

Strategic Planning Board

Agenda

Date:	Wednesday, 11th September, 2013
Time:	10.30 am
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. Minutes of the Previous Meeting (Pages 1 - 14)

To approve the minutes as a correct record.

4. Public Speaking

Please Contact: Sarah Baxter on 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

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

A period of 3 minutes is allocated for each of the planning applications for the following individual/groups:

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

5. **13/1052W-Development of a pipeline corridor comprising of three pipes between the brine field at Warmingham and the salt factory at Middlewich and four pipes and a fibre optic cable link between the salt factory at Middlewich and the chemical works at Lostock; erection of a buffer tank at the Warmingham brine field; a buffer tank, pumping station and four settlement tanks used in the purification process at the salt factory at Middlewich; a pipe bridge crossing at the Rive Dane; a pumping station at Blue Slates Farm; two buffer tanks and a pumping station at the chemical factory, Lostock; and other associated ancillary development for John Melia, British Salt Ltd (Pages 15 - 86)**

To consider the above application.

6. **WITHDRAWN-13/2776W-Relocation of materials recycling plant with additional enclosed picking line shed (in retrospect) and delivery & storage of household & commercial wastes outside the hours of operation of adjacent waste management facility via alternative access, Henshaws Waste Management, 150, Moss Lane, Macclesfield, Cheshire for C.F.M Henshaw (Pages 87 - 106)**

To consider the above application.

7. **WITHDRAWN-13/2772W-Variation of conditions 2, 22, 24 and 26 of approval 5/06/2496P - Extension of existing waste transfer and recycling site together with new buildings and new site layout, Henshaws Waste Management, 150, Moss Lane, Macclesfield, Cheshire for CFM Henshaw (Pages 107 - 118)**

To consider the above application.

8. **13/1223N-Outline application for up to 40 dwellings, Land to rear of 144, Audlem Road, Nantwich, Cheshire for Wainhomes (Northwest) Ltd (Pages 119 - 150)**

To consider the above application.

9. **13/2299N-Approval of details of the appearance, landscaping, layout and scale as required by condition 1 attached to the outline planning permission 11/4549N, Land at Rope Lane, Shavington, Crewe, Cheshire for Wainhomes North West Ltd (Pages 151 - 174)**

To consider the above application.

10. **WITHDRAWN-Newbold Astbury and Moreton Neighbourhood Area Application**
(Pages 175 - 182)

To consider the above Neighbourhood Area Application.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 14th August, 2013 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor H Davenport (Chairman)
Councillor D Hough (Vice-Chairman)

Councillors Rachel Bailey, D Brown, P Edwards, J Hammond, P Hoyland,
J Jackson, P Mason, B Murphy, C G Thorley, G M Walton and J Wray

OFFICERS IN ATTENDANCE

Mr T Evans (Planning Officer), Mrs R Goddard (Senior Lawyer), Mr B Haywood (Principal Planning Officer), Mr S Irvine (Planning & Place Shaping Manager), Mr N Jones (Principal Development Officer), Miss R Norbury (Enforcement Officer, Contaminated Land), Ms S Orrell (Principal Planning Officer), Mr A Sellors (Transportation Planner), Mr A Ross (Corporate Manager of Strategic Infrastructure), Mr P Wakefield (Principal Planning Officer) and Miss E Williams (Planning Officer)

50 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor S Wilkinson.

51 DECLARATIONS OF INTEREST/PRE DETERMINATION

In relation to application 13/0336N, Councillor J Hammond declared that he had attended Ward and Parish Council Member briefings in relation to the Basford sites together with Officers and when the applicant has also been present. However he confirmed that he had never expressed any views about the specific application.

In relation to the same application, Councillors D Brown, C Thorley and D Brickhill, a visiting Ward Councillor declared the same information.

It was noted that all Councillors had received correspondence in relation to application 12/4652M.

52 MINUTES OF THE PREVIOUS MEETING

RESOLVED

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

53 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

54 13/0336N-OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (UP TO 370 UNITS), OFFICES (B1), LOCAL CENTRE COMPRISING FOOD AND NON-FOOD RETAIL (A1) AND RESTAURANT/PUBLIC HOUSE (A3/A4), HOTEL (C1), CAR SHOWROOM AND ASSOCIATED WORKS INCLUDING CONSTRUCTION OF NEW SPINE ROAD WITH ACCESSES FROM CREWE ROAD AND A500, CREATION OF FOOTPATHS, DRAINAGE INCLUDING FORMATION OF SUDS, FOUL PUMPING STATION, SUBSTATION, EARTHWORKS TO FORM LANDSCAPED BUNDS, PROVISION OF PUBLIC OPEN SPACE AND LANDSCAPING, LAND OFF CREWE ROAD, BASFORD WEST, SHAVINGTON-CUM-GRESTY, CREWE FOR GOODMAN

Consideration was given to the above application.

(Councillor D Brickhill, the Ward Councillor and David Rolinson, the agent for the applicant attended the meeting and spoke in respect of the application).

The Transportation Officer addressed the Board on Section 106 obligations and the way in which they complied with the CIL regulations. He commented that as contained within the Transport Assessment there were capacity problems on the local network specifically for traffic accessing Crewe from the Gresty Road corridor and impacting upon the South Street/Nantwich Road and Gresty Road/Catherine Street junctions. The Basford West development could not be accommodated on the road network without mitigation measures being provided. Crewe Green Link Road would provide an alternative route for traffic that avoids the South Street junction by linking the A500 to the A532, strategic traffic modelling has shown that this link will relieve pressure and reduce traffic on the Gresty Road corridor, creating capacity in the network for the traffic generated by this development.

The cost of the Crewe Green Link Road had been partly funded by Government and the remainder was to be funded through developer contributions including from Basford West.

In respect of the Highway contribution of £300,000 towards improving public transport it was noted that the accessibility of the site was required to be improved, this was to be achieved by ensuring that the existing bus service was retained and also that it was enhanced by improving the frequency of service. The contribution of providing these services had been agreed and would be used to improve the sustainability of the site for residents. Bus stops would be provided within the site to allow good

access to bus services from both the residential and employment parts of the site.

In respect of the Highway Contribution of £2,500,000 towards the A500 corridor towards M6 Junction 16 it was noted that the A500 had high levels of existing congestion as a result of traffic using this route to access J16 M6, the congestion was not confined just to peak hours and was experienced throughout the day. A mitigation scheme to widen the A500 on its approach to the M6 J16 had been agreed and this complemented the Government pinch point improvement scheme at J16 M6. It was acknowledged that the impact of the development on the A500 would be less throughout the day given the introduction of the residential development relative to the previous application for the employment site, however at proportion of this employment and distribution was still proposed and therefore the contribution was based on a proportion of the expected cost of Section 278 scheme agreed as part of the previous application.

In respect of the Highway Contribution of £ 330,000 towards improving site access to cycle and footpath routes it was noted that in order to ensure there was good sustainable access to the site, a number of footpath and cycle path improvements had been identified to improve the access towards Crewe town centre. This would promote walking and cycling throughout the year by providing high quality routes towards the town centre.

In respect of the Highway Contribution of £200,000 towards Traffic management and Regulation Orders it was noted that the spine road through the site would change the routing of traffic in the area around the site. It was expected that there would be a reduction in the level of traffic of the section of Crewe Road bypassed by the new road and as a result complementary traffic management measures would be required on Crewe Road to ensure the new road forms the primary link towards Crewe from the Shavington area around the A500.

RESOLVED

That for the reasons in the report and in the update to Board, the application be approved subject to the receipt of additional viability information and no objection from Gerald Eve in respect of that information, subject to the completion of a Section 106 Agreement securing the following:-

- Provision of education contribution of £722,363 (on the basis of 370 units)
- 21% affordable housing with a tenure split of 65% affordable rent and 35% intermediate housing
- £3,200,000 contribution towards the Crewe Green Link Road

- £2,500,000 towards improving access to the congested A500 corridor only payable on receipt of pinch point funding by the Council to subsidise the Basford West Spine Road
- £200,000 contribution to traffic management and regulation.
- Provision of Ecological area
- £37,000 for off site planting / habitat mitigation measures
- Viability re-appraisal prior to the occupation of the 200th unit and 300th unit. (Overage clause)
- Provision of open space
- A private resident's management company to manage all of the greenspace on the site.
- Reiterate previous Section 106 agreements in particular concerning the public access from the NW corner of the site, and that funding of £330,000 for works to be made available for public access to the SW corner of the site. Sum of £330,000 to be included for these works.

And subject to the following conditions:

1. Standard outline (Phased)
2. Standard outline (Phased)
3. Standard outline (Phased)
4. Approved plans
5. Submission of phasing plan
6. Provision of spine road in phase 1, remaining roads in accordance with phasing plan, all in accordance with drawings to be submitted and approved.
7. Reserved matters applications to include cross sections through the site and details of existing and proposed levels to demonstrate impact of the proposed development on the locality.
8. Submission / approval / implementation boundary treatment
9. Submission / approval / implementation details of drainage
10. Development to be carried out in accordance with the approved Flood Risk Assessment (FRA), from BWB Consulting ref BMW/139/FRA-Full Rev B dated 14/12/12, and the following mitigation measures detailed within the FRA:
11. Limiting the surface water run-off generated by the proposed development, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
12. The layout for the proposed development to be designed to contain the risk of flooding from overland flow during severe rainfall events.
13. Submission, approval and implementation of a method statement to deal with the treatment of the environmentally sensitive ditch, its aftercare and maintenance
14. Submission, approval and implementation of a scheme to dispose of foul and surface water, including the provision and installation of oil and petrol separators

15. This site must be drained on a total separate system in accordance with the FRA by BWB and dated Dec 12.
16. The foul water discharge from the proposed site must discharge at an agreed point of connectivity within the public sewerage system and under agreement with UU before consent is granted.
17. For the avoidance of doubt, no surface water run-off generated from the site shall communicate with the public sewerage system via direct or indirect means.
18. Submission, approval and implementation of an Environmental Management Plan
19. Submission, approval and implementation of low emission strategy
20. Submission and approval of an updated Phase II investigation and implementation of any necessary mitigation.
21. Submission, approval and implementation of location, height, design, and luminance of any proposed lighting
22. Submission, approval and implementation of a detailed noise mitigation scheme with the full application.
23. If mechanical services plant is installed, it should be located well away from the nearby residential units and be designed such that the noise should not exceed the existing background noise levels, in accordance with BS 4142:1997.
24. Submission, approval and implementation of a scheme of odour / noise control for the local centre, restaurant/public house and hotel.
25. Submission, approval and implementation of travel plan
26. Submission, approval and implementation of electric car charging points
27. Directional signage for pedestrians and cycles
28. Site wide Umbrella Travel Plan including monitoring Relocation of the southern bus stop to achieve better access to the residential development.
29. Submission / approval / implementation of sustainable design statement
30. A detailed landscape scheme should be submitted for approval prior to commencement on site.
31. A tree survey and tree protection plan in accordance with BS 5837 (2012) should be submitted for approval prior to commencement on site.
32. The agreed landscape scheme should be implemented within the first planting season after commencement of development.
33. No development should take place until details of all earthworks have been submitted and approved. The bunds on either side of the spine road should be constructed with the upper 1.5 metres of soil loose tipped in order to avoid compaction of the rooting medium, thereby promoting more rapid and taller tree growth. This approach is detailed within Forest Research BPG Note 4. Allowance should

be made for settlement over the first year in order to achieve required finished levels.

34. A management plan to include all landscape areas and public open space (within this application) should be submitted and approved prior to commencement of landscape works. This should include long term objectives and proposals for management in perpetuity that can be included within a Section 106 Agreement.
35. A five year landscape establishment management plan should be submitted and approved prior to commencement of landscape works.
36. Any landscape planting that fails within the first 5 years after planting should be replaced on a like for like basis unless agreed in writing with the LPA.
37. Submission / approval of archaeological investigation.
38. Submission / approval / implementation of footpath surfacing / lighting
39. Submission / approval / implementation fencing to public open space
40. Retention of hedgerows within proposed open space
41. Landscape scheme for spine road including street furniture and public art, to be submitted and approved prior to commencement of construction of spine road.
42. £80,000 for Ecological Management Plan
43. £50,000 for public art
44. Establishment of a Liaison Group
45. Details of bin storage to be submitted to the Local Planning Authority

55 13/2299N-APPROVAL OF DETAILS OF THE APPEARANCE, LANDSCAPING, LAYOUT AND SCALE AS REQUIRED BY CONDITION 1 ATTACHED TO THE OUTLINE PLANNING PERMISSION 11/4549N, LAND AT ROPE LANE, SHAVINGTON, CREWE, CHESHIRE FOR WAINHOMES NORTH WEST LTD

Consideration was given to the above application.

(Councillor D Brickhill, the Ward Councillor, Mr Farrington, an objector and Caroline Payne the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be deferred in order for further discussions to take place with Officers, the local Ward Councillors and the agent for the application regarding the design of the properties, the layout of the affordable housing, the location of the properties to the nearby bungalows, the density, the location of the play area and development of a 'Manual for Streets' compliant design.

(This decision was contrary to the Officers' recommendation of approval).

(The meeting adjourned from 12.50pm until 1.35pm for lunch. Councillor P Hoyland left the meeting and returned prior to consideration of application 13/1414C).

56 12/1799C-IMPORTATION OF INERT MATERIAL TO INSTALL COVER SYSTEM TO FORMER TIP AND RESTORATION SCHEME TO ALLOW CHANGE OF USE TO INFORMAL RECREATIONAL OPEN SPACE WITH ANCILLARY CAR PARK, FORMER TIP, ROUGHWOOD LANE, HASSALL GREEN, SANDBACH, CHESHIRE FOR HAYS PLC

(Councillor J Wray arrived back to the meeting as the application was being presented and therefore did not take part in the debate or vote on the application).

Consideration was given to the above application.

(Caroline Ridge, the agent for the applicant and David Rix, the Consultant for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report the application be approved subject to the following conditions:-

1. Standard conditions
2. Control over type and amount of material to be imported
3. No processing of materials on site
4. Scheme to control dust
5. Implementation of remediation/protection measures and provision of site completion statement
6. Methods to address any unexpected contamination on site
7. Hours of operation
8. Restriction on overall HGV movements and daily movements
9. Provision of temporary road signs
10. Method statement for regulating vehicle movements
11. Facilities to prevent deposit of extraneous material on highway
12. Provision of wheelwash
13. Entrance gate to remain locked aside from when in use by visiting parties

- 14.No external lighting
- 15.Fencing to be installed for defensive planting
- 16.Badger mitigation measures
- 17.Provisions to safeguard nesting birds
- 18.Scheme of measures for detailed stabilisation works
- 19.Provision of full tree survey prior to works commencing on site
- 20.Provision of full tree protection measures
- 21.Full landscape restoration scheme

57 PROPOSED ALTERATIONS TO THE SECTION 106 AGREEMENT RELATING TO APPLICATION 11/1879 FOR LAND AT PARKERS ROAD, CREWE

This application was taken off the agenda prior to the start of the meeting.

58 12/4652M-ERECTION OF CLASS A1 RETAIL STORE WITH CONSERVATORY, GARDEN CENTRE, ANCILLARY COFFEE SHOP AND ASSOCIATED CAR PARKING, LAND OFF EARL ROAD, HANDFORTH, CHESHIRE FOR NEXT PLC

Consideration was given to the above application.

(Adrian Trotter, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the update to Board, the application be delegated back to the Planning & Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board for approval subject to referral to the Secretary of State, subject to the completion of a Section 106 Agreement securing the following broad Heads of Terms:-

- Payment of a Commuted sum for off-site provision of Public Open Space for improvements, additions and enhancement of existing Public Open Space facilities at open space facilities at Meriton Road Park, Henbury Road and Spath Lane.
- Payment of a commuted sum for off-site provision of recreation/outdoor sport (outdoor sports facilities and pitches, courts, greens and supporting facilities/infrastructure) at Meriton Road Park and Spath Lane
- Submission, operation and monitoring of a staff travel plan
- Payment of a commuted sum for improvements to footpaths / creation of cycleways
- Payment of a commuted sum for improvements to local bus services to and from the site
- Payment of commuted sum towards or provision of an electric car charging point.

- Payment of a commuted sum for infrastructure works within the employment site
- Submission of an employment and skills plan (local employment agreement)

And subject to the following conditions:-

1. Commencement of development (3 years)
2. Development in accordance with approved plans
3. Submission of samples of building materials
4. Development in accordance with Flood Risk Assessment
5. Site to be drained on a separate system
6. Phase 2 contaminated land survey to be submitted
7. Landscaping-submission of details
8. Landscaping (implementation)
9. Electric car charging points to be provided
10. No subdivision of retail unit
11. Provision of cycle parking shown on approved plans
12. The building hereby approved shall be constructed to achieve a minimum rating of BREEAM 'very good' as outlined in the sustainability assessment
13. Details of external lighting to be submitted for approval

59 13/1414C-ERECTION OF 14 AFFORDABLE HOMES COMPRISING 1 X 2-BED DETACHED, 4 X 2-BED SEMI-DETACHED, 4 X 3-BED SEMI-DETACHED AND 5 X 2-BED MEWS DWELLINGS, LAND OFF FORGE LANE, CONGLETON, CHESHIRE FOR MR ANDREW GARNETT, MCI DEVELOPMENTS

Consideration was given to the above application.

(Paul Williams and Joanne Bonnington the agents for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report, the application be approved subject to the completion of a Section 106 Agreement securing the following:-

- Dwellings to be 100% affordable rented in perpetuity
- Recreation Space - Enhanced provision £2930.24
- Maintenance £9552.00
- Commuted sum of £8,897.60 as compensation for loss of habitat/impact on wildlife corridor

And subject to the following conditions:-

1. Time limit

2. Plans
3. Materials
4. Final detail for the designed treatment of the Forge Lane carriageway/footway provisional scheme in line with the final Road Safety Audit to be submitted prior to commencement of development.
5. Interior road design and construction plans for the proposed development layout within the site to be submitted prior to commencement of development.
6. Submission and implementation of Tree and hedgerow protection measures
7. Arboricultural Specification/Method statement
8. Submission of landscaping scheme inc hard landscaping include replacement native hedgerow planting and boundary treatments
9. Implementation of landscaping scheme
10. Breeding Bird Survey for works in nesting season
11. Bats and bird boxes
12. Jodrell Bank – standard electromagnetic condition
13. The development shall fully accord with the submitted Method Statement for Badger Settle Closure unless varied by a subsequent Natural England license.
14. Ecological Mitigation to include the provision of a planted 5m buffer both along the northern boundary of the site and around the identified settle. Details to be submitted prior to commencement of development
15. Site drainage details to be submitted
16. The hours of construction of the development (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
17. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to: Monday – Friday 08:30 – 17:30 hrs Saturday 09:30 – 13:00 hrs Sunday and Public Holidays Nil
18. Submission of mitigation measures to minimise any impact on air quality from construction dust
19. Submission of Construction Management Plan, including site compound/details of materials store
20. Open plan estate layout – removal of permitted development rights for fences
21. Bin store details to be submitted
22. Removal of permitted development rights for extensions and outbuildings
23. Details of ground levels (existing and proposed) to be submitted and approved prior to development to include level garden areas to dwellings. No approval for proposed levels
24. Method Statement for removal of Himalayan Balsam

25. 2 car parking spaces per dwelling to be permanently retained in areas shown on approved plan
26. Submission and implementation of a scheme for the provision and management of the buffer zone alongside the rear boundary of plots 8-14 to include details of planting, management plan for the buffer zone
27. Provision of grit boxes

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or add additional conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Development Management and Building Control Manager, in consultation with the Chairman of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Board's decision.

60 **13/2135N-FULL PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ACCESS AND LANDSCAPING ARRANGEMENTS AT LAND AT GREYSTY GREEN, CREWE, LAND AT GREYSTY GREEN, GREYSTY GREEN ROAD, SHAVINGTON-CUM-GREYSTY FOR MARTIN PARRY, BELLWAY HOMES**

Consideration was given to the above application.

(Simon Artiss, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the application be refused for the following reasons:-

1. The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policy NE.2 (Open Countryside) and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.
2. The proposed development would not provide the required level of affordable housing. The proposal would therefore not create a sustainable, inclusive, mixed and balanced community. The benefits of allowing this development would be limited and would be outweighed by the significant and demonstrable adverse impact. Therefore the proposal is not considered to be an acceptable form

of development as a departure from the development plan and would be contrary to the Interim Planning Policy on Affordable Housing and Policies RES.7 (Affordable Housing), BE.3 (Access and Parking) and BE.5 (Infrastructure) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Planning and Place Shaping Manager in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

61 13/2159N-EXTENSION OF TIME LIMIT FOR THE OUTLINE APPLICATION FOR THE ERECTION OF FIVE OFFICE BUILDINGS WITH ASSOCIATED CAR PARKING AND LANDSCAPING, LAND TO EAST OF UNIVERSITY WAY, CREWE FOR HAWKSTONE PROPERTIES (CREWE GREEN) LLP

Consideration was given to the above application.

RESOLVED

That for the reasons in the update report to Board, the application be approved subject to the following conditions:-

1. Submission of details of layout, scale, appearance access to all individual plots and landscaping.
2. Application for reserved matters to be made within 3 years of date of this permission.
3. Development to be implemented within 3 years of the date of this outline permission or expiry of 2 years from final approval of the last of the reserved matters.
4. All reserved matters applications to include site survey and details of proposed site and slab levels
5. All reserved matters applications to include Framework Travel Plan, to be followed by a travel plan and its implementation.

6. All reserved matters applications to provide development based on the all the sustainable development principles of the Design and Access Statement
7. Car parking, motorised cycle parking and covered secure cycle parking for each plot, with showers in each building for use by all staff.
8. Site to be used for B1 office use only.
9. Remedial tree works to be completed in accordance with tree survey and recommendations of ecological survey.
10. Replacement planting for trees which are removed to be provided with first reserved matters application. To include details of species, size on planting, location and timetable for the provision of the tree planting.
11. Details of tree protection to be submitted approved and implemented.
12. Landscaping scheme to be submitted with the first reserved matters planning application for the site to incorporate strategic planting to the University Way frontage and the planting on the north side of building B and south side of building D to reflect the strategic planting on Area C to the south of this site.
13. Final check of trees for bats prior to tree works.
14. Protection for nesting birds.
15. No development within 30m of any badger sett and further survey with mitigation if necessary to ensure protection to any setts.
16. Scheme for the provision of a wildlife buffer to the Valley Brook and Englesea Brook to be submitted approved and implemented.
17. Use of native species in landscaping of all plots.
18. Minimum slab level of 49.79m AOD for all buildings.
19. Pedestrian access to all buildings to be minimum of 49.49m AOD
20. Scheme for surface water regulation of the site to be submitted with first reserved matters for the development, approved and implemented.
21. Scheme for the disposal of surface and foul water drainage to be submitted approved and implemented with each plot.
22. Oil interceptors to car parks.
23. Areas used for vehicle washing to be contained and connected to foul sewer.
24. Scheme for protection of Englesea Brook and Valley Brook from contamination by building materials to be submitted approved and implemented.
25. Maximum floor area.
26. Details of external lighting.
27. Control invasive species on the site.

Members of the Strategic Board expressed the desire to see this important employment site developed as soon as possible.

62 HIGH LEGH AREA NEIGHBOURHOOD APPLICATION

(Councillor D Brown left the meeting prior to consideration of the item not as he was the Portfolio Holder responsible for making the decision. He did not return to the meeting).

Consideration was given to the High Legh Area Neighbourhood Application.

(Bruce Adams, a Supporter attended the meeting and spoke in respect of the item).

RESOLVED

1. That the report be noted.
2. That the Portfolio Holder for Strategic Communities be recommended to approve the designation of High Legh Parish as a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan.

The meeting commenced at 10.30 am and concluded at 4.25 pm

Councillor H Davenport (Chairman)

Application No: 13/1052W

Location: WARMINGHAM TO LOSTOCK VIA MIDDLEWICH

Proposal: Development of a pipeline corridor comprising of three pipes between the brine field at Warmingham and the salt factory at Middlewich and four pipes and a fibre optic cable link between the salt factory at Middlewich and the chemical works at Lostock; erection of a buffer tank at the Warmingham brine field; a buffer tank, pumping station and four settlement tanks used in the purification process at the salt factory at Middlewich; a pipe bridge crossing at the Rive Dane; a pumping station at Blue Slates Farm; two buffer tanks and a pumping station at the chemical factory, Lostock; and other associated ancillary development.

