMME -

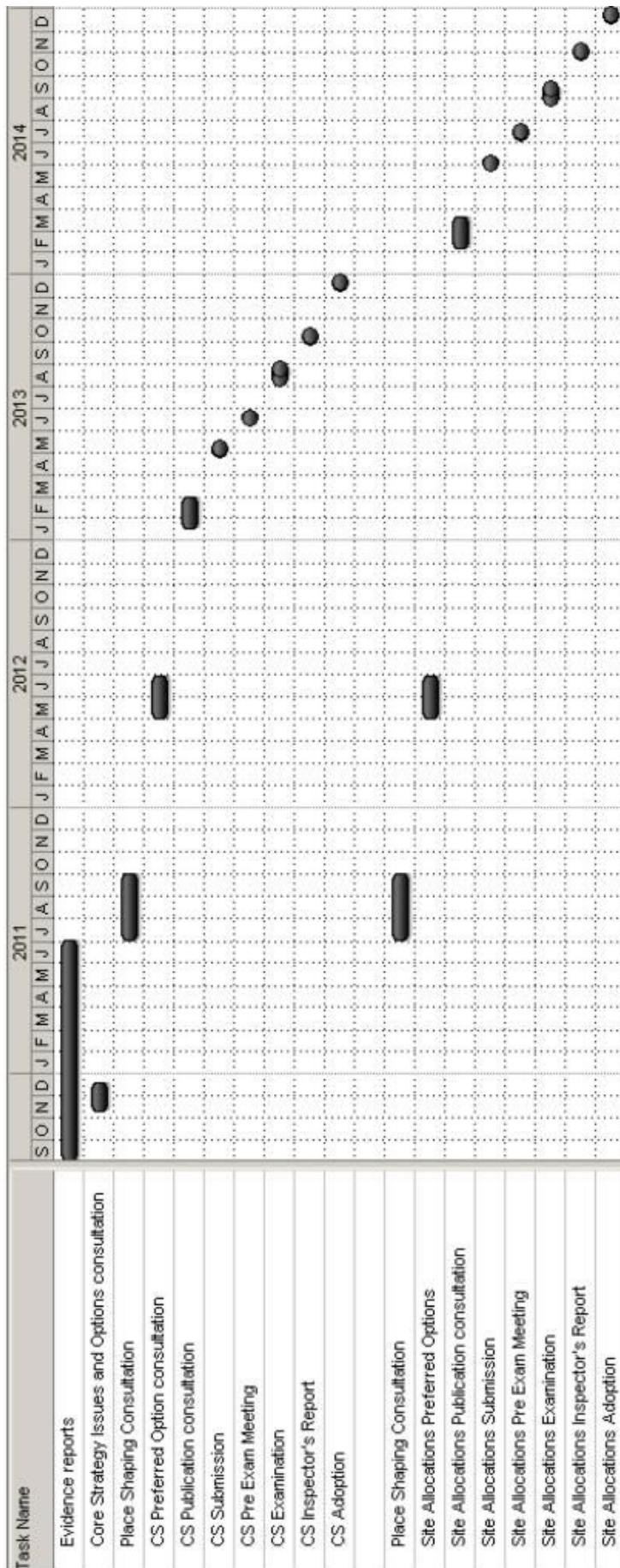


Figure 1.1 Cheshire East Local Development Framework Programme

Appendix 1 Schedule of Development Plan Documents

- **Title:** Core Strategy
- **Status:** DPD
- **Role:** Sets out the Vision, Objectives and Strategy for the spatial development of the area over the next 15 -20 years, and may include strategic sites. It will include the strategic policies for minerals and waste and may include generic development policies.
- **Geographical Area:** Cheshire East outside the Peak District National Park
- **Conformity Chain:** Consistent with PPG / PPSs
- **Produced by:** To be produced by Cheshire East Spatial Planning Section
- **Resources:** Cheshire East LDF Spatial Planning Section budgets
- **Community Involvement:** Community involvement will be carried out in accordance with the Statement of Community Involvement. Widespread community and stakeholder participation will be encouraged during the early stages of developing the Core Strategy, on the draft document and when document is published prior to being submitted to the Secretary of State.
- **Sustainability Appraisal / Habitats Regulation Assessment:** To be undertaken alongside the preparation of the DPD with consultation carried out simultaneously.