Applicant: John Melia, BRITISH SALT LTD

Expiry Date: 03-Jul-2013

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Impact on Highway Network

Public Rights of Way

Ground Contamination

Local Amenity

Need

Consistency with Local Plan

Cultural Heritage

Flood Risk and Water Resources

Ecology

Landscape and Visual

Forestry

Impact on Railway

Impact on greenspace

Impact on agricultural land

Other issues

REASON FOR REPORT

The application has been referred to Strategic Planning Board as the proposal involves a large scale major development of a pipeline corridor.

SITE DESCRIPTION

The application site comprises of a corridor of land approximately 647ha in area. The area includes land located at Warmingham, Middlewich, and Lostock. The corridor of land would principally facilitate a 15.25km pipeline, the majority of which would be constructed below ground. At points where the pipeline crosses roads, or watercourses the pipeline would mostly be constructed using trenchless techniques (e.g. directional drilling /auger boring).

In outline, the route would progress in a north easterly direction from the Warmingham brine field towards Middlewich crossing agricultural fields and open countryside, a number of water courses, Forge Mill Lane, Warmingham Lane, Booth Lane (A553) and the Trent and Mersey Canal before entering the salt works at Middlewich. Along this section, the route of the pipeline would follow the existing cross country main that runs from the Warmingham brine fields to the salt factory at Middlewich, the most recently installed pipes along this route were laid in 2010.

Having passed through the salt factory, the pipeline would then cross beneath the Sandbach to Northwich railway line, before bearing north for approximately 1.8km. The pipeline would then bear west, crossing again beneath the railway line and entering the Brooks Lane Industrial Estate. It would then run along Brooks Lane for approximately 160m before crossing beneath the A54 and continue north through Middlewich running adjacent to the River Croco and the Trent and Mersey Canal, before being routed around the boundary of Harbutt's Field, a public open space and a Scheduled Ancient Monument. The pipeline would then cross below the Sandbach to Northwich railway line and King Street (B5309). At this point the pipeline would bear north, crossing the River Dane before once again crossing beneath King Street (B5309) where the pipeline would continue north for approximately 3.5km in agricultural land to the west of King Street.

Prior to meeting Whatcroft Lane, the pipeline would be diverted into the carriageway of King Street (B5309) where it would continue north for approximately 1.5km. Shortly after the junction with Crowders Lane and Davenham Road, the pipeline would leave the carriageway of King Street (B5309) and enter agricultural land to the east of the road. It would then progress northwards for approximately 850m where it would bear north east, across agricultural land and beneath the A556 and Crookes Lane. At this point the pipeline would cross the waste lime beds to the south of Lostock before crossing Griffiths Road and the Trent and Mersey Canal and entering the chemical works at Lostock.

RELEVANT PLANNING HISTORY

The recent relevant site history is as follows;

- Application 7/2006/CCC/12 – variation of planning permission 4/36367; 7/P00/0550 and 8/31257 for installation of cross country mains from Warmingham brinefield to British Salt Limited factory at Middlewich. Granted consent December 2006;
- Application 7/2007/CCC/13 – Brine extraction and underground gas storage together with gas processing plant at Middlewich and pipeline connection plus other ancillary development. Granted consent October 2008;
- Application 7/2008/CCC/15 – conversion of 10 brine cavities to gas storage and associated activities. Granted consent March 2009;

- Application 09/3380W – extended drilling and operational compounds and re-arrangement and extension of gas processing plant. Granted consent January 2010.

DETAILS OF PROPOSAL

The application lies partly within Cheshire East Council and partly within the adjoining authority of Cheshire West and Chester Council. It is therefore a cross-boundary application. The respective Councils are the competent authority for their area and thus are required to determine that part of the application relevant to their authority area. Planning permission is required from both authorities for the development to be implemented and operated. Cheshire West and Chester Authority considered the application at Strategic Planning Committee on 15th August 2013 and the application was approved, subject to conditions.

The proposed development has been submitted by British Salt for the development of a pipeline corridor to transfer brine and brine and soda ash related waste between the existing brine field at Warrington and the existing salt and chemical factories at Middlewich and Lostock respectively. In addition to the laying of pipes themselves, the proposed development includes a number of elements of permanent infrastructure to enable the operation of the pipeline and to facilitate the construction process.

The application comprises:

- three pipes between the brine field at Warrington and the salt factory at Middlewich;
- four pipes between the salt factory at Middlewich and the chemical works at Lostock;
- a fibre optic cable link from the salt factory at Middlewich to the chemical works at Lostock;
- erection of a buffer tank at the Warrington brine field;
- a buffer tank, pumping station and four settlement tanks used in the brine purification process at Middlewich salt factory;
- a pipebridge crossing the River Dane;
- a pumping station at Blue Slaters Farm;
- two buffer tanks and a pumping station at the chemical works, Lostock and other associated ancillary development.

The proposed development which falls under the jurisdiction of Cheshire East Council comprises of the following:

The corridor between Warrington brinefield and Middlewich salt factory

- A 450mm pipe carrying crude brine from Warrington brine field to the salt factory at Middlewich
- Two 250mm pipes carrying waste from Lostock to Warrington.

Crude brine would be carried from the Warrington brine field to the salt factory at Middlewich within a 450mm pipe, where it would be purified. This involves removing impurities from the crude brine by adding reagents which precipitates out the waste products. These are then allowed to settle out from the brine solution, whilst the purified brine is pumped onwards to the Lostock facility. The purified brine is used in the chemical manufacturing process of soda ash (sodium carbonate).

Distilled Blow Off (DBO) waste arising from the soda ash production at Lostock chemical works would be transported by two 250mm pipes to Warmingham brinefield via the salt factory at Middlewich and would be disposed of within an existing consented underground cavity at the Warmingham brine field. The need for two pipes is due to the fact that, overtime, the transfer of DBO wastes would result in the deposition of calcium chloride within the pipes. As such, it would be necessary to 'clean' the pipes periodically using a dilute brine solution. Whilst one pipe is being cleaned the other pipe would be used to transfer the DBO wastes and vice versa over time.

The corridor between Middlewich salt factory and Lostock Chemical works

- A 450mm pipe carrying purified brine (from Middlewich to Lostock) as explained above;
- The continuation of the aforementioned two 250mm pipes carrying DBO waste (from Lostock to Middlewich) as explained above;
- A 150mm pipe carrying crude brine (from Middlewich to Lostock); and
- A fibre optic cable link within a 25mm conduit (between Middlewich and Lostock)

The 150mm pipe transporting crude brine from Middlewich to Lostock would be used as a 'carrier' of the DBO waste. The crude brine would be mixed with the DBO waste at Lostock to ensure DBO waste is fluid enough to be transported within the pipeline.

The scheme also proposes a 25mm pipe containing a fibre optic cable link from the Middlewich salt factory to Lostock chemical works to provide more efficient communication links between the two sites.

Above Ground Works

- A new pipe bridge parallel to the Ravenscroft road bridge which would be constructed of two I – shaped steel sections on which the pipes would sit. The concrete foundations of the I – shaped steel sections would be constructed on mini piles fixed to the banks of the River Dane.
- Two buffer tanks, one at Warmingham Brine field (8m diameter and 4m high) with capacity for 800m³ of DBO waste, and one at Middlewich Salt Factory (22m diameter and 8m high) with capacity for 3000m³ of brine solution. These would be located adjacent to other similar industrial infrastructure/plant on site and would be of steel construction, painted in a colour appropriate to their location.
- Four brine settling tanks at the Middlewich salt factory to provide for the increased volume of crude brine that would need to be purified to supply the chemical works at Lostock. Each would be 13.7m diameter and 4m high with a capacity for 590m³ of brine solution.
- A 3m by 3m brick built pumping station is required to ensure sufficient pressure is maintained to transfer purified and crude brine from Middlewich to Lostock. This would be located on the northern side of the Middlewich salt Factory adjacent to an existing lagoon and alongside the proposed buffer tank.

Other associated ancillary development – A range of temporary infrastructure would be required during the construction process in the form of directional drilling compounds, laydown areas and site compounds. This would only be in place for the duration of the construction operations, after which it would be removed and the land restored to the former use.

Two principal construction material stores and two central construction staff parking zones are proposed at the Salt Factory in Middlewich and at Lostock Chemical works. These would be used to supply the individual construction zone compounds and provide centralised staff parking, with staff then transferred to each construction zone by minibus.

Pipeline construction

The majority of the 15.25km pipeline would be constructed below ground. An open cut trench would be machine excavated to a depth of 1.75m and 2m width, providing a minimum cover of 1m of soils above the pipeline. At points where it crosses watercourses the trench depth would increase to approximately 2.5m to provide at least 1.7m gap below the bed of the watercourse. At points where the pipeline crosses roads or watercourses it would be constructed using trenchless techniques (e.g. directional drilling /auger boring).

The pipe would be constructed of High Density Polyethene (HDPE), except on the section to be located above ground at the pipe bridge over the River Dane where it would be constructed of steel. Air valves would be located at high points in the pipeline profile, allowing air to escape from the pipe and washout valves would be located at low points in the pipeline to enable the pipe to be drained during maintenance works and repairs. Pipeline marker posts would also be located at strategic locations such as road crossings to indicate the position of the pipeline.

Pipeline Corridor

Surrounding the pipeline is a working corridor within which all of the associated construction works and infrastructure would be contained. The red line of the planning application boundary has however been drawn much wider than this working corridor to allow for any future potential minor variations in the route alignment or type of construction method once the development has commenced. However, any such non-material or minor material changes to the working corridor would require separate approval by the Planning Authority or planning permission where necessary.

The working corridor would be an average of 35m in width along the majority of the pipeline. This provides sufficient room for excavation works, pipe storage, soils storage and vehicle access. This width is reduced at sensitive locations such as crossing hedgerows, watercourses or where there are particular physical, environmental or planning constraints.

Construction period

The scheme is anticipated to take approximately 2 years. The pipeline corridor would be divided into a number of discrete construction zones and construction work would only take place in a maximum of two zones at any one time to limit any impacts on the local environment. Typical construction works in each zone would be for a 10 week period. However, this would vary depending on such things as the stage of construction, environmental and geotechnical constraints, and limitations for access.

Construction works would take place between 07:00 and 19:00 Monday through to Friday and 07:00 to 13:00 on Saturday. Once constructed the pipeline would operate continually.

This application has been accompanied by an Environmental Impact Assessment in accordance with the Environmental Impact Assessment Regulations 2011. The applicant also submitted further information in respect of the application in accordance with Regulation 22 of the Environmental Impact Assessment Regulations 2011. The additional information comprised of an update to elements of the traffic and transportation assessment and the ecological impact assessment.

RELEVANT POLICIES

National Planning Policy:

National Planning Policy Framework March 2012 (NPPF)
Planning Policy Statement 10: Planning for Sustainable Waste Management

Local Policies

Cheshire Replacement Waste Local Plan 2007 (CRWLP)

Policy 2	Need for Waste Management Facility
Policy 10	Minimise waste during construction and development

The Cheshire Replacement Minerals Local Plan 1999 (CRMLP)

Policy 1	Sustainability
Policy 2	Need
Policy 35	Alternative forms of Transport

Crewe and Nantwich Borough Adopted Replacement Local Plan 2011 (CNBLP)

NE.2	Open Countryside
NE.5	Nature Conservation and Habitats
NE.9	Protected Species
NE.17	Pollution Control
NE.20	Flood Prevention
BE.1	Amenity
BE.2	Design Standards
BE.3	Access and Parking
BE.4	Drainage, Utilities and Resources
BE. 5	Infrastructure
BE.16	Development and Archaeology

Congleton Borough Local Plan First Review 2005 (CBLP)

PS8	Open Countryside
PS10	Jodrell Bank Consultation Zone
GR1	New Development
GR2	Design
GR4	Landscaping
GR5	Landscape Character
GR6 and GR7	Amenity and Health
GR9 and GR10	New Development (Accessibility/Servicing/Parking)

GR16	Footpaths/Bridleways/Cycleways
GR18	Traffic Generation
GR21	Flood Prevention
NR1	Trees and Woodland
NR3	Habitats
NR4	Non-Statutory Sites
NR5	New habitats
BH4 and BH5	Effect of Proposals (Listed Buildings)
BH8 and BH9	Conservation Areas
RC2	Protected Areas of Open Space
DP1/DP7/DP9	Employment Sites (M1)
DP5	Recreational/Leisure/Community Use sites
DP10	New Road Schemes (M1)

Given that the scope of the development proposed due consideration has been given to the relevant Policies within the Cheshire Replacement Waste Local Plan and Cheshire Replacement Minerals Local Plan 1999 as far as they are relevant to this scheme.

Other material considerations

Cheshire East Local Plan – Development Strategy for Jobs and Sustainable Communities Consultation Document (2013)

Cheshire East Local Plan – Shaping our Future Policy Principles Consultation Document (2013)

Middlewich Town Strategy 2012

Middlewich Town Strategy Consultation Document 2012

Mid-point 18 Supplementary Planning Guidance

CONSULTATIONS (External to Planning)

The Strategic Highways and Transport Manager

From the Highways point of view, the issues are what closures, diversions or other restrictions may be necessary at the road crossings, together with issues such as ensuring mud or debris is not carried onto the road and the volume of construction traffic.

The pipelines will cross the following public roads within Cheshire East:

- Forge Mill Lane
- Warmingham Lane
- A533 Booth Lane
- Cledford Lane
- Brooks Lane
- A54 Kinderton Street
- B5309 King Street

A number of public footpaths will also be crossed or followed. Warmingham Lane, A533 Booth Lane and B5309 King Street will be crossed by directional drilling, which will not involve open trenching or disruption to traffic. Elsewhere roads will be crossed by open trench with

temporary closure or traffic control. In particular, through Middlewich trenching will be used along Mill Lane, along the north verge of Kinderton St, across Kinderton St and along Brooks Lane.

Mill Street is an unadopted cul-de-sac serving various premises and trenching for the pipes will cause considerable disturbance to local businesses and residents.

The A54 Kinderton St will be crossed near its junction with Brooks Lane. This crossing will be done in stages. The trench will then follow Brooks Lane before diverging to pass under the railway. This will cause problems as Brooks Lane serves a considerable number of commercial and industrial properties which will have no alternative exit, as the lower end of Brooks Lane across the canal is only one-way from the A533 Lewin St.

The applicant's original intention was to use directional drilling for the A54 crossing. However, this would require the excavation of pits to provide sufficient room for pipe jacking, which would themselves be very disruptive. There is also the risk of striking unknown or unmarked services which could well be the case in a long-developed area such as this. Excavation and refilling of the pits would be a relatively lengthy operation whereas trench excavation could be undertaken over weekends to minimise disruption. Discussions were held with Council officers to confirm that such arrangements are practical and acceptable.

On completion the traffic generated by the scheme would be relatively small, covering routine inspection and maintenance of the plant.

We have a degree of control over the operations through matters such as Traffic Regulation Orders and so can ensure the cooperation of the applicant. However, this should be supported by the following planning condition:

Prior to the commencement of development a Method Statement shall be submitted to and approved in writing by the Local Planning Authority, which outlines the method of construction, details of deliveries to the individual sites during construction, how and where materials will be unloaded and details of where contractor's vehicles will park and arrangements made for wheel-washing. The development shall then be constructed in complete accordance with the Method Statement.

Subject to the imposing of the condition above, no objections are raised.

The Council's Environmental Protection Officer:

The most intrusive noise and vibration impacts will be from the construction and de-commissioning phases and particularly from compacting, drilling and piling activities. In the Cheshire East area, the most sensitive of receptors to these works will likely to be the residential properties near the River Croco on Hastings Way and Fossa Close in Middlewich. Without mitigation the noise and vibration impacts are considered to be major at the most sensitive of receptors. The assessment estimates that the inclusion of mitigation measures in the construction techniques could reduce the impacts to moderately adverse as a worst case consideration.

The resulting estimated noise levels are such that they could be considered as a loss of amenity however due regard should be given to the fact that the construction and decommissioning impacts will be transient. With the exception of percussive piling activities the vibration impacts are estimated to be below those where cosmetic damage to properties could be expected. However the levels are above those according to BS5228 where complaints could be expected. Percussive piling activities have been estimated at levels that could cause cosmetic damage at the most sensitive properties. Therefore, it is extremely important that mitigation measures, good practice techniques and local communications are strictly implemented during any permitted construction / decommissioning. The type of piling used will have a significant influence on the significance of the impacts. All vibration mitigation measures and construction techniques must be such as to cause impacts that would be below the level where cosmetic damage could be expected and nuisance minimised. Also, it may be necessary to carry out vibration monitoring where the impacts are likely to be greatest. These would be controlled by means of a suitable planning condition.

There is the potential for dust impacts from the construction and decommissioning phases of this development.

For the operational phase the only relevant noise sources are the 3 pumping stations at the Middlewich Salt Works, Lostock and at Blue Slate Farm. Only the former pump is located in Cheshire East Council district and in an industrial area. The noise assessment did not consider this pump but further information has indicated that the noise level would be similar to the pump house at Blue Slatas Farm. Despite the location and distance it is my opinion that the acoustic louvers and doors are used in the structure to house the pump to provide further mitigation and a conservative approach. There would likely to be a tonal element to this noise and the source would be operational for 24 hours when background noise levels are much lower. Additionally, this department has experience of tonal noise causing complaints at low levels at night-time.

The following recommendations DO NOT constitute planning conditions, however are intended to provide sufficient information to guide planning officers to adequately word conditions which are enforceable, justified and proportionate, in line with their own guidelines.

Demolition and construction phase of development

- 1) Prior to the development commencing, an Environmental Management Plan shall be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of air quality, vibration and noise on existing residents during the demolition and construction phase. In particular the plan shall show mitigation measures in respect of;
 - Noise and vibration disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
 - Waste Management: There shall be no burning of materials on site during demolition / construction
 - Dust generation caused by construction activities and proposed mitigation methodology.

The Environmental Management Plan above shall be implemented and in force during the construction phase of the development.

Reason: To reduce the impacts of environmental impact from the site on the local environment

- 1) Prior to any decommissioning or demolition commencing, an Environmental Management Plan shall be submitted and agreed by the planning authority. The plan shall address the environmental impact in respect of air quality, vibration and noise on existing residents during the decommissioning phase.

In particular the plan shall show mitigation measures in respect of;

- Noise and vibration disturbance during the decommissioning phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;
- Waste Management: There shall be no burning of materials on site during decommissioning.
- Dust generation caused by decommissioning activities and proposed mitigation methodology.

The Environmental Management Plan above shall be implemented and in force during the decommissioning phase of the development.

Reason: To reduce the impacts of environmental impact from the site on the local environment

Lighting

- 2) Prior to its installation details of the location, height, design, and luminance of any proposed lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours (and the surrounding area)

Noise Mitigation Scheme

- 3) Prior to any development taking place a scheme for reducing the overall noise from the pump houses shall be submitted to and approved by the local planning authority. The approved mitigation scheme shall be implemented and maintained throughout the use of the development.

Air Quality comments

The report considers the potential for air quality and dust effects arising from construction dust and vehicle emissions.

The report utilises DMRB to assess façade concentrations of PM10 and NO2 as a result of the construction works. The resulting impact is predicted to be negligible at all receptors with no exceedances of the PM10 and NO2 objectives predicted.

There is potential that in the absence of adequate dust mitigation, the estimated risk of adverse impacts at nearby sensitive properties is slight to moderate adverse. However the construction activities can be readily controlled through the implementation of best practice, and as such, the report outlines suitable mitigation. It is recommended that the developer agree with the LPA a Construction Environmental Management Plan (CEMP). The CEMP shall identify all potential dust sources and outline suitable mitigation. The plan should be implemented and enforced throughout the construction phases.

Contaminated Land Comments

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- Parts of the application area have a history of industrial and commercial use and therefore the land may be contaminated.
- The Phase I Preliminary Risk Assessment and further information submitted in support of the application have shown that Phase II site investigation works are required in some areas in order to assess possible contaminant linkages further.

As such, and in accordance with the NPPF, this section recommends that the following conditions, reasons and notes be attached should planning permission be granted:

1) Prior to the development commencing:

- (a) A Phase II investigation shall be carried out and the results submitted to, and approved in writing by, the Local Planning Authority (LPA).
- (b) If the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA. The remediation scheme in the approved Remediation Statement shall then be carried out.
- (c) If remediation is required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including (but not limited to) the form/location/depth of the remediation, validation works and the exact location and depth of the pipeline shall be submitted to, and approved in writing by, the LPA within 6 months of completion of each Phase of the development hereby approved (as per statutory red line plans 1200-05-23 a-j).

Reason :

- The Phase I contaminated land report recommends that a Phase II investigation is required to assess any actual/potential contamination risks at the site.
- To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of

the development and having regard to policy NR6 of the Congleton Borough Council Local Plan.

Informative

The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

This section has used all reasonable endeavours to recommend the most appropriate measures regarding potential contamination risks. However, this recommendation should not be taken to imply that the land is safe or otherwise suitable for this or any other development.

Landscape

The assessment correctly identifies the baseline landscape character, both nationally and locally. The assessment then identifies a number of character areas that lie along the pipeline route, those relevant to Cheshire East include: Area C: Middlewich Fringe, Area D: Canal Corridor, Area E: Middlewich centre, Area F: Railway Embankment, Area G: Salt factory/Industrial and Area H: Undulating Pasture. For each of these areas the assessment identifies the landscape fabric, the landscape character and the visual impact; I would generally agree with the assessments made.

Mitigation along the route would include reinstatement of the rural landscape, reinstatement of hedgerow sections removed, replacement tree planting with native species, reinstatement of highways and urban/industrial areas, to the condition prior to works being undertaken, with some enhanced mitigation along the River Croco near to Harbutt's Field.

The application includes a Landscape and Visual Impact Assessment and this has been undertaken according to the methodology set out in the Guidelines for landscape and Visual Impact Assessment, prepared by the Landscape Institute and the Institute of Environmental Management and assessment (1st Edition 1995 and 2nd Edition 2002). I would broadly agree with the assessment of impacts at construction phase and the operational phase for each of the character areas, and as long as mitigation, as described in the assessment, is carried out, would offer no objections to this proposal.

Nature Conservation Officer:

1) Local Wildlife Sites (LWS)

The proposed pipeline crosses the River Wheelock Banks Local Wildlife Site. The potential impacts of the proposed on the Local Wildlife Site will be mitigated through the use of directional drilling beneath the river. I therefore advise that the proposed development is unlikely to have a significant impact upon this designated site. However if planning consent is

granted, a condition is recommended requiring the submission of a method statement for the proposed directional drilling at this point.

1) Sites of Special Scientific Interest (SSSI)

The submitted ES states that no significant impacts are anticipated in respect of the Sandbach Flashes SSSI. I note that Natural England have confirmed that the SSSI does not present a constraint on the proposed development.

2) Great Crested Newts

Detailed great crested newt surveys have now been completed. Great Crested Newts are known to occur at a number of ponds adjacent to the route corridor. Whilst the proposed development will not result in the loss of any pond it has the potential to kill or injure any animals present with the route corridor and is also likely to lead to the temporary disturbance of terrestrial habitats. Considering the scale of the works and the temporary nature of the associated disturbance I advise that the potential impacts of the proposed development on great crested newts are low. A Natural England license will however be required to allow the proposed development to proceed without breaching the legislation safeguarding newts and further survey work will be required to inform the licence application.

To mitigate the potential impacts of the proposed development upon great crested newts the ES proposes trapping and exclusion of newts from within the working corridor and the re-instatement of existing habitats following the installation of the pipeline. In addition some habitat enhancement is proposed in the vicinity of a small number of known breeding ponds.

Important

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

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

Details of how the Habitat Regulations 'tests' were considered must be recorded within the committee/delegated report. Please refer to guidance issued by CE legal in respect of this issue.

I advise that the Council has sufficient information to be confident that the favourable conservation status of great crested newts would be maintained through the implementation of the submitted mitigation/compensation measures.

If planning consent is granted I recommend that the following condition be attached:

The proposed development to proceed in strict accordance with the submitted great crested newt mitigation strategy unless varied by a subsequent Natural England licence.

Reason: to safeguard protected species in accordance with the NPPF.

3) Reptiles

Grass snake is known to occur within the vicinity of the proposed pipeline. The potential impacts of the proposed development upon reptile habitat would be temporary in nature, however the unmitigated proposed works have the potential to kill or injure any animals present within the working corridor.

The submitted ES includes mitigation proposals to encourage any reptiles present within the working corridor to move away prior to the commencement of works. I advise this approach is acceptable however I recommend that a condition be attached requiring the submission of a detailed reptile method statement prior to the start of works.

4) Barn Owl and Brown Hare

The proposed development may result in the loss of small areas of habitat utilised by foraging barn owls and brown hare. Any such losses will be relatively small in scale and temporary in nature. The potential impacts of the proposed development upon barn owls is therefore unlikely to be significant.

5) Hedgerow

Hedgerows are a Biodiversity Action Plan priority Habitat and hence a material consideration. The proposed pipeline will result in the loss of a number of sections of hedgerow including those identified as 'Important' under the Hedgerow Regulations. A number of these hedgerows have however previously been broken through and replanted and so their value has already been diminished.

The submitted ES includes proposals for compensatory hedgerow planting. This approach is acceptable however a condition would be required to ensure that the details of the replacement planting and aftercare are agreed with the LPA prior to the commencement of development.

6) Water Vole and Otter

No evidence of water voles or otters was recorded during the surveys undertaken to inform the ES. Further surveys have now been undertaken which again did not record any evidence of these two species. I therefore advise that water vole and otter are not reasonably likely to be present or affected by the proposed development.

Conditions

If planning consent is granted the following conditions will be required:

- Submission of a method statement detailing the reinstatement of grassland habitats.
- Submission of a method statement for the directional drilling under the River Wheelock Local Wildlife Site
- Submission of details proposals for hedgerow restoration and enhancement.
- Safeguarding of Breeding Birds
- Submission of replacement planting to compensate for vegetation lost as a result of the river crossings.
- Submission of a detailed Reptile Mitigation Method Statement.

The Council's Forestry Officer

The submission is supported by an Environmental Statement and a separate Arboricultural Report which cover the full length of the pipeline, extending into the administrative areas of both Cheshire West and Chester and Cheshire East Councils.

The survey in the Arboricultural Report covers a total of 451 items of vegetation (332 individual trees and 119 groups of trees). Of these, 15 trees/groups were identified as retention category 'A', 195 trees/groups were identified as retention category 'B', 235 trees/groups were identified as retention category 'C' and 6 trees were identified as retention category 'U'.

The submission indicates that alignment and width of the pipeline route has been adjusted throughout its length so as to minimize the losses of or damage to landscape resources including trees and hedges. Where retention is possible, trees and hedges which occur within the working corridor would be protected by suitable temporary fencing during the construction period. Trees whose root protection area could be adversely affected by the works (compression of the root plate or trench excavation through the root zone) have been identified during arboricultural survey and measures proposed to mitigate potential adverse impacts. Such measures could include crown pruning, root pruning, use of air spades or hand excavation, incorporation of mycorrhizal fungi in backfill or use of a temporary root protection measures.

The overall development will result in the loss of individual trees, groups / part groups of trees and approximately 210 linear metres of hedgerow. The Arboricultural Report indicates that the majority of the trees which require removal are retention category C trees. The report comments that as a general rule, these trees are not of a high quality and individually, their loss will not have a significant impact on the local area. However, it should be noted that the occasional retention category B tree will also need to be removed to facilitate the pipeline construction.

Within Cheshire East administrative area, notable tree losses would include amenity tree planting on Harbutt's Field and trees adjacent to the River Croco between Harbutts field and the A 54.

Any trees lost as a result of the construction works would be replaced by native species trees on a 2:1 ratio subject to landowner agreement. The replacement trees would be light standards (5 – 10 yrs old) and would be protected by fence guards appropriate to the size and species of tree. Specific landscape proposals for reinstatement of the Harbutts Field/ River Croco area are provided in the submission.

I am satisfied that the arboricultural data submitted provides a satisfactory overview of the impacts of the proposals. Whilst there would be direct impact on trees, the specimens to be lost are mainly low grade. Protective measures could be implemented to reduce the risk of impact on retained trees and replacement planting could be secured to ensure there would be no net loss of tree cover. These issues would need to be covered by conditions.

Hedgerows

Where the proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. The Regulations require assessment on various criteria including ecological and historic value. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan. The adopted Congleton Borough Local Plan policy NR3 refers to Important Hedgerows

As indicated above, it appears the development would result in an overall loss of approximately 210 linear metres of hedgerow. With the aim of minimising the loss of established hedgerow, where hedgerows intersect the working corridor there is a reduction in the width of the corridor from 35m to 3m (for species-rich hedgerows) and from 35m to 10m (for species-poor hedgerows). Reinstatement of sections of hedgerows lost to the scheme is proposed.

The Ecological report in the Environmental Statement indicates a total of 50 hedgerows were surveyed, ten of which are categorised as 'Important' according to the Hedgerow Regulations 1997. There are five ecologically important hedgerows that lie within the overall working corridor. Within Cheshire East the pipeline would cross three ecologically important hedgerows that have previously been broken through as part of an earlier pipeline installation and one ecologically important hedgerow that would be avoided through the use of directional drilling.

Information provided by the applicant indicates that impact on hedgerows has been considered by the applicant both in terms of ecology and cultural heritage. Whilst limited data is provided in respect of the historic criteria in the Regulations, it is apparent that the proposed development will impact on a number of hedgerows within Cheshire East Borough which are 'Important' in relation to the Hedgerow Regulations 1997. The impact will be restricted to disturbance or removal of short sections to accommodate the pipeline. Mitigation and reinstatement measures are proposed.

Conditions

In the event of approval the following conditions are recommended:

Submission/ approval/ implementation of:

- Construction Environmental management plan
- Arboricultural Method Statement (AMS) to include, an auditable programme of arboricultural supervision, scheme of specific protection measures for each tree and retained hedgerow, temporary protective fencing and positions, acceptable construction techniques and necessary tree works.
- Replacement planting to mitigate for losses.

Public Rights of Way Unit

Proposed developments may present an opportunity to improve walking and cycling facilities in the area for both travel and leisure purposes. The aim to improve such facilities is stated within the policies of the Cheshire East Rights of Way Improvement Plan (ROWIP) 2011-2026 and Cheshire East Local Transport Plan (LTP) 2011-2026:-

Policy H2: Promotion of active travel and healthy activities

Work in partnership to promote walking, cycling and horse riding as active travel options and healthy activities

Policy H3: Public rights of way and green infrastructure

Protect and enhance our public rights of way and green infrastructure and endeavour to create new links where beneficial for health, safety or access to green spaces

Policy S7: Walking

Work with stakeholders to improve facilities for walking so that it is attractive for shorter journeys

Policy S8: Cycling

Work with stakeholders to improve facilities for cycling so that it is attractive for shorter journeys

These aims are further stated within the Draft Spatial Vision for Cheshire East stated in the Local Development Framework Core Strategy

People in the towns and villages will have a high quality of life with good access to education, jobs, services, shops and public transport, mostly within walking and cycling distances. The transport infrastructure will have been improved and there will be reduced congestion and better access to public transport throughout the Borough, with an extensive network of pedestrian routes and cycleways.

People will lead healthy and active lifestyles benefiting from improved access to sporting facilities, high quality open spaces and the open countryside while being supported by a good network of local health centres.

Public Rights of Way within the Cheshire East boundary, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way, will be affected by the proposed development. The Public Rights of Way are recognised as importance links and are classified in the Environmental Statement as being a 'high value resource'. The effects and mitigation measures, both temporary and permanent, are summarised below.

Middlewich Footpath No. 15

Temporary

- a) A temporary closure of this Public Footpath would be required for the works where pipeline crosses the footpath to the immediate east of the River Croco bridge, with construction phased so disruption to the footpath is minimised.
- a) A temporary diversion would be put in place around the perimeter of the compound, with signage and a 2m wide temporary surface, suitable for the heritage status of the site. Banksman would be available during deliveries to the compound, to warden traffic movements, giving priority to pedestrians.

Permanent

- a) The footpath would be reinstated to a tarmac surface on its existing line.

- a) This public footpath would, under the proposed arrangements, carry additional footfall during the temporary closure and diversion of public footpath No. 16. It would be requested that a planning condition attached to any planning consent require a full condition survey of the public footpath Middlewich No. 15 prior to the diversion of public footpath Middlewich No. 16 and a requirement to remediate any damage or wear to the public footpath on completion of the diversion.

Middlewich Footpath No. 16

Temporary

- a) A temporary closure of this Pubic Footpath would be required for the duration of the works affecting this path, with a temporary diversion around the highway network and Footpath 15.

Permanent

- a) The footpath would be reinstated along its length to a compacted stone surface (to an agreed specification), 1.2m in width with passing places and benches, on its existing line. A birdsmouth fence is proposed between the path and the river.
- b) The developer would be required to ensure that the planting regime will not lead to encroachment over the footpath.

Middlewich Footpath No. 19

Temporary

- a) There is anticipated to be no affect to this footpath or users, due to the use of directional drilling, and the footpath will remain open at all times.

Permanent

- a) There is anticipated to be no affect to this footpath, due to the use of directional drilling.

Middlewich Footpath No. 20

Temporary

- a) A temporary closure of this footpath would be required for the duration of the works in this location.
- a) A temporary diversion will be provided along the eastern boundary of the site boundary which will be fenced, providing sufficient width (>3m) between that boundary and the stream.
- b) It is understood that a banksman would be available at the northern terminus of the footpath in the case of plant movements affecting pedestrians.

Permanent

- a) The surface of the footpath would be reinstated to the existing (two-wheel lines of a track on pasture field) on its existing line.
- b) Where room is available, any stiles removed under the development will be replaced with kissing gates to an approved specification, in order to improve the accessibility of the routes.

Warmingham Footpath No. 13

Temporary

- a) A temporary closure of this footpath would be required for works affecting the route where the pipeline crosses the footpath. Construction would be phased so disruption to

the footpath is minimised. A temporary diversion would be put in place with banksmen to warden pedestrian and traffic movements.

- a) It is understood that the construction environmental management plan, the provision of which would be a condition in any planning consent, will stipulate the segregation arrangements where construction traffic and members of the public using this public right of way may be present at the same time. It is understood that plant traffic during the construction phase of approximately 10 weeks would be anticipated to be infrequent, and would be using the route of the public footpath for an approximate 50m length. Although any potential conflict could therefore be anticipated to be minimal, it would be requested that the construction environmental management plan detail exact arrangements regarding segregation, banksmen and signage.

Permanent

- a) The surface of the footpath would be reinstated to the existing (pasture field), on its existing line.
- a) Where room is available, any stiles removed under the development will be replaced with kissing gates to an approved specification, in order to improve the accessibility of the routes.

Warmingham Footpath No. 7

Temporary

- a) It is understood that the construction environmental management plan, the provision of which would be a condition in any planning consent, will stipulate the segregation arrangements where construction traffic and members of the public using this public right of way may be present at the same time. It is understood that such segregation would only be required in a farmyard area where adequate widths and visibility are available so that the public's use of the public right of way would not be inhibited. Although any potential conflict could therefore be anticipated to be minimal, it would be requested that the construction environmental management plan detail exact arrangements regarding segregation, banksmen and signage.

Permanent

- a) There is anticipated to be no affect to this footpath.

Temporary closures

The developer would be expected to cover the administration and advertisement costs of temporary closure orders or notices. Applications for temporary closures must be made well in advance of the closure being required and early dialogue would be encouraged.

Developer's responsibilities regarding Public Rights of way

The standard wording relating to developments affecting Public Rights of Way follows:

Please note the Definitive Map is a minimum record of public rights of way and does not preclude the possibility that public rights of way exist which have not been recorded, and of which we are not aware. There is also a possibility that higher rights than those recorded may exist over routes shown as public footpaths and bridleways.

The PROW Unit expects that the Planning department will ensure that any planning conditions concerning the right of way are fully complied with. In addition, advisory notes should be added to the planning consent as follows:

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

- there is no diminution in the width of the right of way available for use by members of the public no building materials are stored on the right of way;*
- no damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way;*
- vehicle movements are arranged so as not to unreasonably interfere with the public's use of the way;*
- no additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature;*
- no wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way;*
- the safety of members of the public using the right of way is ensured at all times".*

Any variation to the above will require the prior consent of the PROW Unit. If the development will permanently affect the right of way, then the developer must apply for a diversion of the route under the TCPA 90 as part of the planning application.

The development will temporarily affect the right of way then the developer must apply for a temporary closure of the route (preferably providing a suitable alternative route).

The PROW Unit will take such action as may be necessary, including direct enforcement action and prosecution, to ensure that members of the public are not inconvenienced in their use of the way both during and after development work has taken place.

Archaeology

The application is supported by an Environmental Impact Assessment, which contains a section on Archaeology and Cultural Heritage. This contribution (Section 14 in the EIA) has been prepared by L-P Archaeology and summarises the effect of the proposed development on known archaeological remains. In particular it draws attention to the fact that the easement will pass through Middlewich's Area of Archaeological Potential, as defined in the Local Plan of the former Congleton Borough Council, and that intrusive groundworks are almost certain to reveal archaeological deposits in this area. Also acknowledged is the potential for topsoil stripping associated with the works to uncover currently-unrecognised archaeological remains, something which has occurred on numerous other pipeline projects in Cheshire and is particularly likely in this instance in view of the long history of salt production in and around the Middlewich area.

The study also draws attention to the fact that the proposed works will necessitate access across the statutorily-protected Scheduled Monument at Harbutt's Field Roman fort (SM12615) and that this will require that Scheduled Monument Consent from the Secretary of

State for Culture Media and Sport through English Heritage. I note that the process of securing Scheduled Monument Consent has not yet been initiated and understand that this will not be done until planning permission has been secured. In view of the fort's statutory designation, it will be important to ensure that a detailed methodology for accessing the pipeline easement and site compounds is discussed with English Heritage as soon as possible thereafter, in order to allow time for Scheduled Monument consent to be obtained.

Subject to the securing Scheduled Monument Consent, it is advised that the programme of archaeological mitigation outlined in Section 14.5 of L-P archaeology's study proposes an appropriate scheme of work which can be defined in a more detailed project design in the event that planning permission is granted. Essentially, this will consist of a generalised watching brief along the bulk of the easement in order to identify and record any archaeological remains, with a more intensive watching brief in the Middlewich AAP where more complex deposits may be expected. A report on the work will also need to be produced and the mitigation may be secured by the condition given below:

No development shall take place within the area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.

The use of such a condition is in line with the guidance set out in Paragraph 141, Section 12 (*Conserving and Enhancing the Historic Environment*) of the *National Planning Policy Framework* (2012), published by the Department for Communities and Local Government and the still current *PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide* (Department for Communities and Local Government, Department for Culture Media and Sport, English Heritage, 2010).

Built Heritage

It is considered that there are limited above ground built heritage issues as a consequence of the proposals.

In the Warmingham area, the proposed route of the pipeline shown does not come anywhere near the Warmingham Conservation Area, which is located far away to the south east. Neither does it come close to the listed buildings shown on their map and identified as ref: 267 (Old Hough Farmhouse Grade II Listed Building); ref: 268 (Mill Lodge Grade II Listed Building), which are similarly located a considerable distance away.

The issues are a little more direct in the Middlewich area, although there is nothing that would create prolonged harm to the significance of the heritage assets in proximity in terms of their setting or fabric, provided that adequate controls exist to ensure that engineering works to install the pipeline do not compromise the structural integrity of the heritage assets. By virtue of their proximity, the assets considered to be vulnerable to such potential impacts are:

- Big Lock Grade II (ref: 258), Kinderton Mill II* (ref: 255) and Mergatroyd Brine Pump, Scheduled Monument (ref: 3)

With this in mind it is suggested that a condition be attached along the following lines:

Prior to the commencement of this phase of the development (in relation to the above defined heritage assets – to be inserted), a detailed method statement setting out the engineering works required to install the pipeline in proximity to these assets (including in detail the method proposed in terms of excavation and/or boring and or the laying out of working areas in proximity to these heritage assets) and the measures incorporated in the engineering operation to safeguard the heritage assets from vibration and/or undermining during the period of construction and thereafter shall be submitted to and approved in writing by the Local Planning Authority.

Specifically in relation to Kinderton Mill, measures may need to be set out on site to prevent construction vehicles colliding with the building given the proximity of a proposed working area and to ensure that the setting of the Mill is not permanently affected by any works for the working area (i.e. that these are fully reversible and removed following the construction). The details of this will also need to be submitted and approved prior to the commencement of development of this phase of works.

In relation to the line of the buried section of pipeline within the boundary of the Trent and Mersey Canal Conservation area, landscape restoration of the excavated route should be secured (i.e. restoring it to its condition prior to the works taking place).

Flood Risk Management

Whilst there is no objection in principle to the proposed works as submitted, it is evident that the works described will have some implications for a number of watercourses (both Main River and ordinary watercourse) within the Cheshire East County boundary. The submitted details recognise the need for further and appropriate consultation with Cheshire East Flood Risk Management Department as a Lead Local Flood Authority (LLFA) and for purpose of discharging any obligations and requirements under Land Drainage Act 1991 legislation for all works affecting non main or ordinary watercourses.

Full details of all watercourse crossings (permanent and temporary works), dewatering operations and associated discharges, and any culverting works (temporary and/or permanent) should be discussed and agreed with Cheshire East Flood Risk Manager prior to commencement of any works on site. Formal Land Drainage Consent will be required for a number of these associated activities and early consultation is recommended to ensure that the appropriate and required applications can be processed and in the interests of managing local flood risks and avoiding any unnecessary delays for the planned work.

The Environment Agency:

The Environment Agency has no objection in principle to the proposed development but we would like to make the following comments.

Flood Risk

The route of the proposed pipeline crosses/runs adjacent to several watercourses, of which the following are designated "main river":-

Ship/Puddinglake Brook, River Dane, River Croco, Sanderson's Brook, River Wheelock.

In accordance with the Water Resources Act 1991 and the Land Drainage Byelaws, our prior written consent will be required for any proposed works or structures (including planting) in, under, over or within 8 metres of the top of the banks of "main river". This applies to both permanent and temporary proposals. We have discretionary powers, within the above Act, to carry out works to "main river" watercourses for which access is required to and along the river banks. Where the proposed pipeline runs adjacent to the River Croco at Middlewich, the pipes are shown as being installed within the 8 metres Byelaws distance, although within a trench with backfill above. As heavy plant and equipment may be used to carry out works to the River Croco here, the proposed pipes must have appropriate protection.

Biodiversity

Water vole surveys were carried out as part of the Ecological Surveys for this proposal. However the precise status of water voles could not be determined on all watercourses and the high mobility of this species pre-construction surveyed are recommended by the Chapter 8.0 Ecology and Nature Conservation paragraph 8.5.43. As such we request that the following planning condition is attached to any approval as set out below.

Condition

Prior to the commencement of development water vole (*Arvicola amphibius*) surveys shall be carried out to enable an assessment of the risk posed by the development. The survey should be carried out at an appropriate time of year, by a suitably experienced ecologist, using recognised survey methodology. The detailed design, construction, mitigation and compensation measures shall be submitted to and agreed in writing by the local planning authority.

Reason

To protect water vole and its habitat within and adjacent to the development site.

The water vole is fully protected under Section 9 of the Wildlife & Countryside Act, 1981 (Variation of Schedule 5, Order 2008). Under this legislation it is an offence to intentionally or recklessly damage, destroy or obstruct access to any structure or place used by a water vole for shelter or protection; to intentionally or recklessly disturb water voles whilst occupying a structure or place used for that purpose; and to intentionally kill, injure or take water voles.

The proposed development will only be acceptable if a planning condition is included requiring a method statement to be agreed to put appropriate control measures in place regarding the invasive species Japanese knotweed (*Fallopia japonica*) and Himalayan balsam (*Impatiens glandulifera*) present.

Condition

No development until a detailed method statement for removing or the long-term management / control of Japanese knotweed and Himalayan balsam on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include measures that will be used to prevent the spread of Japanese knotweed and Himalayan balsam during any operations e.g. mowing, strimming or soil movement. It shall

also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reason

To prevent the spread of Japanese knotweed and Himalayan balsam which is an invasive species.

The proposed development will only be acceptable if a planning condition is included requiring the production of a method statement demonstrating how sensitive areas will be protected during the crossing of watercourses.

Condition

No development shall take place until a method statement/construction environmental management plan for the crossing of watercourses that is in accordance with the approach outlined in the Environmental Statement, has been submitted to and approved in writing by the local planning authority. This shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works. Such a scheme shall include details of the following:

The timing of the works

- *The measures to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution)*
- *The ecological enhancements as mitigation for the loss of habitat resulting from the development*
- *Any necessary mitigation for protected species and habitats*
- *Construction methods*
- *Any necessary pollution protection methods*
- *Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrate they are qualified for the activity they are undertaking.*

The works shall be carried out in accordance with the approved method statement.

Reason

To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.

Water Quality

The construction phase will involve the stripping of existing vegetation which will lead to an increased risk of suspended solids and associated nutrients being washed into the watercourses. A scheme must be provided to show that this problem can be managed in order to prevent contamination and deterioration of watercourses.

The proposed development will only be acceptable if the following measure(s) are implemented and secured by way of a planning condition on any planning permission.

Condition

The development hereby permitted shall not be commenced until such time as a scheme to prevent contamination of surface waters by 'silty' run-off during construction has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

To prevent pollution to the water environment.

Contaminated Land

We have reviewed the submission of an Environmental Statement (Vol. 1: Main Report), dated March 2013 and Appendix 10: Phase 1 Site Investigation, dated February 2013 for the proposed construction of a brine pipeline between Lostock and Warmingham, Cheshire.

We have reviewed the documents and contamination specific information to assess the possible risks to controlled waters from the length of the pipeline.

We note that the pipeline construction corridor appears to be routed through urban and rural areas and is in close proximity to known surface water courses which we considered to be controlled waters. Therefore we request that the following planning conditions are also attached to any planning approval as set out below.

Condition

Prior to each phase of development approved by this planning permission no development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To prevent the pollution of controlled waters from potential contamination on site.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To prevent the pollution of controlled waters from potential contamination on site.

We believe that, based on the proposed pipeline location, that the greatest risks to controlled waters are likely to occur in the urbanised areas where industrial development (recent and historical) is most likely to have occurred.

We note, for example, that the pipeline between chain lengths 7,901 and 8,960 passes through an area in Middlewich which is known to have formerly been the town Gas Works site whilst chain lengths 11,206 to 11,600 pass through an existing salt works site. In areas like this we would anticipate that a more thorough preliminary assessment, site investigation and risk assessment prior to construction of the pipeline to ensure that the installation does not pose a risk to controlled waters.

In more rural areas we would anticipate that the likelihood of significant contamination is lower. In these circumstances, we anticipate that the developer consider the minimum of a preliminary risk assessment to confirm the absence (or otherwise) of potential sources of contamination. Where present that further site investigation may be necessary and required to understand the risks and contamination more fully.

Groundwater

The proposed development will only be acceptable if the following measure(s) are implemented and secured by way of a planning condition on any planning permission.

Condition

Any facilities for the storage of *oils, fuels or chemicals* shall be provided with secondary containment that is impermeable to both the *oil, fuel or chemical* and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

Reason

To prevent pollution of the water environment.

Response to Regulation 22 submission

Depending on the duration of time between the water vole surveys and the work, pre-construction surveys may still be needed, especially were the pipe will cross watercourses using the open cut method.

Advice to LPA/Applicant

The proposed area is within the North West River Basin Management Plan. The Water Framework Directive is a wide-ranging and ambitious piece of European environmental legislation. Its overall objective is to bring about the effective co-ordination of water environment policy and regulation across Europe. The hope is that it will give people and wildlife a clean, healthy environment fit for the 21st Century. In exercising their functions, all public bodies and statutory undertakers (that is most reporting authorities) have a duty to have regard to the objectives of the River Basin Management Plans or their supplementary plans (section 17 of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003.