Timetable

Start Preparatory Work : January 2009

Sustainability Appraisal Scoping Report: September 2009

Regulation 25 Consultation: Jan 2009 –October 2012

Publication of the DPD: January – February 2013

Submission to the Secretary of State: May 2013

Pre-Examination Meeting: June 2013

Commencement of Examination Meeting: August 2013

Inspector's Report: October 2013

Adoption: November 2013

Appendix 1 Schedule of Development Plan Documents

- **Title: Site Allocations DPD**
- **Status:** DPD
- **Role:** Contains detailed policies and proposals to deliver and guide land allocated for specific purposes. It will include the detailed policies and proposals for minerals and waste and generic development policies.
- **Geographical Area:** Cheshire East outside the Peak District National Park
- **Conformity Chain:** Consistent with PPG / PPSs and the Core Strategy
- **Produced by:** To be produced by Cheshire East Spatial Planning Section
- **Resources:** Cheshire East LDF Spatial Planning Section budgets
- **Community Involvement:** Community involvement will be carried out in accordance with the Statement of Community Involvement. Widespread community and stakeholder participation will be encouraged during the early stages of developing the Site Allocations DPD, on the draft document and when document is published prior to being submitted to the Secretary of State.
- **Sustainability Appraisal / Habitats Regulation Assessment:** To be undertaken alongside the preparation of the DPD with consultation carried out simultaneously.

Timetable

Start Preparatory Work : January 2009

Sustainability Appraisal Scoping Report: September 2009

Regulation 25 Consultation: January 2009 – November 2013

Publication of the DPD: February - March 2014

Submission to the Secretary of State: June 2014

Pre-Examination Meeting: July 2014

Commencement of Examination Meeting: September 2014

Inspector's Report: November 2014

Adoption: December 2014

Appendix 2 Evidence Base

Study	Purpose	Timescale
Settlement Study	To assess the availability of community and leisure services, employment opportunities and the levels of accessibility.	Completed November 2010
Strategic Housing Market Assessment	To assess the future requirements for housing of various types and tenures.	Completed September 2010
Strategic Economic Viability Assessment	To assess the viability of development sites to deliver a range of affordable housing options	Completed September 2010
Strategic Housing Land Availability Assessment	To assess the suitability of potential housing sites	Complete November 2010 (to be updated annually)
Employment Land Review	To review the amount and type of land and buildings available for economic development and the nature of current demands and likely future trends.	To be completed 2011
Cheshire and Warrington Gypsy and Traveller Needs Assessment	To assess the future accommodation needs of gypsies, travellers and travelling showpeople	Completed 2007
Strategic Flood Risk Assessments	To undertake investigations into those areas likely to be at risk from flooding	Completed 2008
Town Centre Retail Capacity	To consider the future need for development in town centres to help support their viability and vitality	To be completed February 2011
Green Space Audit	An audit of a wide range of open space typologies	To be completed 2011
Green Space Strategy	To consider the future needs of the Borough for open space of different types and to develop a strategy for its enhancement. Incorporates Playing Pitch Assessment	To be completed 2011
Sub-regional Green	Prepared with the Mersey and Dee Alliance	To be completed 2011

Appendix 2 Evidence Base

Study	Purpose	Timescale
Infrastructure Plan		
Landscape Character Assessment	To assess the suitability of the landscape designations covering the District. To consider policy options to protect and enhance the landscape of the Borough	Completed 2009
Sports and Leisure Needs Assessment	To assess the need for various types of built sports and leisure facilities	To be completed 2011
Infrastructure Study	To consider the infrastructure requirements of the strategies prepared by the Council and its Local Strategic Partners	Stage 1 to be completed 2011
Waste Needs Assessment	To assess the demand for various types of waste management facility	To be completed 2011
Audit of Minerals Sites	To survey the availability and opportunities for minerals extraction	To be completed 2011
Crewe Vision	A strategic masterplan to guide the future development of Crewe to deliver the future regeneration and development of the town.	December 2010
Macclesfield Futures	An appraisal of the opportunities for the future regeneration of Macclesfield town centre and economic growth of the town.	December 2010