In developing plans the applicant should be aware of WFD. In particular the requirement that nothing be done to a waterbody which would cause its condition (in WFD terminology - chemical status or ecological status) to deteriorate. Measures should be in place to ensure that no part of this development should affect the watercourses ability to reach "good ecological status" by 2027. WFD not only aims to improve existing water quality, but also the physical features of streams and rivers (such as the size, shape and structure of the channel, and the flow and quantity of water). As part of any scheme design opportunities to improve the watercourses and so meet the WFD targets should be sought.

The Environmental Statement does make reference to the waterbodies and WFD but we have concern regarding the valuation of the water environment attributes in table 11.1. The current WFD status of a waterbody has been used to provide a valuation for that feature. For example a watercourse with a poor WFD status is classified as having low importance and a watercourse with good WFD status is classified as having very high value. We would disagree with this general approach to valuation based on WFD classification. Just because a waterbodies current status is classified as poor or bad does not mean that it has a low value, does not means that we can allow WFD deterioration and that waterbody still has to reach good ecological status by 2027.

The applicant intends to use a pipe bridge to cross the River Dane (Environmental Statement Table 11.4.2). The diagram 'Proposed Pipe Bridge Elevations Ravenscroft Bridge 1200-05-04-02' shows that the foundations will be on the banks of the River Dane. We recommend that the applicant does not use this method to cross the watercourse due to the possible long term issues it could create or moves the foundations further away from the watercourse edge. We are concerned that over time the foundations could become undermined by erosion.

Within the Ecology Survey and Environmental Statement there is a general lack of information, mitigation or compensation regarding fish.

Under the Salmon and Freshwater Fisheries Act, 1975, any person who causes or knowingly permits to flow, or puts or knowingly permits to be put in, into any waters containing fish or into any tributaries of waters containing fish, any liquid or solid matter to such an extent as to cause the waters to be poisonous or injurious to fish or the spawning grounds, spawn or food of fish, shall be guilty of an offence. It is imperative that every attempt is made to ensure that there is no deterioration in water quality during or post development. Silt, whether inert or organic, may clog important spawning gravels, smother plants or directly asphyxiate fish.

We recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to our website at for more information.

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays.

We recommends that developers should refer to the our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at www.environment-agency.gov.uk for further guidance.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is

clear.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Please refer to our website at www.environment-agency.gov.uk for more information.

Where it is necessary to dewater excavations as a result of groundwater inflow it will need to be ensured that this activity does not have any impact upon any licensed or unlicensed groundwater supplies. The impact on groundwater dependent surface water features will also need to be considered. This is particularly important where deeper excavations are required at road crossings and at river crossings where it can be expected that groundwater within the superficial deposits will be in continuity with the watercourse.

It will need to be considered where any abstracted water will be discharged to. The discharge to ground of anything other than clean and uncontaminated water may attract the requirement of an Environmental Permit under the Environmental Permitting Regulations 2010. This is particularly important where the pipeline passes through area of contamination.

The applicant will need to ensure that there is no overflow discharge from the pumping stations to any watercourses.

Natural England:

No objection – no conditions requested

This application is in close proximity to Sandbach Flashes Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Protected Species

This development has the potential to impact on protected species and in particular we note that Great Crested Newts are present on site. Great Crested Newt is a European Protected Species. A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided through avoidance (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development.

Natural England's view on this application relates to this application only and does not represent confirmation that a species licence (should one be sought) will be issued. It is for the developer to decide, in conjunction with their ecological consultant, whether a species

licence is needed. It is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence.

A licence can only be granted if three tests can be met (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status). When considering the likelihood of a licence being granted it may be helpful for the local authority to view our guidance on how Natural England applies the 3 tests when considering licence applications. We further recommend the applicant review the great-crested newt template method statement (Conversions, Avoidance tab) - Application tools: (3) Non-licensed avoidance measures, for information on pipelines and suggested avoidance measures that could be employed (should this be considered appropriate).

For further guidance in relation to Great Crested Newts and other protected species, we refer you to Natural England's standing advice, which is available on our website at the following link [Natural England Standing Advice](#). Our standing advice sheets for individual species provide advice on deciding if there is a 'reasonable likelihood' of protected species being present and also provide advice on survey and mitigation requirements. This also sets out when, following receipt of survey information, the authority should undertake further consultation with Natural England.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside](#) link.

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice on BAP and protected species and their consideration in the planning system.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would

draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Response to Regulation 22 submission

Natural England has reviewed Chapter 4 of the Regulation 22 submission, which details the additional survey work that has been undertaken in relation to protected species. Natural England is satisfied with the level of survey effort that has been carried out and does not object to the proposed development.

Great Crested Newt

On the basis of the information available to us, our advice is that the proposed development is likely to affect Great Crested Newt through disturbance of EPS or damage or destruction of a breeding site or resting place. We are satisfied however that the proposed mitigation would maintain the population identified in the survey report. We recommend that should the Council be minded to grant permission for this application a condition to secure the proposed mitigation outlined in Section 5 of the Great Crested Newt Mitigation Strategy and Section 4 of the Supplementary Ecology Report 2013, which confirms the fencing and trapping requirements, is appended to any consent.

Great Crested Newt is a European Protected Species. A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided through avoidance (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer's ecologist to decide whether a species licence will be needed. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development.

Natural England's view on this application relates to this application only and does not represent confirmation that a species licence (should one be sought) will be issued. It is for the developer to decide, in conjunction with their ecological consultant, whether a species licence is needed. It is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice we have provided on likely impacts on favourable conservation status and Natural England's guidance on how we apply the 3 tests (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status) when considering licence applications.

Barn Owl

We note that the records search undertaken with Mid Cheshire Barn Owl Conservation Group has identified the presence of Barn Owl nesting boxes in close proximity to the application boundary. Barn Owl is protected under Schedule 1 (Birds) of the Wildlife and Countryside Act 1981 as amended. Having considered the information and the proposed mitigation we consider that the proposals are sufficient to maintain the population.

Otter and Water Vole

It is noted that the ecological surveys undertaken in support of the application have identified suitable habitat for otter and water vole within the vicinity of the construction works and that a pre-construction survey will inform need for any mitigation (Section 4 of the Supplementary Ecology Report 2013). We recommend that should the Council be minded to grant permission for this application a condition to secure the following is appended to any consent:

- Prior to the commencement of any works, which may affect otter and/or water vole and their habitat, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

For further guidance in relation to protected species, we refer you to Natural England's standing advice, which is available on our website at the following link [Natural England Standing Advice](#). Our standing advice sheets for individual species provide advice on deciding if there is a 'reasonable likelihood' of protected species being present and also provide advice on survey and mitigation requirements.

English Heritage:

The route of the proposed pipeline passes close to a number of designated nationally important heritage assets, notably the King Street Roman Fort at Harbutt's Field, Middlewich and Murgatroyd's Brine Works, both of which are scheduled as ancient monuments under the provisions of the Ancient Monuments and Archaeological Areas Act 1979. It also passes close to a number of listed buildings, to the Middlewich Conservation Area, and to undesignated heritage assets of potential national importance such as the King Street Roman road, and passes through the area of Middlewich which has been identified as of archaeological potential as the result of previous excavations and surveys.

The Environmental Statement contains a range of proposals for mitigation of the impact of the proposed scheme particularly on buried archaeological deposits which appear generally to offer an appropriate level of response. Should the Council be minded to grant planning permission, it should be advised by the Cheshire Archaeological Planning Advisory Service on the appropriate level of archaeological mitigation required, and on the detailed specification for the mitigation works. Additionally, the applicants should be advised that works associated with the construction of the pipeline in the vicinity of the King Street Roman Fort, Harbutt's field, which include the laying of protective materials over the scheduled area, will require the prior written consent of the Secretary of State for Culture, Media and Sport.

Recommendation

English Heritage has no objection in principle to the granting of planning permission for the proposed pipeline, subject to the implementation of a scheme of archaeological mitigation measures in accordance with a written scheme of investigation which has been submitted to, and agreed in writing by the Council, as advised by the Cheshire Archaeological Planning Advisory Service. This scheme of archaeological mitigation works should be secured by a condition ensuring that no work can commence on site until the Council has approved the written scheme of investigation. Additionally, the applicants should be advised that works associated with the construction of the pipeline in the vicinity of King Street Roman Fort, Harbutt's Field, which include the laying of protective materials over the scheduled area, will

require the prior written consent of the Secretary of State for Culture, Media and Sport, and that no work can commence in this area until that consent has been obtained.

Canal and Rivers Trust

After due consideration of the application details, the Canal & River Trust has no objections to the proposed development. However, the development will impact on the Trent & Mersey Canal in three locations and the following issues should be addressed.

1. *Directional Drilling under Canal adjacent to A533*

The formal agreement of the Trust will be required in respect of the new pipe crossing under the canal. In addition it is essential that the works are carried out in accordance with our Code of Practice for Third Party Works and overseen by our Third Party Works Engineer.

2. *Middlewich section adjacent to River Croco*

It will be necessary for the applicant to work with our Third Party Works Engineer in order to ensure that there is no risk to the stability of the narrow strip of land separating the river from the Trent & Mersey Canal during construction.

The method of construction of the pipeline should be carefully considered in respect of any risk to the stability of the narrow strip of land between the canal and the river. In particular, any piling should not cause vibrations that may pose a risk to this land and in the worst case result in a breach of the canal. The freeboard on the canal wall is low in places and the river has recently caused a section of the embankment to be washed away.

The Trust is due to carry out repair works to the river bank in 2013/14 and would welcome the opportunity to discuss the most beneficial approach to co-ordinating these works with the construction of the pipeline.

3. *Lostock*

The pipeline will run through an existing pipe bridge crossing to the works at Lostock. The applicant should contact our Senior Utilities Surveyor Philippa Walker in respect of this.

If the Council is minded to grant planning permission, it is requested that the following informative is attached to the decision notice:

"It is essential that the applicant/developer contacts the Canal & River Trust's Third Party Works Team (01942 405727) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

Health and Safety Executive

Part of the development appears to be within the Consultation Distance (CD) of a major hazard site or a major accident hazard pipeline, and the planning application identifies an increase in the number of employees (by 2 full time equivalents). If the application is likely to

result in a material increase in the number of persons working within or visiting the CD, then there would be a requirement to consult HSE (via PADHI+) on this application. In this case, the description of the development and the small increase in number of employees would indicate that, within PADHI+, the development would be considered as low sensitivity, i.e. Sensitivity Level 1, and HSE would not advise against the grant of planning permission anywhere within the CD.

Scottish Power Energy

SP Manweb plc have 11kv voltage and 33kv voltage overhead apparatus within the area of the proposed development. The developer should therefore be advised of the need to take appropriate steps to avoid any potential danger that may arise during their works in relation to the Electrical apparatus. Prior to works commencing on site information of the location of SPPS apparatus should be acquired. SP Energy Networks, Data Management, Prenton Way, Birkenhead, CH43 3ET. General information and guidance on the avoidance of electrical hazards should also be sought from the following publications available from the HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 2WA Tel_01787881165 – www.hse.gov.uk: SG47 – Avoiding Danger from the Underground Services HSG6 – Avoidance of Danger from Overhead Electrical Lines. Site specific guidance or requests for electrical connections relating to the proposed development prior to commencement of works must be sought by making contact with the SPPS Connections Business at the following address: SP Powersystems, Customer Connections, Lister Drive, Liverpool, L13 7HJ

National Grid

National Grid has identified that it has apparatus in the vicinity of your enquiry which may be affected by the activities specified. Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

Network Rail - has raised no objection in principle to the proposal.

As excavation works are within 10m of the Network Rail boundary the applicant should submit a risk assessment and a method statement to the Network Rail Asset Protection Engineer for review and approval.

If access is required under the railway then they will need all the necessary approval and the commercial terms for the easements.

Cheshire Wildlife Trust

Having now read the ES and Regulation 22 Submissions online we have nothing further to add to the Nature Conservation Officer's response, which addressed all the relevant issues very thoroughly.

VIEWS OF THE PARISH / TOWN COUNCIL

Moston Parish Council: Make no comments on the application

Warmingham Parish Council: would like the access to be from Forge Mill Lane and not Warmingham Road/School Lane as the village is already burdened with heavy traffic coming from the Middlewich direction to the Gas Storage Site and Brine Field. The Parish Council has been informed that the current storage tanks are now left uncovered and are causing damage to local woodland and would request that these and any new ones be covered. They would like clarification as to where the plant and pipes will be stored during construction of the pipelines.

Middlewich Town Council: The Town Council has no objections to this application subject to:

- a) The Town Council playing a full role in a project liaison group, using local knowledge to find solutions and inform the local public. The Town Council being prepared to host and facilitate meetings in its own buildings which will involve Highways Officers, Archaeologist, English Heritage; an offer be extended to Cheshire West and Chester (CWAC) officers and Ward Councillors to attend relevant meetings of the group so that it is mindful of any major events in CWAC that may be impacted by the pipeline works;
- a) An Archaeological Watching Brief with involvement from the Town Council;
- b) Both the above issues have a precedent with the Town Council Members, staff and volunteers working positively to make the process as smooth and informative as possible;
- c) Any relevant Section 106 provision with discussions with the Town Council to provide relevant and appropriate facilities and reinstatement according to the current vision and previous heritage of the town. “

OTHER REPRESENTATIONS

In excess of 40 letters of objection have been received by local residents and landowners. They raise issues in respect of:

- Effect of the scheme on Middlewich in terms of traffic, noise and disruption;
- Adequacy of pre-application public consultation;
- Accuracy of information submitted;
- Adequacy of consideration of alternative options and conclusions drawn;
- Impact on public rights of way and cycle routes in terms of disruption and safety for users;
- Impacts on fishing activities;
- Potential for contamination of land and water associated with construction activities and potential leakages from pipes and tanks;
- Impacts on local wildlife and habitats;
- Detrimental impacts to properties alongside River Croco;
- General amenity impacts particularly noise, vibration, disruption, general air quality, dust and odour;
- Health and safety implications – close proximity of gas storage facility;
- Impact on green spaces and access to recreational areas or areas of countryside;
- Impact on HS2 proposals and Manchester Airport flight path;
- Impacts on local highway network particularly highway safety, disruption around Middlewich and potential for additional delays, additional traffic and closure of routes;
- Impacts on health and well being of residents;

- Effects on the character of the conservation area, and heritage assets including the Scheduled Monument at Harbutts Field;
- Landscape and visual impacts and effect on landscape character;
- Need for effective vegetative screening with maintenance;
- Ground stability, subsidence and effect on house prices;
- Responsibilities in relation to construction works, maintenance of works, monitoring of impacts, and ability to enforce planning restrictions;
- Lack of economic benefits;
- Need for effective conditions to ensure development does not impact on current or proposed land uses;
- Need for community liaison;
- Need to restrict use of the pipeline for specified substances only;
- Considers the council to be responsible for any damage, movement or reduction in property values;
- Loss of potential future development of their land – can the pipeline be located along the wide verges of the A556 and at King Street

Several issues have been raised which are not considered relevant to this application, are not planning considerations or reflect matters that lie outside of the authority boundary. This includes impacts arising from reduction in property values and the impacts of the scheme on the potential future development of land crossing a pocket of land to the south of the A556 and west of Pennys Lane. As such, these matters have not been given any further consideration in the assessment of this application.

OFFICER APPRAISAL

The key issues in this case relate to the following: Highway matters, ground conditions/land contamination, noise & vibration, air quality, public rights of way, need, local plan allocation, impact upon Cultural Heritage & Conservation Area, impact upon archaeology, flooding, surface waters and ground water risks, ecology, landscape & visual impact, impact upon the railway, agricultural land and green spaces.

Impact on Highway Network

Policies GR9 and GR18 of CBLP, and policy 34 of CMLP sets out the general criteria taken into account in considering the effect of development on transport infrastructure. This includes:

- Accommodating new traffic generation within the existing or modified highway network;
- Ensuring the volume and nature of traffic generated does not create an unacceptable adverse impact on amenity or road safety or worsen existing traffic problems to an unacceptable level;
- Provision of safe access and egress to the public highway by all road users.

With respect to the sustainable transportation of minerals, Policy 35 of CMLP encourages the “distribution of mineral by alternative methods other than road for example by rail, water, pipeline and conveyor”. As such this proposal is in accordance with this Policy.

Equally the NPPF requires developments to provide opportunities for sustainable transport modes and provision of safe and suitable access to developments (paragraphs 32 and 35).

An assessment of the highway impacts of the scheme has been undertaken by the applicant which considers the physical impact of the construction works on the road network, as well as network wide implications of traffic movements associated with the construction works.

Temporary access arrangements and temporary compounds

Construction traffic would seek to use the pipeline corridor rather than the public highway to access the construction zones. However, a number of temporary accesses onto the public highway will be required, typically two per construction zone, which would be retained for the duration of the works in that particular phase. Existing vehicular accesses would be utilised as far as possible, with access improvements proposed where necessary such as widening of access points, surfacing improvements and provision of temporary hardcore.

The location, design and specification of all temporary access points would be detailed in a Construction Traffic Management Plan (CTMP). This would be submitted for approval to the Highways Officer and secured by planning condition to ensure that it allows for the safe passage of vehicles in and out of the access, whilst safeguarding the interests of other users. This would include construction details, timescales for the works, the removal of each access within a set time period and the reinstatement of the land.

Once constructed, only periodic access to the pumping stations and buffer tanks would be required. The pumping station and buffer tanks are located at the existing Middlewich Salt Factory and the Warmingham Brine Field and are considered to have adequate access provision.

Each of the construction zones would be served by at least one temporary compound used to store material, soils and plant and for staff welfare facilities. The size of the temporary compounds have been minimised by the use of a Principal Construction Material Stores and staff parking area at Middlewich Salt Factory, which benefits from an existing permanent access off the A533. This enables the centralisation of all staff parking on an existing industrial site, before being transported by minibus to each construction zone, thus removing staff vehicle movements from the local highway network. An average of 2 minibus movements per day is anticipated. In addition staff would be restricted from parking on public roads or roadside verges adjacent to the pipeline corridor access points.

No objections to the provision of temporary access arrangements and temporary compounds have been made by the Highways Officer.

Temporary Closures

The scheme will require short term temporary lane closures or traffic control measures where the pipeline corridor crosses (in open trench) Forge Mill Lane, Cledford Lane, Brooks Lane, A54 Kinderton Street and Mill Lane. This has the potential to cause local congestion and disruption to traffic flow, especially on the A54 Kinderton Street at the junction of Brooks Lane, and on Mill Lane and Brooks Lane where there is no alternative exit available. The assessment identifies that such disruption would be localised and limited in nature for the duration of work in that phase. The applicant proposes to stagger works in this area over 2 to

3 weekend periods (likely to be during summer holidays) and liaise with the Highways Authority and local community to plan work so as to minimise disruption.

The remainder of open trench works are proposed as follows:

- Brooks Lane: Temporary closure of sections or northbound carriageway and implementation of traffic management measures;
- Forge Mill Lane: Temporary closure of sections of the carriageway (2 to 3 days) with traffic management measures in place;
- Cledford Lane: temporary closure (1 to 2 days) with traffic diversions via alternative routes
- Mill Lane: limited width working techniques in order to minimise impact on properties, with consideration to overnight working at pinch points (agreed in advance with users of Mill Lane) to avoid full closure during critical day time business periods.

The transport chapter of the Environmental Statement (ES) identifies that the extent of open trench works on these routes would be limited, requiring short term road works lasting for only a few days. All in-carriageway works would be completed in stages in order to avoid closure of the road. The works would be supported by local traffic management measures to maintain traffic flow and safe highway conditions. All construction works affecting public highways would be designed to meet statutory requirements (the New Roads and Street Works Act 1991) with the approval of the Highways Authority.

Alternatives to open trenching across the public highway have been considered including the use of directional drilling. This has been discounted due to the number of constraints along these routes, in particular, the amount of available space on the western side of the A54 Kinderton Road. Directional drilling requires the excavation of sizable reception and entry pits to provide working room for the equipment, and space along the A54 is limited due to the narrow grass verge with a number of semi mature trees and street furniture, beyond which is the footpath and a landscaped strip bordering private properties.

In addition there is an increased risk of striking buried services in built up areas which would cause disruption to local people and present a health and safety risk to workers. The applicant highlights that directional drilling would still require traffic control measures on Brooks Lane for the reception/entry pits required for pipe jacking. The lack of flexibility in the timing of pipe jacking could result in traffic flows being affected during weekday periods which would not be the case with open trenching. It is also noted that excavation and refilling of the pits would be a relatively lengthy operation, whereas trench excavation could be undertaken over weekends to minimise disruption.

The Highways Officer accepts that directional drilling in this location is constrained and could also be disruptive and lengthy. No objections are raised to the temporary road works required, as it is considered that the specific arrangements for the highway closures could be adequately controlled through relevant Highway Legislation (such as the use of Traffic Regulation Orders (TRO)) to limit disruption to local businesses and residents. However, to provide a degree of further control, the Highways Officer requires a highways method statement to be submitted for approval, detailing the construction activities for each temporary crossing, to ensure there is control over the works throughout this period. This can be secured by planning condition and would be required to cover:

- Details of temporary road closures or local traffic management;
- Methods of construction;
- Details of deliveries to each site;
- Storage of materials; and
- Parking and access arrangements for contractors.

On the basis of:

- there being adequate arrangements in place through planning conditions;
- the use of TROs to control the impacts arising from this localised disruption,
- given that the works would be undertaken in a phased manner in co-ordination with the local community;
- no objections have been raised by the Highways Officer.

It is not considered that the impacts arising from temporary road closures would present a significant impact on the highway network.

Additional vehicle movements

The assessment identifies that the increase in traffic flow proposed by the scheme would be unlikely to result in any significant adverse impacts on the highway network and would not represent a material increase in HGV traffic on local roads. The anticipated traffic movements are as follows:

- 26 vehicle movements per day (13 in / 13 out) at each construction zone (of which half would be HGV movements);
- 4 HGV movements (2 in, 2 out) and 4 light vehicle movements (2 in / 2 out) to directional drilling compounds;
- 110 vehicle movements per day (55 in, 55 out) at the principal staff and construction compound at Middlewich Salt Factory (of which half would be HGV movements)

These movements would be spread across the working day, avoiding typical peak hour periods. The assessment also identifies that the local road network would operate within capacity. Given the numbers anticipated, the assessment concludes that the traffic demand would give rise to a negligible impact on local highway network. As such, the Highways Officer does not consider it necessary to secure any additional mitigation to offset any impacts on the local highway network and raises no objection.

Construction Traffic Management Plan

In addition to the mitigation identified above, the applicant also proposes a Construction Traffic Management Plan (CTMP) to be prepared in discussions with the Highways Authority and other relevant stakeholders. This would set out the controls in place to manage vehicle movements and temporary access arrangements and would be secured by planning condition. This would detail matters such as:

- General construction methodology at individual locations, and timing of works to avoid peak times;

- General vehicle good practice, including the provision of road sweepers and wheel washes to keep roads clear;
- Construction site access details, such as traffic control measures, line of sight standards, details of temporary access arrangements to local properties and facilities for maintaining access for other road users, and monitoring of parking at construction zones ;
- Locations where traffic flow would require close monitoring including careful planning of routes and timing of deliveries;
- Details of the access layout and restrictions, such as heavy haulage routing details so as to avoid narrow lanes and unsuitable residential areas, locations and type of temporary road signs and traffic signals

The operational effects are not identified to have any material effects in terms of traffic and transport given that there would be no additional vehicle movements other than as required for occasional maintenance. Likewise the volume of traffic associated with the decommissioning stage of the scheme is anticipated to be significantly less than arising from construction phase and therefore would have a negligible impact.

Overall it is considered that whilst the scheme would result in the potential for local disruption and delay during in-carriageway works, this would present short term temporary impacts limited to the construction period. The provision of the CTMP and highway method statement, along with controls in place under other highways legislation are considered adequate to ensure that the development can be accommodated within highway network without significant detriment to highway safety or the local environment. On this basis, and given that no objections are raised by the highways officer, the scheme is considered to accord with policies GR1, GR9 and GR18 of CBLP, policy 34 of CMLP and the NPPF.

Ground conditions/land contamination

Policy BE.6 of CNBLP and policy GR7 of CBLP concern previously contaminated land. They require developers to carry out a site investigation setting out potential remedial measures necessary to deal with any hazard, to safeguard, amongst other things, other sensitive receptors. NPPF paragraph 109 seeks to ensure that applicants prevent development from contributing to unacceptable levels of pollution and remediate and mitigate contaminated and unstable land.

A Phase I Site Investigation Report has been submitted to accompany the application which identifies that the pipeline passes through a large area of agricultural land considered unlikely to generate significant sources of contamination. The main source of contamination is anticipated to arise from urban areas around Middlewich, particularly the former gas works. The Environment Agency also note that the pipeline route passes in close proximity to known surface water courses which are considered to be controlled waters, and identify the former gas works site and existing salt factory as potentially presenting the greatest risk to controlled waters.

The site investigation report identifies that where the pipeline is laid through Made Ground, or where temporary piling is proposed there is the potential for the creation of new pathways for

contaminants to migrate to the ground and groundwater which could give rise to effects of slight adverse to moderate adverse significance.

As such, a scheme of remediation is proposed for each phase of the development. This would be secured by planning condition and approved by both Contaminated Land Officer and Environment Agency. This would include for the submission of a phase II investigation, remediation strategy and site completion report detailing the works to be undertaken to remediate the site, prior to any construction works taking place. A condition is also proposed in respect of works necessary to deal with unexpected contamination on site. On the basis of securing these works by planning condition, no objections are raised by either the Environment Agency or Contaminated Land Officer.

During the operational phase, particular concern has been raised by local people over the potential for pipes or tanks to leak and cause contamination of groundwater and surface water. The assessment identifies that there is very low likelihood of this occurring as the High Density Polyethylene pipes are highly resistant to contaminants, whilst the above ground sections of pipeline would be constructed of steel pipes with appropriate anti corrosion coatings. In addition, thermal welding techniques would be used in the construction of the pipes and the design of the tanks. Following the advice of the Environment Agency, the applicant also proposes the use of concrete bunds with walls designed to hold 110% of the capacity of the storage tanks which would reduce the likelihood of potential effects on water quality in the event of failure of the proposed tanks. This could be secured by planning condition.

The applicant also proposes to monitor the pipelines for leaks by periodic physical pipeline inspections and continuous remote monitoring of pressure and flow rates. The design of the pipeline would make provision for temporary shut-downs to facilitate repairs of any damage. The detection system would be used to initiate a controlled shutdown of the pipeline system on the detection of a leak. Isolation of the leak and repair would be by manual operation of the line valves closest to the damaged length of pipeline. The assessment concludes that with the incorporation of mitigation, no significant effects are likely to occur from leakages from the pipeline or associated infrastructure.

Ground movements

Within their consultation response, Cheshire Brine Subsidence Compensation Board has stated that it would be prudent to design the pipeline and its infrastructure to cope with any residual ground movements associated with former brine pumping which cannot be completely discounted within the length of the route. Concern has also been raised by some local people over the potential for the scheme to cause subsidence to residential properties.

In respect of the design of the pipeline, the majority of it would be constructed of High Density Polyethylene (HDPE) a form of high strength plastic, with sections of the pipeline joined using heat fusion welding techniques. Adjacent sections of pipe would be fused together under heat and pressure the result being that the joined lengths would be continuous length of pipe with the fusion joint becoming as strong as or stronger than the pipe itself. The nature of HDPE piping is such that it also has flexibility protecting the pipe from damage as a result of small ground movements. The only sections of the pipeline that would be constructed of steel would be above ground and would therefore be subject to regular visual inspections.

In respect to geotechnical stability of land along the pipeline route, the assessment identifies that, prior to commencing construction works, site investigations would be carried out to assess any geotechnical risks arising from the scheme. In particular stability assessments would be undertaken prior to the excavation of trenches along areas deemed of greater geotechnical risk such as along the River Croco where the pipeline would run sideways along a steep slope on a narrow strip of land adjoining the river. Any geotechnical risks would be mitigated by appropriate site investigations, design and normal construction methods. This would ensure that the pipeline crossing or construction technique is designed to suit the specific ground conditions in each construction phase.

Mitigation

A range of mitigation is proposed by the applicant concerning the construction and operational phases of the scheme. This includes:

- Detailed environmental method statements to be developed for each construction phase which would identify appropriate mitigation works and environmental monitoring plans. This would be prepared following relevant guidance in the Environment Agency Pollution Prevention Guidelines and would ensure that the pipeline works are not having a significant impact on the surrounding environment. The details of this would be secured by planning condition and approved by the Planning Authority and relevant statutory bodies.
- The risks to groundworkers would be mitigated by use of construction plant, which limits direct contact with contaminated ground, use of appropriate PPE and implementation of appropriate health and safety requirements.
- The risks to workers from build up of ground gas would be mitigated by implementing standard procedures in relation to confined spaces.
- In order to provide mitigation for the creation of new contamination pathways during the operation of the pipeline, clay seals would be used across pipe trenches where it passes made ground, whilst below ground concrete would be designed to withstand the effects of contaminants.

The assessment identifies that as a result of the application of mitigation, there would be no significant residual adverse effects arising from the scheme on sensitive receptors and in some areas, there could be a slight beneficial effect due to the removal or remediation of potential contamination sources for along the pipeline route.

Given this, and on the basis that neither the Contaminated Land Officer or Environment Agency have objected, it is considered that the proposal would not raise any significant detrimental impacts on the environment, the proposal is considered to comply with policy BE.6 of CNBLP and policy GR7 of CBLP.

Sustainable waste management

In addition the scheme will create a significant quantity of spoil. The applicant proposes to develop a materials management plan to outline how the spoil would be managed and re-used sustainably on each construction phase, or where necessary elsewhere on the pipeline route or exported off site in accordance with relevant legislation. This plan would form part of a construction environmental management plan detailed further below, and would be secured by planning condition. This would accord with the principles of PPS10 and Policy 10 of the

Cheshire Replacement Waste Local Plan which addresses minimising waste during construction and development.

Impact on utilities

The route of the pipeline has taken into account other pipelines and other utility services. Given this, the utility service consultees have raised no objection but have provided guidance and advice with respect to their procedures which have been forwarded onto the applicant. The applicant has stated that the depth of the pipeline would usually be 1.75m where open trench methods are used. Where the pipeline crosses beneath watercourses the depth of the trench would be increased to approximately 2.5m to ensure the pipes are set at least 1.7m below the bed of the watercourse. Therefore the impact that the proposal would have upon utility services and other underground facilities has been considered and would be minimal.

Major Hazard sites

With respect to the impact that the proposal would have upon nearby major accident hazardous sites, the Health & Safety Executive have not advise against the grant of planning permission as this type of development would be considered as low sensitivity in view of the nature of development and the small increase in number of employees.

Noise and Vibration

Policy NE.17 and BE.1 of CNBLP, and policies GR6 and GR7 of CBLP address noise pollution along with paragraphs 109 and 123 of the NPPF. Planning policy emphasises that new development should not be permitted where it would cause an unacceptable increase in the background noise level in the surrounding area, or would have a detrimental effect on the local amenity.

The applicant has submitted a noise assessment which considers the noise and vibration impacts arising from the construction and operation of the pipeline.

Noise impacts

No significant change in noise levels is expected from the increase in construction traffic. The proposed pumping station would be sited at Middlewich Salt Factory and approximately 275m from the nearest sensitive receptor. Given the existing noise climate created by the operational plant on this site, the distance to the nearest receptor and low resultant noise levels anticipated from the pumping station, the applicant states that there are not anticipated to be any noticeable changes in noise levels arising from the pumping station. However, the Environmental Health Officer considers that there would likely to be a tonal element to this noise impact and the source would be operational for 24 hours when background noise levels are much lower. Additionally, there have been previous experience of tonal noise causing complaints at low levels at night-time. As such, it is recommended that acoustic louvers and doors are incorporated into the design of the pumping station building, a matter which can be secured by planning condition. Subject to the provisions of these conditions, the Environmental Health Officer raises no objections.

Typical construction noise impacts would be likely to vary from day to day, and would be influenced by a range of factors including plant location, stage of the construction works, hours of operation, type of plant and topography. During most activities, this is assessed as being of negligible or minor impact. The greatest predicted noise increases are expected for the stretch of construction works alongside the Ricer Croco, with increases of up to 30dBA

expected to arise from piling activities which could result in a moderate to major impact, albeit on a temporary short term nature. During the decommissioning phase, the noise impacts are assessed as likely to be of negligible to minor during general site activities and moderate to major during peak noise periods.

The Environmental Health Officer identifies that the resulting noise levels could present a loss of amenity, however the transient nature of construction and decommissioning stages of works are noted and the type of piling used is also considered to influence the significance of the impacts.

Vibration impacts

The greatest impacts from vibration are likely to occur during the use of certain plant such as piling rigs and concrete vibratory plant. This is particularly significant for those residential properties in close proximity to the construction works, such as properties adjacent to the River Croco where piling activities would be undertaken, and properties situated close to the kerbside of Brooks Lane where compaction of ground surfaces is necessary.

Vibration impacts associated with ground compaction, directional drilling and vibratory piling would be likely to vary from 1.1mm/s to 3mm/s which is below the level where cosmetic damage would occur (5mm/s) but potentially above perceptible levels of vibration (0.3mm/s). The highest levels of vibration are associated with percussive piling which would range from 3mm/s to 10mm/s. This exceeds the threshold for cosmetic damage but is lower than the levels of structural damage occurring. Vibration impacts are influenced by the type of equipment, ground conditions and structural form, and would occur over short periods. On this basis, the significance of impacts could range from negligible to major depending on the variable factors identified.

The assessment identifies that the adoption of mitigation could reduce the vibration impacts to moderately adverse as a worst case consideration. As such the applicant proposes to incorporate a range of comprehensive and robust requirements for controlling noise and vibration impacts in the CEMP. This would include for provision of:

- Community engagement programme;
- Control of reversing on site and use of broadband type reverse alarms;
- sensible traffic routing as part of Construction Traffic Management Plan to avoid sensitive receptors;
- Monitoring of noise and vibration levels where noisy plant is situated close to residential receptors
- Locating fixed plant away from sensitive receptors;
- Careful choice of plant and piling rigs to minimise noise and vibration, and to avoid the use of percussive piling techniques where possible
- Plant to be regularly maintained and fitted with effective silencers, acoustic hoods etc;
- Care during piling activities to remove obstructions at shallow depths that may hinder the progress of the pile to avoid exacerbating the transmission of vibration (where practicable).

In particular, the CEMP would be required to demonstrate that vibration will not cause a risk of cosmetic damage to properties and noise remains at a level where nuisance is adequately

minimised. In this regard, the Environmental Health Officer requires the CEMP to specifically provide details on:

- Mitigation for noise and vibration including proposed piling techniques;
- vibration and noise limits;
- monitoring methodology;
- screening;
- predicted levels
- detailed specification of plant and equipment to be used; and
- construction traffic routes;

The Environmental Health Officer also recommends the provision of this information for the decommissioning stage of works, which could also be secured by planning condition.

The CEMP would be secured by planning condition and rigorously enforced by the Minerals and Waste Monitoring Officer. In addition, the applicant has agreed to the provision of community liaison committee, the details of which would also be secured by planning condition. This would allow representation by local residents and Middlewich Town Council and ensure adequate co-ordination of information and swift action to address any issues.

On the basis of the transient nature of the works proposed, and given that the assessment has used a worst case scenario, it is anticipated that the above conditions would ensure that the noise and vibration impacts of the development are mitigated sufficiently to ensure the amenity of residents is protected. On this basis, and given that no objections are raised by the Environmental Health Officer, coupled with the proposed conditions, it is considered that the development is in accordance with Policies NE.17 and BE.1 of CNBLP, and policies GR6 and GR7 of CBLP, along with paragraphs 109 and 123 of the NPPF.

Construction Environmental Management Plan (CEMP)

As detailed above, the range of temporary environmental impacts likely to arise as a result of the construction of the scheme would be managed and reported through the Construction Environmental Management Plan, developed in accordance with relevant legislation, regulations and best practice guidance. The plan would be developed and implemented by the main contractor and would cover a range of environmental issues such as;

- Drainage, water quality and hydrology;
- Dust, emissions and odours;
- Health & safety / site management
- Waste management
- Traffic management
- Wildlife and nature features
- Cultural heritage; and
- Contaminated material.

The CEMP would be agreed pre-commencement of development and its objectives and actions would be incorporated into detailed construction plans by contractors. In particular it would:

- Highlight environmental impacts resulting from the development and identify sensitive receptors within the development site to the construction team;
- Reduce and manage environmental impacts through appropriate construction methods;
- Reduce and manage environmental impacts through implementing environmental best practice during the construction period;
- Undertake ongoing monitoring and assessment during construction to ensure environmental objectives are achieved;
- Provide emergency procedures to protect against environmental damage;
- Provide an environmental management structure for the construction stage
- Recommend mechanisms to reduce risks of environmental damage occurring; and
- Consult and liaise with the Environment Agency, English Heritage, Natural England, Local Authority Officers and other stakeholders throughout the works of necessary.

Detailed construction method statements would be included within the CEMP and would be developed for each key construction phase such as site preparation, development of site compounds, trench excavation and laying of pipeline. The method statements would outline the key construction processes, identify potential environmental and health and safety risks and define appropriate mitigation measures. In parallel to these method statements a number of environmental management plans would be developed, these include but are not limited to the following;

- Waste and Resource Management Plan, including a Site Waste Management Plan
- Pollution Control Contingency Plan – emergency procedures
- Noise and Vibration Management Plan
- Air Quality Plan; and a
- Construction Traffic Management Plan.

The CEMP therefore crosses over a number of issues and provides measures that would suitably address principally environmental protection concerns. As such this overarching condition should be applied to these sections of the report and would be suitably conditioned.

Air Quality

Policies BE1 and NE17 of CNBLP, and policies GR6 and GR7 of CBLP address air pollution along with paragraph 124 of the NPPF. The Policies do not permit development that would adversely impact on air quality, or cause an unacceptable nuisance.

The Environmental Health Officer has assessed the Air Quality Assessment and notes that the resulting impacts on air quality are predicted to be negligible at all receptors with no exceedance of the thresholds in relevant guidance. Despite this, it is considered that there is the potential for dust impacts from the construction and decommissioning phases of this development. In the absence of any adequate dust mitigation, there is potential for slight to moderate adverse impacts at sensitive receptors. The Environmental Health Officer considers that construction activities can be readily controlled through the implementation of best practice, which would be detailed and controlled in the proposed CEMP. The plan could be required to identify all potential dust sources and outline suitable mitigation, and subsequently implemented during each construction phase.

The above condition would therefore ensure that the air quality impact of the development is minimal and is not considered to be an unacceptable nuisance. Given the proposed mitigation it is considered that the amenity of residents is protected. As such it is considered that the development is in accordance with policies BE1 and NE17 of CNBLP, and policies GR6 and GR7 of CBLP, along with paragraph 124 of the NPPF.

Lighting

Policy BE.1 of CNBLP and policies GR1, GR6 and GR7 of CBLP address light pollution along with paragraph 125 of the NPPF. The policies require external lighting schemes to produce the minimum potential pollution from glare and spillage.

The application includes the provision of temporary lighting throughout the construction of the development. The Environmental Health Officer raises no concerns over the impacts of lighting on sensitive receptors but recommends a condition to secure the submission of details of all lighting to ensure any potential loss of amenity caused by light spillage onto adjoining properties is minimised. The impact of this lighting will be addressed within a Construction Method Statement forming part of the CEMP, and as such, details would be included within this condition.

The above controls would ensure that there is no unnecessary light pollution and the light impact of the development would be minimal. Given the condition it is therefore considered that the amenity of residents is protected. As such it is considered that the development is in accordance with Policy BE.1 of CNBLP and policies GR1, GR6 and GR7 of CBLP, and paragraph 125 of the NPPF.

Public Rights of Way and Cycle Routes

Policies Tran3 and RT.9 of CNBLP and policies GR14 and GR16 require all new development to take account of existing public rights of way and the cycle network, and seek to secure enhancements to the network where possible. Permission will not be granted for any development which would prejudice public access onto or through the network unless specific arrangements are made for suitable alternative routes.

The route of the pipeline corridor utilises a section of roads identified as part of National Cycle Route 5 (Stoke to Runcorn) and Regional Cycling Route 71 (Parkgate to Teggs Nose). The assessment identifies that part of these routes could be expected to experience an increase in additional construction traffic however it is not anticipated that such traffic increases would result in a material impact on local cycling conditions or amenity, especially given the traffic generated by industrial uses on Cledford Lane. The temporary short term closure of Cledford Lane would maintain pedestrian / cycle access and so would not materially impact on the operation of the designated cycle route.

The scheme would result in the temporary closure of Middlewich Footpath 16 along the River Croco. The pipeline corridor along this route was originally envisaged to be above ground on pipe stools however following pre-application discussions with statutory consultees, Middlewich Town Council and local residents, the scheme now proposes this stretch of pipeline to be buried below ground along the route of the footpath. In order to accommodate

these works, the footpath would be temporarily diverted around King Street and onto Footpath 15. The applicant proposes to enhance the footpath on its reinstatement by creating a 1.2m wide path with a compacted stone surface incorporating passing places and benches. A new birdsmouth fence is also proposed between the path and the river. As part of the proposed landscaping scheme, the applicant would be required to ensure that the planting regime will not lead to encroachment over the footpath. Overall this presents an improvement over the existing footpath condition. In addition the following works are proposed to the footpath network:

- Footpath 15: Temporary closure and diversion of a small section adjacent to River Croco bridge to accommodate a construction compound. This would have a 2m wide temporary surface installed (suitable for the heritage status of the site) and the use of banksmen would ensure vehicles give priority to pedestrians during the works. It would then be reinstated to a tarmac surface on its existing line. Given this footpath would carry additional footfall whilst FR16 is diverted, the PROW officer recommends a full condition survey of Footpath No. 15 prior to any diversion is required by planning condition to establish its condition and any damage to the footpath be remediated on completion of the diversion.
- Footpath 20: Temporary closure and diversion with the use of fencing along the eastern boundary. The provision of banksmen will be used to ensure priority of pedestrians is given throughout the works. The surface of the footpath would be reinstated on its existing line. Where room is available, any stiles removed under the development will be replaced with kissing gates to improve the accessibility of the routes.
- Footpath 13: Temporary closure and diversion where the pipeline crosses the footpath. Construction will be phased to minimise disruption and a banksmen will be used to warden pedestrian and vehicle movements. Pedestrians would be segregated from construction traffic, the details of which will be secured in the CEMP. The footpath would be reinstated to its current condition on the existing line. Where room is available, any stiles removed under the development will be replaced with kissing gates to improve the accessibility of the routes.
- Footpath 7: footpath users would be segregated from construction traffic for the section of the footpath through the farmyard area where adequate widths and visibility are available to ensure the use of the footpath is not inhibited. Details of segregation arrangements would be secured in the CEMP.

All temporary closures of public rights of way would require separate consent from the public rights of Way Unit. On the basis of the mitigation proposed by the applicant, and given that enhancements are proposed to some footpaths along the pipeline route, the Public Rights of Way Unit raise no objection to the scheme. The impact of the development is therefore considered minimal and the scheme is considered to accord with policies Tran3 and RT.9 of CNBLP and policies GR14 and GR16 of CBLP.

The need for the development

Policy 2 of the CRWLP states that the Planning Authority will consider the planning objections and planning benefits of all applications. Where the material planning objections outweigh the benefits, the need will be considered. Policy 2 of the CRMLP provides the equivalent guidance with respect to mineral development as Policy 2 of the CRWLP, specifically need should be demonstrated where harm outweighs the benefits of any proposal.

TATA Chemicals Europe Ltd operates two chemical manufacturing plants at Northwich, one at Winnington and one at Losock. Currently, the brine necessary for chemical manufacture at these sites has been supplied by Holford brine field located east of Northwich near to the village of Lach Dennis. The Holford brine field is operated by Ineos Enterprises and serves both TATA Chemicals works in Northwich and their own industrial requirements in Northwich and elsewhere within the North West. TATA Chemicals Europe purchased British Salt in 2011, which encompassed the Middlewich Salt Factory. As such, now owning its own salt resource, the company now wishes to utilise its resource for its own chemical manufacturing at Northwich. The proposed development would therefore connect the salt supply at Warmingham and Middlewich to Northwich. The applicant has stated that, it is estimated that there is well in excess of 200 years' worth of salt reserves at the Warmingham brine fields.

The applicant has stated that this application would ensure that TATA Chemicals Europe Ltd would be self-sufficient, by developing a set of new pipelines which together would operate as an integrated network of infrastructure which would link the brine field in Warmingham, under the control and ownership of TATA Chemicals Europe. In summary the applicant has stated that the project would;

- Control and reduce costs thereby resulting in a more competitive business
- Ensure the long term supply of brine at a guaranteed cost base;
- Allow for long-term investment planning by having the security of raw materials on a predictable basis;
- Help contribute to the long term sustainability of the business at Northwich and Middlewich, thereby securing jobs and training opportunities;
- Enables the applicant to invest in other projects, which themselves can make for greater competitiveness and increased future job security etc;
- Enable self-sufficiency in the management of DBO wastes thus further reducing costs and increasing competitiveness; and
- Allow for the faster delivery of a gas storage facility, thus further improving competitiveness and helping to secure the UK gas supply position.

A demonstrable need has therefore been identified by the applicant and provided in support of the application. Nevertheless, with respect to Policy 2 of the CRWLP and Policy 2 of the CRMLP, it is considered that need is not a relevant issue regarding this application and is not a reason to refuse this application. Nearly all waste and mineral development has some adverse environmental effect, and in such cases it is reasonable to require that a need be demonstrated which outweighs such harm. However, in this instance given that the impacts arising from the scheme are temporary and short term, and can be adequately mitigated, it is considered that a need does not have to be demonstrated as the development does not cause such adverse harm. The proposal therefore complies with Policy 2 of the CRWLP and Policy 2 of the CRMLP.

Cultural Heritage

Within the vicinity of the pipeline are a number of above and below ground cultural heritage assets. Warmingham Conservation Area is located approximately 750m to the east of the pipeline corridor. The pipeline crosses the Trent and Mersey Canal, Middlewich - Kent Green Conservation Area as it enters the Salt Factory at Middlewich, and also runs along its route adjacent to the River Croco. It runs along the boundary of Harbutts Field Roman Fort which is designated as a Scheduled Monument, and lies to the east of Mergatroyd Brine Pump Scheduled Monument (separated from it by the railway line). It also passes in close proximity to Kinderton Mill Grade II* Listed Building as the pipeline route runs along Mill Lane, and along the River Croco 'Big Lock' which is Grade II Listed. A large section of the route running from the top of Brooks Lane north to the Cheshire East Authority boundary is designed as an Area of Archaeological Potential. There are also a number of other heritage assets which lie within the wider area around the route of the pipe.

Impact on the setting and fabric of cultural heritage assets

The setting of Conservation Areas and Listed Buildings are protected under policies BH4 and BH9 of CBLP, and policy BE.7 of CNBLP. The broad aim of these policies is to ensure that new development will not have a detrimental effect on the existing special architectural and historical character or appearance of a conservation area or listed building.

An assessment of the potential impacts of the scheme has been undertaken which considers both the visual impacts on the setting of cultural heritage assets, and any physical impacts arising from the construction of the pipeline corridor.

Given the temporary nature of construction activities, the visual impacts on the setting of Conservation Areas or listed buildings are assessed as resulting in a neutral to slight effect and therefore would not impact on important views or have a significant effect on the character of the area. Views would also in some locations be screened by existing buildings, infrastructure or vegetation.