Table 2.1 Evidence Base

Appendix 3 Risk Assessment

	Risk	Effect	Likelihood	Impact	Total Risk Score	Mitigation
1	Further changes in Government guidance and requirements.	Abortive work/additional work causing slippage in programme Uncertainty about Coalition government's requirements	4	3	12	Keep up to date on emerging guidance and respond to changes early.
2	PPS's to be revised, which will affect national guidance.	Additional work to comply with new guidance causing slippage on programme	4	3	12	Keep up to date with emerging guidance and respond to changes early.
3	High level of local opposition to development proposals	Large numbers of representations, uncertainty about allocating sites Lengthy public examination	4	3	12	Work with stakeholders and local communities to seek to explain issues and implications of decisions to seek to build consensus.
4	Reduction in staff and budgets	Reduction of staff and budgets will lead to slippage of programme	4	3	12	Rescheduling of work and focusing on key areas of work.
5	Political delay	Uncertainty and delays arising from local opposition to proposals.	3	3	9	Work closely with members throughout the development of the LDF. Develop clear appreciation of potential implications of strategy and policies.
6	Legal challenge	Costs, uncertainty and delays. All or part of the DPD being overturned	2	4	8	Build in rigorous procedures to check that all requirements have been satisfied. Work with stakeholders in preparing evidence and developing the DPDs.

Appendix 3 Risk Assessment

Risk	Effect	Likelihood	Impact	Total Risk Score	Mitigation
7	Inspector not satisfied with the DPD, or finds it unsound	1	4	5	Obtain informal views from PINS.
8	Volume of work greater than anticipated - e.g. higher level of representations than expected.	2	3	6	Ensure timetable is realistic but has some flexibility built in. Review timetable if necessary. Seek additional resources.
9	Lack of in house skills for specialised areas of policy work/ background studies	2	3	6	To consider employing specialised staff on a consultancy basis.
10	Spatial Planning Team required to do other unforeseen work.	2	2	4	Preparation of the LDF to be made a priority and other work minimised.
11	Staff turnover	2	2	4	Ensure speedy replacement of staff.
12	Lack of IT support for current system or for delivery of electronic service	2	2	4	Ensure adequate backup of documents and databases and alternative hardware available. Continue to highlight priority to be given to electronic delivery of planning.

Table 3.1 Risk Assessment

Appendix 3 Risk Assessment

Likelihood (With current controls in place)				
	Score			Definition
Very Low	1	Rare		May occur only in exceptional circumstances.
Low	2	Possible		Risk may occur in the next 3 years.
Medium	3	Likely		The risk is likely to occur more than once in the next 3 years.
High	4	Almost Certain		The risk is likely to occur this year.
Very High	5	Certain		The risk has occurred and will continue to do so without action being taken.

Table 3.2 Explanation of Risk Scoring

Appendix 3 Risk Assessment

Impact (Potential impact that could occur)			
	Number		Definition
Very Low	1	No Impact	No notable impact identifiable
Low	2	Minor	Affects only one group of stakeholders, with minimum impact. Organisationally localised, with position recoverable within the financial period. Eg: failure to meet minor project deadlines. No external interest.
Medium	3	Significant	Affects more than one group of stakeholders, with widespread but short-term impact. May attract the short-term attention of legislative/regulatory bodies. Eg: short-term failure of key systems, high-profile litigation.
High	4	Major	Affects more than one group of stakeholders, with widespread but short-term impact. Attracts the medium-term attention of legislative/regulatory bodies. Eg: prolonged failure of a key system, severely adverse external report.
Very High	5	Catastrophic	Medium to long term impact on performance. Affects all groups of stakeholders, with a long-term impact. National impact, with the rapid intervention of legislative/regulatory bodies. Eg: total failure of key systems and services.