In respect of the impacts on the setting or fabric of Cultural Heritage assets in the Warmingham area, the Conservation Officer does not consider that the scheme would present any harm to the Warmingham Conservation Area or listed buildings in this area given their considerable distances to the site

The change in scheme design along the River Croco has removed any long term impacts on the setting the Middlewich - Kent Green Conservation Area and remaining impacts would only be associated with the temporary presence of plant and infrastructure during the construction phase. It is also noted that landscape planting is proposed along this stretch of the Conservation Area which would help to ensure the land is reinstated back to its original condition. This is supported by the Conservation Officer.

The Conservation Officer considers that the scheme would not generate any impacts that would create prolonged harm to the significance of the heritage assets in the Middlewich area in terms of their setting or fabric. This is subject to adequate controls being in place to ensure that the engineering works proposed during the construction stage of the scheme does not

compromise the structural integrity of the heritage assets considered to be particularly vulnerable to such works, namely:

- Big Lock Grade II;
- Kinderton Mill Grade II*; and
- Mergatroyd Brine Pump Scheduled Monument.

As such a planning condition would be imposed requiring the submission of a method statement detailing the engineering works to be undertaken in proximity to the heritage assets and the mitigation proposed to safeguard these assets from vibration and/or undermining during the period of construction. In addition, conditions would be required to ensure there are adequate measures on site to ensure construction vehicles do not collide with the building (given the proximity of the working corridor) and to ensure that the setting of the Mill is not permanently affected by any temporary works.

The assessment concludes that it would be unlikely that there would be any significant adverse effect on any cultural heritage assets and where there are impacts they will only be during the construction phase. The Conservation Officer considers this to be a fair conclusion of the potential impacts and the mitigation proposed is reasonable and appropriate considering the relatively small affect the proposal would have. As such the Conservation Officer raises no objection. Equally, no objections are raised by the Canal & River Trust.

The scheme would preserve the character of the Conservation Area, and the setting or views into or out of it would not be significantly affected. Equally the setting of listed buildings would not be harmed by the scheme. The application is therefore considered to be in accordance with Policies BH4 and BH9 of CBLP and policy BE.7 of CNBLP.

Impact on Archaeology

Archaeological assets are protected under Policies BE.15 and BE.16 of CNBLP, and policy GR.2 of CBLP. These policies seek to ensure that any new development does not present any adverse effects on the known or presumed archaeological interest of the site, and that the archaeological interest can be satisfactorily preserved either in situ or where it is not feasible by record. Development which would adversely affect the site or setting of a scheduled ancient monument would policy BE.15 of CNBLP. Equally paragraph 128 of the NPPF also addresses the impact that proposals have upon archaeological matters.

Impact on setting

Securing the preservation of the monument 'within an appropriate setting' as required by national policy is solely a matter for the planning system and whether any particular development within the setting of a scheduled monument will have adverse impact on its significance depends on a number of factors including the nature, extent and design of the development proposed, the characteristics of the monument in question, its relationship to other monuments in the vicinity, its current landscape setting and its contribution to our understanding and appreciation of the monument.

With regards to the setting of the Scheduled Monument, the assessment identifies that the effect will be temporary and its setting is not an important factor in the value of these assets. As such the impacts on setting are assessed as being of slight impact.

Scheduled Monuments

Given the distance of the scheme from Kinderton Hall Moated Site and the presence of the railway separating Murgatroyd's Brine Works no significant adverse effects are anticipated on these assets.

The pipeline corridor has been aligned to avoid directly running over the footprint of Harbutt's Field Scheduled Monument, and such runs along its western and northern boundary. Limited vehicular access is however proposed along its eastern and southern boundary to reach the construction compounds.

English Heritage have confirmed that in addition to obtaining planning permission, the applicant will be required to obtain Scheduled Monument Consent for any works directly impacting on the legally protected area of the monument i.e. provision of vehicular access across the site. Consent granted under one regime is without prejudice to the other and both consents must be obtained before any work can commence on the site. They raise no objection to the scheme, subject to details of the scheme of programme of archaeological mitigation being approved by the Local Planning Authority.

The applicant has incorporated a range of mitigation into the scheme design to ensure there are no significant adverse effects on this heritage asset, and as such the assessment identifies the impact on the Scheduled Monument to be of slight significance. Mitigation includes:

- Reducing the average width of the working corridor to 5m to avoid any disturbance of buried archaeological remains;
- Positioning of the pipes in this section above one another within the trench to reduce the scale of excavation works;
- Vehicular access kept to a minimum;
- No topsoil stripping or ground disturbance to take place within the footprint of the Scheduled Monument;
- Use of temporary matting for vehicles to prevent physical ground disturbance and spread vehicle loads.
- Minimal use of stakes to secure the matting in place;
- Use of a banksman during all vehicle crossings to prevent vehicles from straying off the matting.

The applicant also states that all constructions works in this area would be timed to avoid pre-arranged events, following close liaison with Middlewich Town Council and the local community. No objections are raised by the Archaeological Officer to the proposal.

Areas of archaeological potential.

The pipeline corridor will pass an Area of Archaeological Potential (AAP) in Middlewich. Given the long history of salt production in the area, it is highly likely that intrusive groundworks and soil stripping could reveal archaeological deposits and currently-unrecognised archaeological remains. A programme of archaeological mitigation is proposed in order to ensure that any archaeological remains are recognised and adequately recorded. This comprises of a low level watching brief along the bulk of the pipeline route in

order to identify and record any archaeological remains, with a more intensive watching brief proposed in the Middlewich AAP where more complex deposits may be expected. In addition, the applicant proposes that any compounds within areas of archaeological potential will not be stripped and stoned, but will instead use a geo-fabric system prior to any deposit of stone to form the compound.

The Archaeological Officer advises that the proposed programme of archaeological mitigation is an appropriate scheme of work which can be defined in more detail and secured by a planning condition in accordance with a written scheme of investigation, and as such no objections are raised.

In view of the mitigation proposed and the measures in place under other legislation to protect the Scheduled Monument during the works, it is considered that the scheme would not generate any significant adverse impacts on archaeological assets and would accord with policies BE.15 and BE.16 of CNBLP, policy GR.1 of CBLP and the approach of the NPPF.

Flood Risk and Water Resources

Flood risk

The proposed development crosses or runs close to numerous watercourses and surface water features including the River Wheelock, River Croco, River Dane and the Trent and Mersey Canal. Whilst the majority of the pipeline route falls within flood zone 1 (land assessed as having a low probability of flooding), small sections of the pipeline corridor at Cledford Lane, the Brooks Lane industrial estate and at the crossing of the River Dane are identified as being areas at risk of flooding on the CBLP proposals map, as they fall within flood zones 2 and 3.

Policies BE.1 and BE.4 of CNBLP, policies GR.7 and GR.21 of CBLP and policy 25 of CMLP seeks to protect the water environment and ensure that new development does not (amongst other things) create or exacerbate flooding, result in a loss of flood storage, have an unacceptable adverse impact on groundwater or surface water resources, provides for appropriate flood prevention and mitigation measures, would not lead to extensive or unacceptable culverting.

The flood risk assessment identifies that for the majority of its length, the pipeline would be below ground and therefore not at risk of fluvial flooding. Works at or in close proximity to watercourses are assessed as having a direct, adverse impact on flood risk due to the potential for conveyance capacity to be reduced as a result of temporary blockages, but this would be a temporary impact of short duration. The crossings of Sandersons Brook and Hoggins Brook would require a temporary culvert and provided these are sufficiently sized, no increase in flood risk is anticipated as arising.

All above ground infrastructure is located in Flood Zone 1 and therefore considered to be at low risk, with the exception of the proposed pipe bridge over the River Dane. The height of the bridge has been set according to recommendations in the FRA to mitigate against the risk of flooding or increasing flood risk elsewhere. The risk is therefore assessed as negligible.

With regards to the bridge design, the Environment Agency have, in their advisory comments to the applicant, raised concerns over the close proximity of the bridge foundations to the

edge of the watercourse due to the potential for erosion of the bank. The foundations would be set back 9.5m from the bank on the southern side, and 6.5m on the northern side in order to ensure no risk of erosion. They would be formed by creating a concrete cap on a series of mini-piles, the depths of which would be dictated by the ground conditions at the site. Given the distance from the bank to the pipe bridge, and that it would be located adjacent to the well existing road bridge, the potential for erosion of the bank to compromise the pipe bridge is considered to be unlikely. The Environment Agency has clarified that in respect of this point, their comments are only a recommendation and they have no objection in principle, it is therefore considered that the use of a pipe bridge to cross the River Dane is acceptable.

Flooding from other sources

Given the distance to Bosley Reservoir, the risk to the scheme from flooding is not assessed as significant. Equally despite the close proximity of the pipeline to the Trent and Mersey Canal, the risk of a breach in the canal is assessed as very low and would generate a low impact due to the relatively flat terrain of the area and because the pipeline is below ground. On this matter, the Canal and Rivers Trust do not object to the scheme but recommend that the applicant engage with their engineers in the design of all works along the River Croco (including any piling activities) to ensure the integrity of the land in the vicinity of the River Croco and canal is not compromised.

There is potential for temporary localised ground or surface water flooding to arise during construction works given the high water table and low lying land with poor drainage, however the FRA identifies how these risks can be sufficiently mitigated.

Water quality and services

The scheme has the potential to generate a range of temporary short term impacts on surface and ground water resources during the construction of the pipeline route. This includes potential for increased risk of suspended solids and associated nutrients being washed into the watercourses, the creation of new pathways for contaminants to local watercourses or underlying aquifer, and risk of temporary disruption to local water supplies or water quality arising from the construction works. The Environment Agency do not raise any objection on water quality impacts but recommend a scheme be secured by planning condition to demonstrate how the potential for contamination and deterioration of watercourses will be managed on site.

A range of mitigation is identified in the assessment to ensure the implementation of careful construction practices with regards to flood risk and water quality. This is taken from best practice pipeline construction methods and also in consultation with the Environment Agency and will be secured by planning condition. This includes for:

- implementation of careful construction practice in accordance with relevant Environment Agency guidelines (including operating the site in accordance with EA Pollution Prevention Guidelines), British Standards and Codes of Practice;
- Agreement of method statements with the EA to ensure surface water runoff quality is managed effectively;
- Risk assessments for any works having potential to damage structures, mobilise sediments or block open watercourses;
- Monitoring of water quality, flow rates and water levels for all watercourses being crossed;

- Temporary diversion of watercourses for up to 5 days at crossing points to maintain flow;
- Use of filter mechanisms downstream of piped diversions to reduce potential for pollution from fine sediments.
- Development of a flood warning plan.

On the basis of the mitigation being secured and other environmental aspects being controlled by other relevant environmental legislation, it is considered that the scheme would not raise any significant impacts on water quality or flood risk and therefore accords with policies BE.1 and BE.4 of CNBLP, policies GR.7 and GR.21 of CBLP and policy 25 of CMLP.

Ecology

Policy NE.8 of CNBLP and policy NR2 of provides protection to sites of importance to nature conservation requiring that where unavoidable loss or damage to a site or feature or its setting is likely as a result of a proposed development, measures of mitigation and compensation will be required to ensure there is no net loss of environmental value. Policy NR3 of CBLP seeks to protect threatened and priority habitats, including ancient semi-natural woodlands, unimproved grassland, heathland, important hedgerows, meres and mosses, mature broadleaved or mixed woodland, species-rich grassland and ponds. Developers are required to consider the impact on protected species in new development and employ measures to minimise any adverse impacts on priority species under policies NE.9 of CNBLP and policy NR.2 of CBLP.

A range of ecological surveys and assessments have been submitted, including additional ecological information submitted under a Regulation 22 submission in accordance with the 2011 Environmental Impact Assessment Regulations. All ecological information has been assessed by the Authority's Nature Conservation Officer, Natural England and the Environment Agency who have all raised no objection to the proposal subject to set conditions.

Modifications to the pipeline route and design have been made iteratively as it has developed to reduce ecological effects as far as possible and where possible present beneficial contributions to biodiversity. This includes:

- Use of directional drilling under to avoid impacts on River Wheelock Banks SBI; Trent and Mersey Canal, woodland and ponds with potential to support great crested newts;
- Use of pipe bridge across River Dane to protect otters and water voles;
- Reduction in working corridor to reduce impacts on hedgerows, trees and watercourses;
- Clearance of habitats outside of bird breeding season;
- Protection of trees and hedgerows during construction works;
- Provision of enhancement measures for reinstated habitats where possible.
- Accommodating species movements during temporary diverted watercourses

Impact on statutory sites

There are no statutory nature conservation sites in the vicinity of the proposed development within the borough. Natural England has stated that Sandbach Flashes Site of Scientific Interest (SSSI) is in close proximity to the application but has advised that the SSSI does not

represent a constraint in determining this application. The pipeline runs within 25m of one local wildlife site, Cledford Lane Lime Beds Site of Biological Importance, though it is separated by the railway line. It also crosses the River Wheelock Banks (North) Site of Biological Importance though associated impacts would be avoided through directional drilling under the river. The Nature Conservation Officer advises that the proposed development is unlikely to have a significant impact on the designated sites and recommends the submission of a method statement for directional drilling at this point, which can be secured by planning condition.

Habitats

The majority of the habitat that the pipeline route passes through is improved grassland/arable farmland which is of limited ecological value. The scheme would result in the temporary removal of this habitat within the working corridor but this would be reinstated on completion of the works. With the proposed construction methods and reinstatement of the land it is considered that the proposal would have a limited impact upon the natural habitat along this route of the pipeline. A planning condition would be imposed to provide for the submission of a method statement for the reinstatement of grassland habitats.

Hedgerows

All hedgerows within the working corridor were surveyed to determine if any are categorised as 'Important' according to the Hedgerow Regulations 1997. The pipeline route runs through numerous hedgerow of native species (UK Priority Biodiversity Action Plan habitat), including three ecologically important hedgerows that have previously been broken through as part of an earlier pipeline installation and one ecologically 'important' hedgerow that would be avoided through the use of directional drilling.

Proposed mitigation measures include reducing the width of hedgerow crossing points to 3m in the case of species rich-hedgerows and 10 metres for species-poor hedgerows. Where short sections of hedgerow are to be removed they would be reinstated following the completion of the construction work using native species of similar composition to those already in the hedge. Hedgerow compensatory/enhancement planting is also proposed by the applicant along certain lengths of hedgerow to compensate for temporary loss of habitat connectivity, the details of which would be submitted for approval and secured by planning condition.

On this basis and given its limited impact, this approach is considered acceptable by the Biodiversity and Forestry officers.

Watercourses

A detailed method statement would be produced as part of the CEMP for the crossing of all watercourses to prevent any impacts arising from water pollution or harm to ecological habitats or protected species. The Nature Conservation Officer, Environment Agency and Natural England have all assessed the impact that the pipeline would have upon the ecology of watercourses and have raised no objection, subject to the provision of this method statement. As such, it is therefore considered that the wildlife of the adjacent watercourses and supporting habitat would be protected. In addition, the Nature Conservation Officer recommends the provision of replacement planting to compensate for vegetation loss due to

any proposed river crossings. This would be secured by planning condition as part of the wider landscape scheme.

Protected Species

Bats

No buildings with potential to support roosting bats are located within the working corridor. The assessment identifies field records of bat activity on Cledford Lane Lime Beds SBI and identified nine trees within the working corridor that have bat roosting potential. These trees would all be avoided during the works, with the use of tree protection measures secured by planning condition to ensure they remain protected for the full duration of works in that construction zone. The development is not anticipated to result in a significant severance of bat commuting or foraging habitat as the working corridor has been reduced to avoid trees with bat potential and given the reduction in working corridor adopted across hedgerows. Security lighting for the temporary laydown areas/directional drilling compounds would also be erected on low level lighting columns (approximately 3.5m in height) and lighting would be directed into compounds using lighting hoods, cowls or shields to prevent light spillage. As such the assessment considers it unlikely that there would be any significant impacts on bats arising from this scheme.

The Nature Conservation Officer has not raised any concerns regarding the impacts on bats and given that the development is reasonably unlikely to result in an offence against bats, an assessment of the "Three Tests", as required under Conservation and Habitats Regulations 2010 (as amended), is not considered necessary in this case. Consequently the impact that the proposal would have on bats within the area is considered minimal.

Badgers

The Environmental Statement confirms that there are no records of badger activity or of setts although suitable foraging and dispersal habitat is present along the entire length of the working corridor. The assessment identifies no significant effects anticipated on this species due to the lack of activity within 50m either side of the site. Nevertheless, pre-construction surveys would be undertaken to inform the need for any mitigation which would be secured by planning condition and undertaken as part of the Construction and Environment Management Plan (CEMP). Given that no concerns have been raised by the Nature Conservation Officer and in view of the proposed mitigation, it is therefore considered that the impact that the proposal would have upon badgers would be minimal.

Otters and water voles

No evidence of otters has been recorded during the ecological surveys. Works within the river channel are proposed at the crossing of Hoggin's Brook, Sanderson's Brook and an unnamed tributary to Sanderson's Brook. Hoggin's Brook has been assessed as providing sub-optimal habitat for otter due to a lack of foraging opportunities and a lack of cover or resting places. A temporary dam is proposed for the crossing of these watercourses which would be designed to enable continued otter passage through the channel, the details of which would be provided as part of the CEMP. In addition, the proposed construction hours would avoid the majority of their active period (dusk to dawn). As such the application is considered reasonably unlikely to result in an offence against otters (European Protected Species) and therefore the Nature Conservation Officer advises that an assessment of the "Three Tests", as required under Conservation and Habitats Regulations 2010 (as amended 2012), does not need to be undertaken.

The assessment identifies a number of watercourses presenting sub-optimal habitat for water voles due to the presence of woodland and scrub, the most suitable being along the River Wheelock, Sanderson's Brook and the Trent and Mersey Canal. No signs of water vole activity were found in any of the watercourses, though the surveys submitted with the Environmental Statement were constrained by high water levels and vegetation for the River Wheelock, Sanderson's Brook and the River Dane.

Further Otter and Water Vole surveys were undertaken in 2013 and submitted as part of a Regulation 22 submission in accordance with the 2011 Environmental Impact Assessment Regulations. No evidence of either species was recorded, although all three watercourses provide suitable feeding and commuting habitat for otters and/or water vole. Equally Sanderson's Brook and the River Wheelock are identified as having suitable bankside conditions for burrows, whilst the banks of the River Dane considered sub-optimal for water vole burrows.

The construction phase would not require disturbance to the banks of the River Dane and Wheelock due to the use of a pipe bridge and directional drilling. A detailed method statement would be produced as part of the CEMP for these works to ensure no pollution would impact on these habitats. There is potential for access to construction works to disturb the potential water vole habitat on the banks of Sanderson's Brook. The applicant proposes a significantly reduced working corridor in this location, and the impacts would be temporary as the habitat would be reinstated on completion of the works. As detailed above, the scheme also includes mitigation for species during the temporary diversion of the watercourse.

Pre--construction surveys are proposed along this stretch of watercourse to ascertain any water vole activity and identify suitable mitigation which would be secured by planning condition as part of the CEMP. This approach is supported by Natural England and Environment Agency. On the basis of the survey findings, the Nature Conservation Officer also considers that these two species are not reasonably likely to be present or affected by the proposed development. As such it is considered that the impact of the proposal upon water voles and otters would not be significant.

Reptiles

The assessment identifies suitable reptile aquatic habitat at the Trent and Mersey Canal and River Croco, and suitable terrestrial habitat at Cledford Lane Lime Beds SBI. The Nature Conservation Officer has identified that grass snake are known to occur within the vicinity of the proposed pipeline and whilst the potential impacts of the proposed development upon reptile habitat would be temporary in nature, the unmitigated proposed works would have the potential kill or injure any animals present within the working corridor.

Mitigation is identified in the ES to encourage any reptiles present within the working corridor to relocate prior to the commencement of works. The Nature Conservation Officer recommends the submission of a detailed reptile method statement prior to the start of works which could be secured by planning condition as part of the CEMP. Given this condition and that the Nature Conservation Officer has raised no objection, it is therefore considered that the impact that the proposal would have upon reptiles would be minimal.

Barn owls and Brown Hare

As a Schedule 1 species Barn Owls receive protection at all times under the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. As such, it is an offence to disturb a Barn Owl while it is building a nest or whilst it is in or near a nest containing eggs or young; and to disturb the dependent young of such a bird.

The ES notes numerous records of barn owl breeding in the area, many of which relate to nesting boxes which are in some instances close to the working corridor.

The Nature Conservation Officer identifies that the proposal may result in the loss of small areas of habitat utilised by foraging barn owls and brown hare. Any such losses will be relatively small in scale and temporary in nature. The potential impacts of the proposed development upon barn owls is therefore unlikely to be significant.

A method statement would be required as part of the CEMP to avoid impacts on these species during the construction phase. This would include addressing any temporary losses to existing nesting boxes and provision of a temporary alternative nest box in an adjacent area in advance of the breeding season should this be required. The impact on Barn Owl and Brown Hare is considered acceptable by the Nature Conservation Officer and would be secured by condition. Natural England also consider that the proposals are sufficient to maintain the population of Barn Owls. As such it is considered that the proposed mitigation is sufficient to maintain the population of barn owls and that the proposal would have a limited impact upon barn owls.

Great crested newts

Great crested newts and their habitats are protected under the Wildlife and Countryside Act 1981 (as amended), and by the Conservation of Habitats and Species Regulations 2010 (as amended). This makes it an offence to damage, destroy or obstruct access to any place of shelter or protection that the animals are using, or disturb great crested newts while they are using such a place. In addition, great crested newt is a UK BAP and Cheshire BAP Priority Species and is listed as Species of Principal Importance under the provisions of the NERC Act 2006. Policy NR2 in the Congleton Borough Local Plan indicates that development will not be permitted that would involve loss or damage to *'any site or habitat supporting species that are protected by law.'*

Full great crested newt surveys were not undertaken in 2012. Instead an overall risk based approach was undertaken based on existing great crested newt records, 2012 field survey which assessed pond suitability to support great crested newts, avoidance measures (choice of route/directional drilling) and reduction of the working corridor width. This approach identified that, of the 113 ponds lying within 250m of the working corridor, 31 are known to, or have the potential to support great crested newts.

The assessment identifies that there is a risk of harm to the species and potential disturbance to their habitat resulting from the scheme resulting in a local reduction in the availability of terrestrial habitat. However the actual scale of disturbance proposed would mean that there would still be a significant proportion of terrestrial habitat available during construction works. The assessment identifies that without mitigation, the clearance of suitable habitats could amount to an offence under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 and therefore a license for the works would be required from Natural England. Due to the proximity of the ponds and the

temporary removal of habitat required during the scheme, seven locations are identified within the working corridor where a Natural England European Protected Species (EPS) License would be required.

Further great crested newt surveys have been submitted in 2013 as part of a Regulation 22 submission in accordance with the 2011 Environmental Impact Assessment Regulations. The 2013 survey has confirmed the presence of great crested newts in one pond along the pipeline corridor. The assessment concluded that small populations of great crested newts are present in seven ponds along the study area. It also confirmed the presence of great crested newts within five of the seven proposed fencing locations. Amphibian fencing is therefore required under European Protected Species licence.

To compensate for any temporary small scale impacts on suitable terrestrial habitat (e.g. hedgerow bases) compensatory planting would be undertaken to strengthen existing hedgerows. Also terrestrial habitat for great crested newts and other amphibians would be enhanced through new hedgerow planting secured by planning condition.

The Nature Conservation Officer confirms that whilst the scheme will not result in the loss of any pond, it has the potential to kill or injure animals within the working corridor and lead to temporary disturbance of terrestrial habitats. Considering the scale of the works and temporary nature of disturbance, the Nature Conservation Officer advises that the potential impacts on great crested newts are low. He notes that mitigation is proposed in respect of trapping and excluding newts from within the working corridor and the re-instatement of existing habitats, along with provision of habitat enhancement in the vicinity of a small number of known breeding ponds. This can be secured by planning condition as part of a great crested newt mitigation strategy. Natural England are satisfied that the proposed mitigation would maintain the species population and echo the requirement for this to be secured by planning condition.

Applications for which development works would contravene the protection afforded to European protect species (e.g. bats, great crested newts and otters) require derogation (in the form of a licence) from the provisions of the Habitats Directive. Licence applications arising from new developments are considered by Natural England on behalf of the Secretary of State. Before such a licence can be granted, several tests, specified in Article 16 of the Habitats Directive and in Regulation 53 of the Conservation of Habitats and Species Regulations (Amendment) 2012 (outlined below), must be satisfied.

Local Planning Authorities must also consider these three tests prior to determination of the application. LPAs would risk breaching the requirements of the Directive and Regulation 9 (5) if the three tests were not considered during the determination of a planning application. The three tests are as follows:

Test 1: “preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment”

The need for the proposal is set out within the need section of the committee report and ensures that TATA Chemicals Europe Ltd would be self sufficient in the management of DBO wastes, amongst other criteria listed. This need is supported in the NPPF which states that

there are three dimensions to sustainable development; economic, social and environmental. Paragraphs 18 -19 goes onto emphasise the need to build a strong competitive economy. The proposal would therefore facilitate competitiveness, help achieve self sufficiency and secure the provision of an essential raw material to the chemical manufacturing process, contributing to the requirements for economic development as set out in the NPPF.

In this case, the proposed development would affect some identified features of nature conservation, as outlined within the planning application. However, as set out within the Environmental Statement and supporting ecological information, enhancements within the application area would serve to compensate and enhance habitat and landscape features in the locality, benefiting great crested newts as a whole. It is therefore considered that although the construction period and phased working of the pipeline may harm habitats and species, any such harm could be managed and the restoration would result in acceptable enhanced habitats.

Given this need it is therefore considered that the development proposal contributes to meeting an imperative public interest, and that the interest is sufficient to override the protection of, and any potential impact on great crested newts, setting aside the proposed mitigation.

Test 2: “that there is no satisfactory alternative”

In this instance the most satisfactory alternative use of the application site would be to leave it as existing. However, as set out in the need section of this committee report, the application ensures that TATA Chemicals Europe Ltd would be self sufficient in the management of DBO wastes, amongst other criteria listed. Thus, in view of the wider considerations, a demonstrable need has been proven. With respect to the principle of the development on this application site, the applicant has explored alternative options with respect to the mode of brine transportation and the route selected, to the specific alignment and construction options. This has been set out as part of the application within Section 4 of the Environmental Statement and concludes that after a series of refinements the transportation of brine via a pipeline was considered the most suitable. The preferred route was consequently chosen reducing its environmental impact and avoiding other planning constraints. Therefore, given the detail provided within the application it is considered that there is no satisfactory alternative route for the pipeline.

Test 3: “the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range”.

The proposal incorporates the minor loss of hedgerows. Some of these hedgerows provide terrestrial habitat for great crested newts. However, to compensate for the temporary small scale impacts compensatory planting would be undertaken to strengthen and enhance existing hedgerows and replacement hedgerows. Other suitable habitat in the form of scrub area has also been provided.

The 2013 survey for great crested newts has updated the information that was previously provided as part of the application. The 2013 survey has clarified the locations where detailed mitigation measures are required. As such additional information has been provided with respect to the maintenance of species. Nevertheless, mitigation measures are proposed, the

detail of which would be conditioned to secure the necessary procedures, measures and implementation of them (e.g. fencing and trapping requirements). If the development is undertaken in accordance with the above proposed conditions, it is considered that the development would not be detrimental to the maintenance of the populations of great crested newts at favourable conservation status in their natural range. With regard to this point, the Nature Conservation Officer advises that the Council has sufficient information to be confident that the favourable conservation status of great crested newts would be maintained through the implementation of the submitted mitigation and compensation measures proposed.

It is also considered that the proposal would have a minimum impact upon great crested newts given the short term 10 week construction zones which are proposed. Development would be contained within zones minimising any potential disturbances the during the construction period. Once operating and with the implementation of the mitigation measures, the impact upon the great crested newts would be considered negligible. Therefore, providing appropriate conditions are included, it is considered that the proposal meets the second Test.

Overall it therefore considered that the development proposal contributes to meeting an imperative public interest, there is no satisfactory alternative route for the pipeline, and that the interest is sufficient to override the protection of, and any potential impact on great crested newts, setting aside the proposed mitigation. It is considered that Natural England would grant a licence in this instance.

Breeding Birds

Breeding birds are protected under the general provisions of the Wildlife and Countryside Act 1981 (as amended). The assessment identifies that although there are suitable nesting habitats within the site, these habitats are not considered likely to support significant numbers of notable bird species. Given that these losses would be localised and limited to the footprint of the scheme, no significant reduction in bird nesting habitat is anticipated. The applicant proposes to undertake vegetation clearance along most of the pipeline length during winter 2013/14 to avoid the bird breeding season. If clearance is needed to be undertaken during the breeding season it is proposed to be undertaken under the supervision of a qualified ecologist to ensure no nesting birds are present. These measures will be secured by planning condition. On the basis that the Nature Conservation Officer raises no objections on this matter, it is therefore considered that the impact that the proposal would have upon breeding birds would be minimal.

White clawed crayfish & Lesser Silver Beetle

The ecological information submitted as part of the application showed that there are no recorded population of the white clawed crayfish, which is a native species, in the any of the watercourse affected by the development. Also, no ponds are in or immediately adjacent to the working corridor which may have the lesser silver beetle. Therefore no adverse impacts are anticipated with respect to the while clawed crayfish and the lesser silver beetle.

Japanese Knotweed

Japanese Knotweed, an invasive species listed in Schedule 9 (Part 2) of the Wildlife and Countryside Act 1981 (as amended), and Himalayan balsam was noted as being present within the application boundary. In order to prevent the spread of these species a Japanese Knotweed and Himalayan balsam management plan would need to be developed which would be conditioned but would be undertaken as part of the CEMP.

Overall in terms of the ecological impact of the proposal it is considered that the use of avoidance measures including the choice of route and directional drilling, together with a reduction of the working corridor width in sensitive locations, has limited the ecological impact of the proposed pipeline. Preconstruction surveys and mitigation measures for habitats and protected species are to be conditioned. As such the proposal is considered to be in accordance with Policies NE.8 and NE.9 of CNBLP and policies NR2 and NR3 of CBLP.

Landscape and Visual Impact

Policies GR5 of CBLP and BE.2 of CNBLP seeks to protect special features of the landscape character of the area whilst policies GR2 of CBLP, and policies BE1 and BE2 of CNBLP seek to safeguard and improve the quality of the environment, requiring development to achieve a high standard of design. The protection of trees and hedgerows in new development is provided in policy NR.1 of CBLP.

The applicant has submitted a Landscape and Visual Impact Assessment. This considers the potential impact upon the landscape fabric, landscape character and visual impacts throughout the construction and operational phases of development. The Landscape and Visual Impact Assessment has been considered by the Landscape and Forestry Officers.

The principle landscape impact is considered to arise from the construction operations which would be short term and temporary. It is accepted that there would be some loss of existing landscape features including trees and sections of hedgerows to accommodate this work, however replacement planting is proposed to restore the landscape back to its original character. This would be secured by planning condition along with appropriate maintenance and management. The impacts arising during this stage would be limited to work in two construction zones at any one time each lasting a maximum 10 week period, with mitigation / reinstatement following completion of each section within the appropriate planting season.

In view of the potential temporary visual impacts arising from the construction of the pipeline along the River Croco, and potential loss of natural screening provided by trees and vegetation along this route for the period during the construction of the pipeline, the scheme proposes additional environmental enhancement measures along this route and in the Harbutt's Field area. This includes enhancing the informal footpath around the western and northern edges of Harbutt's Field by reinstating this with a stoned surface. This would improve access for the less physically able without damaging the character of the area and would also improve the year-round accessibility of the path for all. A comprehensive landscaping scheme is also proposed for the footpath running along the east bank of the River Croco which includes for:

- widening of the surfaced footpath to improve access;
- provision of surfaced passing places to improve access for the less physically able;
- provision of seating; and
- provision of a boundary treatment along the river edge for improved pedestrian safety.

The principle visual impact would arise from temporary activities in connection with the construction works in each phase. This would include soil stockpiling, construction compounds and access roads.

Given that the majority of the pipeline would be underground, the permanent visual impacts would be limited to any above ground works. In Cheshire East Authority boundary this is associated with the provision of buffer tanks at Warmingham, buffer tanks, settlement tanks and pumping station at Middlewich Salt Factory, and the proposed pipe bridge over River Dane. The infrastructure proposed at the Salt Factory and Warmingham Brine Field are not considered likely to generate significant visual impacts as they would sit within an existing industrial context surrounded by similar features such as tanks, pumps and pipework.

The most significant permanent visual impact is likely to arise from the proposed pipe bridge over the River Dane. Alternative options for crossing the River Dane considered by the applicant include the use of directional drilling under the river which was discounted due to the steep bank gradients and curve required for directional drilling purposes. Equally using the existing road bridge was also deemed unfeasible principally due to the lack of space and presence of an existing gas pipe currently located on the side of the bridge. It was therefore concluded by the applicant that a new purpose designed pipe bridge would be required and has been developed in consideration of the bank gradients, existing available space, retaining existing vegetation wherever possible, and the need to ensure that any structure should be visually acceptable and not pose any unnecessary health and safety risks.

The pipe bridge would be located on the eastern side of the road bridge and would not have a significant visual impact, being sited below the height of the current road bridge, thus being screened from views from the west. Views could also be partially mitigated through existing and proposed planting and it is noted that the Landscape Officer raises no objection to this element of the scheme. The provision of mitigation screen planting could be conditioned along with details of the colour and materials of the proposed pipe bridge. Given the nature of the proposal it is considered that the proposal would not give rise to any unacceptable significant visual and landscape impacts, and as such accords with policies NR1, GR2 and GR5 of CBLP and policies BE.1 and BE.2 of CNRLP.

Impact on agricultural land

Within the application information has been provided with respect to the impact that the proposal would have upon agriculture and agricultural soils. The agricultural land along the pipeline corridor lies within the Agricultural Land Classifications Grade 2 (6%), Grade 3 (61%) and Grade 4 (11%), with Grade 1 classified as the best and most versatile agricultural land. However, the most impacts upon this land would occur during the construction phase of the project and are likely to be temporary and of short duration. It is proposed that the land would be returned back to agricultural use as soon as possible. However, in order to ensure that the quality of agricultural land is restored back to its original grade, an agricultural land classification survey and soil characteristics profile of any soils stripped from any area in agricultural use would be undertaken. The land would subsequently be restored back to its original grade. As such this would be secured by condition. A further condition would be imposed to ensure that the soil is managed appropriately. A restoration and aftercare condition would finally ensure correct remediation of the impact of the development upon agricultural land.

It is considered that the proposal would therefore have a minimal impact upon the agricultural land of the area. Given that the above proposed mitigation measures would be conditioned it

is therefore considered that the proposal is in accordance with Policies NE12 of CNBLP and NR8 of CBLP.

Forestry

Policy NE1 of the CBLP seeks to ensure that trees are protected from unnecessary felling, and where felling is required that the desirability of the development outweighs the loss.

The Forestry Officer has reviewed the Arboricultural Report which provides detailed arboricultural advice on the trees present along the proposed pipeline route and includes an Arboricultural Implication Assessment.

The alignment and width of the pipeline route has been adjusted throughout its length so as to minimize the losses of or damage to landscape resources including trees and hedges. The assessment identifies that the scheme will result in the loss of individual trees, groups / part groups of trees and approximately 210 linear metres of hedgerow. The majority of these trees are not considered of a high quality and individually, their loss will not have a significant impact on the local area. However, the occasional retention category B tree will also need to be removed to facilitate the pipeline construction. The most notable tree losses would include amenity tree planting on Harbutts Field and trees adjacent to the River Croco between Harbutts field and the A 54, however as described, above a full landscape scheme with enhanced landscape planting is proposed in these areas and would be secured by planning condition.

Any trees lost as a result of the construction works would be replaced by native species trees on a 2:1 ratio subject to landowner agreement. The replacement trees would be light standards (5 – 10 yrs old) and would be protected by fence guards appropriate to the size and species of tree.

Where retention is possible, trees and hedges which occur within the working corridor would be protected by suitable temporary fencing during the construction period. Trees whose root protection area could be adversely affected by the works (compression of the root plate or trench excavation through the root zone) have been identified and measures proposed to mitigate potential adverse impacts. An Arboricultural Method Statement will be secured by planning condition to detail the temporary protective barrier standards and positions (the creation of the Construction Exclusion Zone), acceptable construction techniques and necessary tree works.

With the aim of minimising the loss of established hedgerow, where hedgerows intersect the working corridor there is a reduction in the width of the corridor from 35m to 3m (for species-rich hedgerows) and from 35m to 10m (for species-poor hedgerows). Reinstatement of sections of hedgerows lost to the scheme is proposed. It is also proposed to enhance the diversity of some adjacent lengths of existing species-poor hedgerow which would not be directly affected by the development by planting a range of native species would be planted in these hedgerows to vary their composition and structure.

It is considered that the location of the pipeline appears to minimise losses of both hedgerow and trees and as such the development has a minimal impact upon trees. Whilst there would be direct impact on trees, the specimens to be lost are mainly low grade. Protective measures could be implemented to reduce the risk of impact on retained trees and replacement planting

could be secured to ensure there would be no net loss of tree cover. As such, it is considered that the proposal is in accordance with Policy NE1 of CBLP.

Consideration of alternative options

A number of local residents have raised concerns over the consideration of alternative options and consider that there may be more suitable and environmentally sustainable alternatives that should be pursued.

The EIA contains a detailed description of the different options considered for the transportation of brine i.e. by rail, road canal and pipeline. It also describes in detail the various stages of route feasibility work undertaken and refinements made to the route option following the consultation process. From the submission, it has been demonstrated that the applicant has taken into account a number of alternative options when deciding to progress the final option proposed in this scheme.

Whilst there is an obligation under the EIA Regulations to '*describe the main alternatives considered*', it is the acceptability of this scheme that is under consideration, not the merits or otherwise of alternative options that have been discounted by the applicant. As such the alternative transport options and route alignments should not be the subject of any assessment in the consideration of this planning application.

Local Plan Allocation

The route of the pipeline corridor lies within the Open Countryside in both the Crewe and Nantwich Borough (CNBLP) and Congleton Borough Local Plan (CBLP). Policies NE.2 of CNBLP and PS8 of CBLP seek to protect the character and amenity of the open countryside. Within this section of the pipeline corridor, the vast majority of the development would be temporary in nature during the laying of the pipeline, and would involve underground engineering works.

Some above ground works would be required such as for the creation of compounds, stockpiling of material top soils and sub soils within the pipeline corridor. The design, layout and arrangements of compounds have been developed to minimise their impact on the character and appearance of the local area and wider countryside. This would include installing low-level welfare cabins, consideration of appropriate palates, positioning compounds in locations where they can be screened by existing vegetation.

The main above ground works would be associated with the development of pumping station, buffer tanks and settlement tanks within Middlewich Salt Factory and Warmingham Brinefield, and the development of a pipebridge at Ravenscroft Bridge. None of the above ground structures are considered to adversely affect the character or appearance of the Open Countryside. The pipe bridge would sit next to the Ravenscroft Bridge adjacent to an existing gas pipeline. The pumping station, brine buffer tanks and settlement tanks would be located within the Salt Factory complex and its scale, design and materials reflect this industrial background. Equally the buffer tank at the Warmingham Brinefield would reflect other industrial infrastructure on the site. This has been demonstrated within the detailed assessment of the visual impact of the permanent structures which has been submitted by the applicant. This report has been reviewed by the Authority's Landscape Officer, who has

raised no objection, and is discussed below. Given this it is considered that the development does not conflict with the objectives of Policies NE.2 of CNBLP and PS8 of CBLP.

The pipeline route falls within an area of land allocated Employment Land as defined on the CBLP Proposals Map. Policy DP1 of CBLP seeks to support development proposals for the B1 (Business), B2 (General Industrial Uses) and B8 (Storage and Distribution). It is considered that the development of the pipeline corridor would not preclude the development of this allocation for those identified uses. Equally, it also passes over recreation/leisure/community use allocation to the east of Brooks Lane Industrial Estate. Given that the pipeline would be underground in this location, it is not considered that the scheme would prejudice this use. It is therefore considered that the proposal does not conflict with the local plan allocations within CNBLP or CBLP.

The emerging Cheshire East Local Plan Development Strategy also identifies Middlewich as a Key Service Centre, and identifies two strategic sites for housing on the proposed pipeline route, the first on the southern edge of Middlewich (Glebe Farm) and second on part of Brooks Lane industrial estate. Whilst limited weight is afforded to this document in advance of its public examination, it is not considered that the provision of an underground pipeline would not preclude the development of any future allocation for the uses specified as the two land uses are compatible.

Impact upon the Railway

Within their consultation response Network Rail has stated that, 'As excavation works within 10m of the Network Rail boundary will require a risk assessment and a method statement to be submitted to the Network Rail Asset Protection Engineer for review and approval'. Clarification has been sought from Network Rail with respect to this and they have consequently raised no objection in principle to the proposal. Network Rail is satisfied that the applicant is aware of the stringent engineering requirements when working in, under or near railway lines. The applicant is already in discussion with Network Rail with respect to pre-construction engineering assessments / design work that would need to be completed to satisfy Network Rail's requirements. As such the detail included in Network Rail's consultation response has been forwarded to the applicant for information and Network Rail has confirmed that the Risk Assessment and Method Statement is an engineering requirement.

Impacts on greenspace

The scheme would result in some temporary disruption to areas of recreation as allocated on the CBLP proposals map including Harbutt's Field which is used for informal recreation and used by community groups for planned events. The impacts arising from this scheme would be temporary and for a short duration, and the specific details of construction works would be agreed with the Local Planning Authority and other interested parties as necessary, as part of the CEMP. Furthermore the applicant has agreed to the creation of a community liaison committee to enable works to be scheduled to avoid specific events or seasonal peak periods of activity. It is also noted that the Greenspaces Officer has no objected to the scheme. On this basis it is considered that the scheme accords with policy RC2 of CBLP.

Impact on HS2.

Concern has been raised over the impact of the scheme on the Government proposed High Speed Rail Phase Two (HS2). , the route of which is currently subject to public consultation. Its current proposed alignment largely falls outside of the boundary of the planning application that is contained within this planning authority area, but does cross the pipeline corridor in a single location to the west of King Street and just south of Whatcroft Lane. Due regard has therefore been given to the HS2 proposal with respect to this planning application however it is noted that the preferred route is expected to be announced in 2014 and thus may be subject to change following the consultation process.

Other matters

Concern has been raised regarding the impact of the scheme on the Manchester Airport Flight Path. On the basis that the scheme largely concerns underground works and no significant waterbodies are proposed to be created by the scheme, and given that Manchester Airport raise no objections in terms of Airport safeguarding, it is not considered that there would be any adverse impacts on the flight path.

Concern has also been raised over the potential for the scheme to prejudice the current planning application for the development of Glebe Farm for residential development. It is noted that the applicant for this development have not raised any objections to this proposal and works along this section of the corridor would follow the route of the existing cross country mains pipelines from Warmingham brinefield to the salt factory, the last section of which was installed on the site in 2010. It is considered that there would be adequate controls in place on any consent regarding the use of the land, and to ensure the scheme is carried out in accordance with any approved layouts, with minimal impacts on adjacent land and with land reinstated to a satisfactory state. Furthermore the terms for an easement are a legal matter for the applicant and landowner to resolve. As such it is not considered that there would be any detrimental impacts on future proposals for this parcel of land.

CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This decision has also had regard to the National Planning Policy Framework.

In making this decision, regard has been had to the National Planning Policy Framework (NPPF).

The application and supporting documentation considers the potential constructional /operational; long and short term; temporary and permanent impacts of the development and where appropriate identifies mitigation sufficient to minimise the impacts. The documentation concludes that the development does not give rise to any unacceptable significant impacts.

The proposed development, as set out within the committee report, has been carefully considered against adopted planning policy and national guidance, taking into account all other material considerations. It is considered that the proposed development would not have an unacceptable detrimental impact upon the wider environment and that any negative

impacts identified could be overcome by suitably worded conditions. It is considered that the supporting information submitted with the application demonstrates that the proposed development would not cause unacceptable significant harm to the local environment in terms of the following identified impact areas; highways and traffic, ground conditions/land contamination, noise & vibration, air quality, public rights of way, need, local plan allocation, cultural heritage & conservation area, archaeology, flood, surface waters and ground water risks, ecology, landscape & visual impact, and impact upon the railway. It is not considered that the proposed development would cause unacceptable harm to the amenities of local residents.

As such, the proposal accords with the provisions of the NPPF and Policies within the Cheshire Replacement Waste Local Plan, The Cheshire Replacement Minerals Local Plan, the Congleton Borough Local Plan and the Crewe and Nantwich Borough Local Plan.

It is therefore recommended that the proposal be approved subject to conditions.