Table 3.3 Explanation of Risk Scoring

Appendix 4 Glossary of Terms

AMR	Annual Monitoring Report	A report submitted to the government by local planning authorities assessing progress with and the effectiveness of a Local Development Framework (LDF).
AAP	Area Action Plan	A type of Development Plan Document focused upon a specific location or an area subject to conservation or significant change.
CIL	Community Infrastructure Levy	<p>The Community Infrastructure Levy (CIL) will be a new charge which local authorities will be empowered, but not required, to charge on most types of new development in their area.</p> <p>CIL charges will be based on simple formulae which relate the size of the charge to the size and character of the development paying it. The proceeds of the levy will be spent on local and sub-regional infrastructure to support the development of the area.</p>
CLG	Communities and Local Government	'Communities and Local Government' is the Government department whose remit is to promote community cohesion and equality, as well as responsibility for housing, urban regeneration, planning and local government.
-	Core Strategy	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 (see also DPDs).
-	Development Plan	<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 Development Plan Documents prepared under the Planning & Compulsory Purchase Act of 2004.</p>
DPD	Development Plan Document	Development Plan Documents are prepared by local planning authorities and outline the key development goals of the Local Development Framework (LDFs).
-	Independent Examination	The process by which a planning inspector may publicly examine a Development Plan Document (DPD). The findings set out in the report are binding upon the local authority that produced the DPD.
HRA	Habitats Regulation Assessment	A HRA is used to assess the potential effect of plans and projects on sites of European importance, such as the Ramsar, Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) that are within or close to the plan or project boundary.
LAA	Local Area Agreement	A three year agreement, based on local Sustainable Community Strategies, that sets out the priorities for a local area agreed between Central Government and the local authority and other key partners through Local Strategic Partnerships (LSPs).
LDD	Local Development Document	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

Appendix 4 Glossary of Terms

		plan). LDDs collectively deliver the spatial planning strategy for the local planning authority's area.
LDF	Local Development Framework	<p>The Local Development Framework (LDF) is 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"> • Development Plan Documents • Supplementary Planning Documents <p>The local development framework will also comprise:</p> <ul style="list-style-type: none"> • the Statement of Community Involvement • the Local Development Scheme • the Annual Monitoring Report <p>any Local Development Orders or Simplified Planning Zones that may have been added.</p>
LDS	Local Development Scheme	The local planning authority's programme for the preparation of Local Development Documents agreed with government and reviewed every year.
LSP	Local Strategic Partnership	An 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.
PPS	Planning Policy Statements	Issued by central government to replace the Planning Policy Guidance notes to provide national policy advice on specific topics. They are supported by Good Practice Guides.
RSS	Regional Spatial Strategy	A strategy for how a region should look in 15 to 20 years time and possibly longer. Regional Strategies were revoked in July 2010
SA	Sustainability Appraisal	An appraisal of the economic, environmental and social effects of a plan to allow decisions to be made that accord with sustainable development. Incorporates Strategic Environmental Assessment.
SCI	Statement of Community Involvement	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	Sustainable Community Strategy	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.

Appendix 4 Glossary of Terms

SPD	Supplementary Planning Document	Supplementary Planning Documents may cover a range of issues, both thematic and site specific and provide further detail of policies and proposals in a development plan.
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Table 4.1 Glossary of Terms

Cheshire East Council

Planning and Housing Service, Westfields, Middlewich Road, Sandbach CW11 1HZ
www.cheshireeast.gov.uk/ldf email: ldf@cheshireeast.gov.uk

Tel: 01270 685893

Ref Number	Address	Description	Level of Decision Del/Cttee	Over turn Y/N	Rec and Decision	Appeal Decision
10/3032C	121, WARMINGHAM LANE, MIDDLEWICH, CW10 0DH	Construction of First Floor Extension Over Existing Single Storey Area	Delegated	n/a	Refused	Dismissed 30/11/2010
10/0292C	SCHOOL FARMHOUSE, WALNUT TREE LANE, BRADWALL, CW11 1RH	Re-Pointing Of Rear Elevation To School Farm House & Retention Of A Soil Pipe On Rear Elevation.	Delegated	n/a	Refused	Allowed 01/12/2010
10/2029C	106- 108, STATION ROAD, SCHOLAR GREEN, ST7 3JT	Conservatory/Singl e Storey Extension	Delegated	n/a	Refused	Dismissed 01/12/2010
10/3112N	60A, MOORFIELDS, WILLASTON, CW5 6QZ	Two storey Extension to rear of property	Delegated	n/a	Refused	Dismissed 02/12/2010

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