RECOMMENDATION

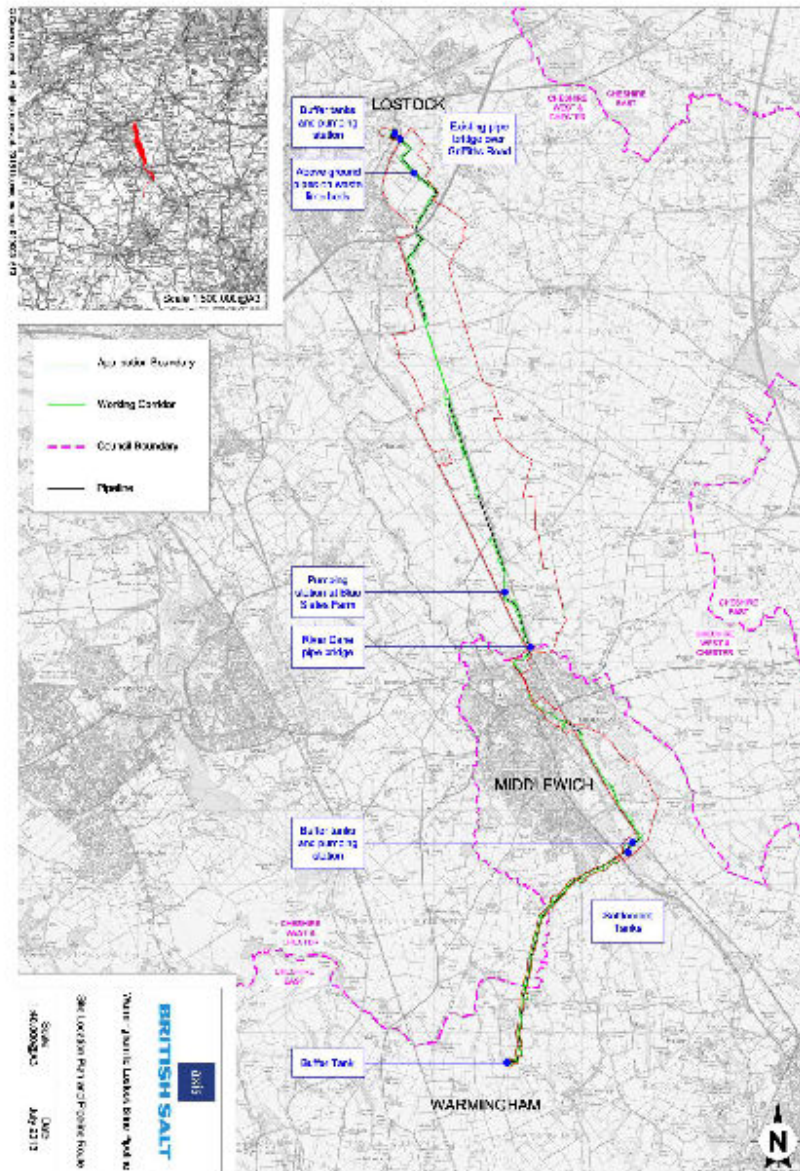
That the application be APPROVED subject to the following:

- 1) Standard conditions;
- 2) Submission of detailed construction phasing plan;
- 3) Seven days written notification of commencement of development;
- 4) Tree protection details;
- 5) Arboricultural method statement including details of all trees/hedgerows to be removed prior to commencement of each phase of development;
- 6) Reinstatement of hedgerow and compensatory tree/hedgerow planting.
- 7) No removal of trees or shrubs during bird breeding season;
- 8) Submission of wildlife protection plan;
- 9) Detail of the great crested newts mitigation measures prior to the commencement of development.
- 10) Method statement for barn owl protection during construction phase.
- 11) Preconstruction surveys for badgers informing the need for mitigation
- 12) Preconstruction surveys for otters and water voles informing the need for mitigation;
- 13) Detailed mitigation strategy for any works affecting otters/water voles or their habitat;
- 14) Preconstruction surveys for reptiles informing the need for mitigation and provision of reptile method statement;
- 15) Bat survey;

- 16) Scheme for replacement planting of vegetation lost at river crossings and method statement for reinstating grassland habitat;
- 17) Further otter/water vole survey should development not commence within 2 years;
- 18) Ecological method statement for directional drilling over River Wheelock SBI;
- 19) Method statement for managing Japanese Knotweed;
- 20) Submission of detailed Construction Environmental Management Plan;
- 21) Submission of detailed Decommission Environment Management Plan;
- 22) Scheme of ecological mitigation submitted prior to development of each phase;
- 23) Submission of highway method statement;
- 24) Hours of operation;
- 25) Programme of archaeological work and mitigation;
- 26) Method statement for engineering works to prevent harm to heritage assets;
- 27) Scheme for protection of Kinderton Mill from construction vehicle damage;
- 28) Method statement for protecting watercourses;
- 29) Provision of containment for storage of oils, fuels or chemicals;
- 30) Full lighting details;
- 31) Full noise and vibration details for each phase;
- 32) Noise mitigation scheme for the pump house;
- 33) Silencing of all plant equipment and vehicles;
- 34) Provision of contaminated land investigations and remediation measures;
- 35) Provision for detailing with unexpected contamination;
- 36) Soil management measures;
- 37) Full restoration and landscape enhancement details including planting details, specifications, plans, gapping up details of hedgerow planting;
- 38) Landscaping maintenance and management condition;
- 39) Decommissioning plan;
- 40) A scheme to prevent contamination of surface waters by 'silty' run-off during construction.
- 41) Method statement for crossing watercourses;
- 42) Bund details for the buffer tanks;
- 43) All tanks to remain sealed at all times;

- 44) Prior approval of details of pipeline crossing under or over or located in the public highway.
- 45) Prior approval of temporary vehicular accesses.
- 46) Closure of temporary new accesses & reinstatement within a set time period;
- 47) Directional Drilling or percussive equipment - Full development details required before any works commence on any one phase of development along with details of predicted noise and vibration levels and appropriate noise mitigation measures & all plant, equipment and vehicles used on site would be properly silenced;
- 48) Construction Method Statement incorporating Site Waste Management Plan;
- 49) Details of colour and materials of above ground pipework;
- 50) Details for construction and material specification for the pipe bridge;
- 51) Condition to secure appropriate pipe line decommissioning;
- 52) An agricultural land classification survey and soil characteristics profile condition;
- 53) Full condition survey of Footpath 16;
- 54) Provision of a community liaison group.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Place Shaping Manager in consultation with the Chair (or in his absence the Vice Chair of Strategic Planning Committee) to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice



Application No: 13/2776W

Location: HENSHAWS WASTE MANAGEMENT, 150, MOSS LANE,
MACCLESFIELD, CHESHIRE, SK11 7XF

Proposal: Relocation of materials recycling plant with additional enclosed picking line shed (in retrospect) and delivery & storage of household & commercial wastes outside the hours of operation of adjacent waste management facility via alternative access

Applicant: C.F.M Henshaw

Expiry Date: 26-Sep-2013

SUMMARY RECOMMENDATION: Refuse

MAIN ISSUES

Development on Unallocated Site
Impact on Employment Site
Sustainable Waste Management
Impact on Residential Amenity
Impact on Highway Network
Landscape and Visual Impact

REASON FOR REPORT

This application has been referred to the Strategic Planning Board under the Council's scheme of delegation as this constitutes a Major Waste application.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises an area of hardstanding directly to the rear of the existing Henshaws waste transfer station building, together with an access route linking to the current entrance onto 140 Moss Lane, Macclesfield. The applicant owns both the waste transfer station site (at 150 Moss Lane) and the application site. Both parcels of land are connected by a vehicular ramp which is also included within the planning application boundary.

Land use in the surrounding area is predominantly residential to the north/north east and east along Moss Lane. Land to the south is a mixture of small industrial and waste management uses, along with smaller residential estates. Open fields used for informal recreation edged with broken hedges and trees lie to the west/southwest of the application site.

Immediately surrounding the application site on 140 Moss Lane is an area of hardstanding to the south, which was once part of a woodland coppice, but has since been cleared. It is used for the storage of vehicles and plant, and a mobile phone mast enclosure. Beyond this to the south, east and west are open fields used for informal recreation. To the north east, the land is used for a mixture of uses including vehicle repair garage, a national grid storage

compound, the storage of caravans and an office all of which share the same access point via 140 Moss Lane. Directly to the north is the existing waste transfer business. A small section of the planning application boundary extends onto 150 Moss Lane and overlaps with the planning application boundary of 13/2772W in respect of the rear of the waste transfer building.

Access to the site is taken via a shared access point off 140 Moss Lane. Moss Lane is a busy road cutting through a housing estate which connects A536 Congleton Road with A523 London Road. The road is used by a mixture of residential and commercial traffic including HGVs and skip vehicles accessing the adjacent waste transfer station at 150 Moss Lane.

RELEVANT HISTORY

The site has a long and complicated planning history. Temporary planning permission was first granted at the site for use of the land as a commercial garage and office in 1967. Numerous subsequent temporary permissions were then granted until 1982 when planning permission was granted for the use of the site as a haulage depot.

In 1992, Cheshire County Council granted planning permission for the use of the northern part of the site as a waste transfer station (5/71028). The waste transfer activities have grown incrementally over many years. Specifically:

- Planning permission was granted in 1996 to alter and extend the waste transfer station (5/96/1339).
- A further planning permission was subsequently granted by the County Council in 2003 (5/03/3227) for the relocation and extension of existing waste transfer buildings and waste recycling facilities.
- In 2007 a planning application for the extension of the site incorporating new buildings and a new site layout was granted consent (5/06/2496P).
- Two applications were submitted in 2011 for the variation of conditions on consent 5/06/2496P, and an extension to the site and relocation of the Material Recycling Facility (11/2765W and 11/2766W) which were subsequently withdrawn;
- Two similar applications were submitted in 2012 again for the same proposals (12/3496W and 12/3445W) and were also subsequently withdrawn.

In addition to this, an application for a Lawful Development Certificate for 7 day skip hire deliveries was refused in May 2008 and the subsequent appeal was withdrawn.

Enforcement action has been taken on the site on a number of occasions. Breach of condition notices have been served on the operator and upheld for:

- Operating screening plant within an unauthorised part of the site, causing noise nuisance. The plant has since been relocated.
- Failing to provide vehicle numbers when requested.
- Failing to submit a noise monitoring scheme

An Enforcement Notice was also served (September 2005) in relation to unauthorised use outside the permission boundary. Planning permission 5/06/2496P regularised this unauthorised use.

A separate parallel planning application reference 13/2772W has been submitted for the variation of conditions of consent which is also being considered by Strategic Planning Board.

DETAILS OF PROPOSAL

This is a partly retrospective application for an extension of the existing waste transfer site at 150 Moss Lane onto a parcel of land to the rear of 140 Moss Lane. This would allow for the relocation of the existing material recycling facility (MRF) from within the waste transfer building on 150 Moss Lane, to a position behind the rear of this building on land of 140 Moss Lane; and provide an area for the storage of full skips during Saturday afternoons, Sundays and Bank/Public Holidays. A hardcore ramped access for vehicles between 140 Moss Lane and 150 Moss Lane is also proposed in retrospect.

- *Relocation of material recycling facility (MRF) with additional enclosed picking line shed*

The existing material recycling facility (MRF) comprising of the 5 bay picking line, trommel screen and associated containers has been relocated (in retrospect) from within the open-fronted waste transfer building onto a concrete pad on 140 Moss Lane directly behind this building. An additional 7 bay picking line shed (and associated containers) has also been constructed alongside the existing structure.

The MRF has been relocated in order to increase the amount of space available inside the building in the waste reception area.

The MRF sits at an elevated height of between 5.5 to 7.2m by reinforced concrete panelling, supported by steel RSJs., in order to address the difference in land levels across the two sites. This allows the MRF to continue its current function with the plant hopper loaded within the waste transfer building, waste being passed through the external MRF and any remaining residual waste re-entering the building via the conveyor. Two openings of 2m by 2m have been created in the fabric of the waste transfer building to facilitate this new arrangement. The picking lines are fully enclosed, with sound-insulating cladding and steel panel floor, whilst the trommel has been enhanced to insulate against noise.

The proposed hours of operation for the MRF and any associated activities remain as per the consented hours of operation for the waste transfer site permitted under consent 5/06/2496P, namely:

- 0730 to 1800 Mondays to Fridays;
- 0800 to 1300 Saturdays with no operations on Sundays or Bank/Public Holidays.

Vehicles transporting empty/full containers from beneath the picking lines would utilise a hardcore ramp access connecting 150 and 140 Moss Lane which has been constructed in retrospect. This will be locked outside of permitted hours of operation.

A 6m high concrete fence has also been constructed between the south eastern corner of the waste transfer building and the adjacent commercial vehicle repair garage to act as an acoustic barrier. The lower 3m of the fence has been constructed using pre-cast concrete panels, with the upper 3m cladded Kingspan 40mm composite panel.

- *Storage of full skips during out of hours.*

A linear section of hardstanding directly to the south of relocated MRF is proposed to be used for the storage of full sheeted skips outside of normal operating hours permitted under consent 5/06/2496P. These would be stored during the following times:

- 13.00 to 17.00 hours Saturdays
- 08.30 to 16.30 hours on Sundays and Bank Holidays

Access for skip deliveries during this time would be taken from the existing access on 140 Moss Lane.

The applicant proposes the following HGV vehicle movements for the delivery of sheeted skips during these hours:

- 16 vehicle movements (8 in, 8 out) during Saturdays from 13.00 to 17.00 hours;
- 24 vehicle movements (12 in, 12 out) during Sundays and on Bank Holidays.

It is proposed that the full sheeted skips would be stored in this area until the main waste transfer site opens as permitted under consent 5/06/2496P.

POLICIES

National Planning Policy Framework

Planning Policy Statement 10: Planning for Sustainable Waste Management

Cheshire Replacement Waste Local Plan 2007

Policy 1
Policy 12
Policy 14
Policy 23 Noise
Policy 24 Air Pollution: Air emissions including dust
Policy 26 Air pollution: Odour
Policy 28 Highways
Policy 29 Hours of Operation

Macclesfield Borough Local Plan 2004

NE11 Nature Conservation
DC1 Design
DC3 Amenity
DC13 Noise
DC14 Noise mitigation
DC20 Water Resources
Policy E5
Policy E6

Other Material Considerations

Draft updated National Waste planning Policy 2013
Cheshire East Council Local Draft Plan Policy Principles

Cheshire East Council Local Plan Draft Development Management Strategy
Government Review of Waste Policy in England 2011
National Waste Management Strategy for England 2007
Cheshire East and Cheshire West and Chester Councils – Waste Needs Assessment Report
May 2011

CONSULTATIONS

Highways: The Strategic Highways Manager has concerns over a number of issues on this site. They are:

- The volume of traffic generation from the two sites – one of which is documented in terms of heavy commercial vehicles (150 Moss Lane) and the second which is not (140 Moss Lane).
- The condition and geometry of the access to 140.
- The impact of the total flow of HCV from the site on the local junctions with the A523 & A536.
- The tracked turning movements for opposed heavy commercial vehicles at the 140 access.
- The tracked movements of the HCV's within the site which has a very tight corridor of movement.

The Strategic Highways Manager therefore requires a Transport Statement to be provided by the applicant for the traffic movements from both sites. This will provide assessment of both existing permitted flows and proposed flows for the retrospective application for both sites. The TS will also include a PICADY analysis for the junction of Moss Lane with the A523 and the A536.

The Design and Access statement does include some detail of the vehicular use of the site however this is not found to be definitive and a Transport Statement in accordance with the GTA (DfT) would clarify all matters and provide the necessary information for a proper formal analysis of the site and the proposals.

In addition the existing quality of the running surface of the access at 140, Moss Lane is very poor and there is likelihood that the erosion of this access will creep and encroach into the adopted highway surface. The S.H.M. therefore requires that should a permission be granted for this intensification of use that the existing access is re-constructed and to improved geometry should the Transport Statement identify this need through the tracking analysis.

At this time and given the above concerns the Strategic Highways Manager cannot support this proposal and would recommend refusal on lack of information.

Environmental Health:

This Service has considered the above planning application and wishes to make the following comments / recommendations.

Recommended refusal

Reason: Loss of residential amenity due to noise impacts (see comments below)

Public protection and health comments

This planning application seeks to extend to hours of use of the current operations and extend the operational boundary to allow the storage of skips in these extended hours and the retrospective planning permission for building of a new picking line trammel for use during the existing permitted hours.

Impacts

Any increase in the number of HGV skip vehicle movements through the largely residential area of Moss Lane would cause increased noise and vibration impacts to those properties close to the road. This would be particularly noticeable given the proposed times of these movements on Saturday afternoons, Sundays and Bank Holidays, when there are currently no permitted vehicle movements to the existing site.

The residential properties close to the site would also be impacted by noise levels due to the associated on-site activities. Previous applications to alter the site working times would have allowed for the tipping and sorting of municipal waste. This application would not introduce noise and dust impacts associated with these activity. However, it would introduce on-site noise due to the arrival of waste HGVs and the unloading of the skips during the proposed new hours. The noise levels at properties on Sheldon Drive and Whiston Close would be reduced by using the entrance to the adjacent site and storing the skips adjacent to the picking line. The noise impacts associated with skip storing activities are typically of an impact character and of a high, albeit short-term level and can include reverse alarms. The potential for impacts at properties during the times when background levels are lower is still significant and have the potential to cause adverse effects on residential amenity.

To consider activity outside the recommended hours of use, (Saturday afternoon, Sundays and Public Holidays) we would expect the need for the operation the capacity to mitigate the impacts to be high. Despite a limit on the number of skip HGVs and the entrance and location, we would still consider the delivery and unloading of these vehicles to cause an unacceptable impact on residential amenity particularly at times when background noise levels would normally be low.

These activities also have the potential to cause dust, pest and odour impacts although these could be more readily controlled by good practice / planning conditions / waste permit conditions.

Additionally, this proposal could also have the potential to increase noise and dust levels during existing permitted hours. This would be due to increased onsite activity due to skip unloading and stacking, plus waste depositing and processing at the start of the week.

It would also be remiss not to assess the potential increases in environmental impacts against a background history of complaints from local residents relating to noise, dust and odour associated with the site. This is a further indication that there is little capacity for increases in site associated activity, frequency and duration without a negative impact on residential amenity. It is considered that there is likelihood that any increase on the levels and frequency of activity would give rise to further similar complaints. The current limit on permitted hours allows for a period of respite for residents from associated traffic on Moss Lane and on-site activity. It is considered that an extension of operational hours, albeit at a significantly

reduced rate of activity, would therefore cause a loss of amenity to local residents and the capacity for mitigation at this location is insufficient due to the close proximity of residential housing.

It is therefore my recommendation that this application is refused on the grounds of loss of residential amenity due to noise from associated traffic and activity outside of the current permitted hours.

Landscape: does not feel that this development will result in any significant landscape or visual impacts.

Ecology: does not anticipate there being any significant ecological issues associated with the proposed development.

Environment Agency: The Environment Agency has no objection in principle to the proposed development but we would like to make the following comments.

The proposed development will not be covered by the existing Environmental Permit. Therefore the operator will need to apply to change the current permit and/or apply for a new one from us, the operator is advised to refer to our website for further information <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>

Under the Environmental Permitting (England and Wales) Regulations 2010 permitted sites should not cause harm to human health or pollution of the environment.

The operator is required to have appropriate measures in place at the site to prevent pollution to the environment, harm to human health, the quality of the environment, detriment to the surrounding amenity, offence to a human sense or damage to material property. If this is not included with the application then it is likely that we would reject any application received for an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010.

Natural England

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

This application is in close proximity to Danes Moss Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Aside from the comments on designated sites above, we would expect the LPA to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

Protected species

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice on BAP and protected species and their consideration in the planning system. Natural England Standing Advice is available on our website to help local planning authorities better understand the impact of development on protected or BAP species should they be identified as an issue for particular developments. This also sets out, when, following receipt of survey information, the authority should undertake further consultation with Natural England.

Local wildlife sites

If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.

Local landscape

Natural England does not hold information on local landscape character; however the impact of this proposal on local landscape character (if any) is a material consideration when determining this application. Your authority should therefore ensure that it has had regard to any local landscape character assessment as may be appropriate, and assessed the impacts of this development (if any) as part of the determination process.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

United Utilities: no comments received

Macclesfield Civic Society:

The Macclesfield Civic Society have considered the application documents and note the local concerns from residents in terms of potential effects upon future amenities. The application envisages a number of mitigation measures to lessen any environmental or amenity impacts and no doubt the planning authority will give these careful consideration. However, it appears

from the representations submitted that the measures are unlikely to command agreement from nearby residents given the extent of activities proposed outside currently limited hours of operation. Accordingly, this may be a case where a decision is necessary as to whether the current activities and reasonable standards of residential amenity can co-exist in the longer term. The current proposals for future patterns of land use in this area are an added factor in this context. As a matter of record the design and access statement refers to Moss Lane as being unrestricted whereas a Weight Restriction Order is in force with exemptions that benefit the operation of businesses at 140 and 150 Moss Lane

Manchester Airport:

The proposed development has been examined from an aerodrome safeguarding aspect and Manchester Airport has no safeguarding objections to the proposal.

VIEWS OF THE PARISH / TOWN COUNCIL

No comments received

OTHER REPRESENTATIONS

In excess of 70 letters of objection have been received from local residents.

These have raised issues in respect of:

- Noise, vibration and disruption impacts arising from on site activities and movement of vehicles, both during permitted hours and outside of these times;
- Compliance with existing statutory controls and ability of the Council to monitor and enforce these;
- Increased vehicle movements;
- Road safety and capacity;
- Dust, odour and air quality impacts generated by current activities and proposed;
- Unsuitable access arrangements;
- Generation of litter, vermin and pests;
- The site is not in a sustainable location;
- Land use conflicts;
- General amenity impacts;
- Reliability of the planning application documents and unsuitable assessment of the impacts;
- Uncontrolled growth of the site;
- Impacts on property values;
- Visual and landscape impacts;
- Impact on human rights;
- Adequacy of existing controls on the site;
- Potential for statutory nuisance;
- The business should be relocated;
- Queries over procedural aspects of the planning process and why this application is being considered.

APPLICANT'S SUPPORTING INFORMATION

Planning Application Forms

Planning Supporting Statement

Design and Access Statement

Noise Assessment
Scheme Drawings

OFFICER APPRAISAL

Development on unallocated site

The proposed extension is not located on a 'preferred site' in the CRWLP and lies approximately 150m to the north of preferred site WM13. To be policy compliant, applicants are required to demonstrate that:

- The preferred sites are no longer available or are less suitable than the proposed site; or alternatively meet a requirement not provided for by the preferred sites;
- Required to demonstrate that the site meets the sequential approach (Policy 5 of CRWLP).

No alternative site assessment has been provided in support of this application to discount other suitable alternative sites, including the adjacent WM13 allocation. On this basis, the application does not fully accord with Policy 5 of CRWLP.

However, the application site is located partially on previously developed land and is located within a settlement. As such, it broadly follows the sequential approach advocated in criterion iii of Policy 5 of CRWLP.

The application site also previously formed part of preferred site WM13 at Re-deposit Draft stage of the Waste Local Plan and was allocated for a range of waste management uses, including waste transfer. Thus, the principle of this land use was initially considered broadly acceptable by the Council. It is important to note that in removing the site from WM13 allocation, the Inspector raised concerns over the close proximity of residential properties, which would make amenity impacts associated with new waste management facilities difficult to control.

It is also acknowledged, that whilst the applicant has not fully satisfied the requirements of Policy 5 of CRWLP in assessing all alternative sites, any parcel of land required for a site expansion would logically need to be located with some physical connection to the existing operations, as the equipment housed on this area would form an integral part of the business. Alternative locations for expansion, directly to the north and east, are restricted by existing development and protected open space lies to the west. Options for such an expansion are therefore considered limited.

Planning applications for sites not allocated for a waste use should be considered favourably when consistent with National Policy and the Core Strategy, subject to the physical and environmental constraints on development (including neighbouring land uses, any cumulative effect on the well-being of local communities, and the capacity of transport infrastructure to support the sustainable movements of waste (PPS10)). The particular locational needs of some types of waste management facilities, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining planning applications.

The scheme would be located partially on previously developed land and directly adjacent to other commercial businesses within the Macclesfield urban area. It would utilise existing infrastructure and limit further resource use and bring about significant benefits in terms of sustainable waste management by increasing the potential capacity of waste being recycling, which is supported in all levels of planning policy and European legislation. It would also help to support a well established waste management business which makes a contribution to the local economy. As such, it accords with the approach of NPPF in supporting existing business and encouraging economic growth (paragraph 19).

Notwithstanding the conflict with Policy 5 of CRWLP, given the impracticability of locating the expansion area on other land not connected to the site and the benefits such a location brings (in terms of resource use the importance of the sustainable management and transport of waste), it is considered that, subject to the examination of other matters and development plan policies in detail, a case can be made for an extension of this operation on land not allocated in CRWLP in order to facilitate better working. On this basis, it is not considered that the application could be refused on the basis of conflict with Policy 5.

Impact on Employment Site

The site is allocated in the MBLP as Special Industries (E5) and Employment Land Allocation (E6). Open storage and bad neighbour uses will normally be permitted under Policy E5 providing this does not adversely affect the operation or amenity of neighbouring uses. The use of the land for storage and activities in connection with the waste transfer station would be in compliance with this policy, subject to any amenity issues being satisfied.

Policy 6 allocates the land for employment purposes, with general guidance on the development of this land provided by a Development Brief. Again, use of the land for open storage and 'bad neighbour' uses are supported, subject to satisfying amenity issues. Therefore, subject to impacts on residential amenity being satisfied, the application would not conflict with Policy E5/E6 of the MBLP.

It is noted that the site also lies within the proposed '*South Macclesfield Development Area*' in the emerging Cheshire East Local Plan Development Strategy. This supports a range of residential and commercial uses but does not include for the development or extension of waste facilities. However, the weight attributed to this plan is considered to be limited at this stage in advance of the Inquiry into the Local Plan.

Sustainable Waste Management

The key objective of PPS10, the revised Waste Framework Directive, and the emerging updated Government Planning Policy for Waste is sustainable waste management with priority given to prevention, preparing for re-use, recycling, recovery and disposal as a last resort. Targets imposed by the Directive, and subsequently incorporated into Government Policy and the Cheshire Joint Municipal Waste Management Strategy 2007 to 2020, seek to recycle and recover 50% of household waste by 2020; with Construction, Demolition and Excavation waste (C,D&E) at 70% by 2020.

Approximately 49% of household waste was recycled in 2009 in the authority, with a further 54% of Commercial/Industrial (C&I); and 75% of C,D&E waste recycled in the same period.

The anticipated landfill tax increases (£80 per tonne in 2014/15) are likely to influence the volume of waste arisings in the authority and waste management practices.

Further developments in legislation arising from the Waste (England and Wales) Regulations 2011 mean that, after 2014, waste operations must ensure that all waste paper, metal, plastic or glass must be collected separately and remain separated. This puts increased pressure on the local authority to provide sufficient facilities to cater for the level of recycling anticipated.

Planning policy requires communities to be able to take responsibility for their own waste. Appropriate waste management facilities should be sustainably located to avoid the carriage of waste over long distances. Waste management should be considered alongside other spatial planning concerns, including transport and economic growth, recognising the positive contribution that it can make to the development of sustainable communities. Physical and environmental constraints need to be carefully managed, along with cumulative effects of waste facilities on the well-being of the local community and adverse effects on environmental quality. It is important that the needs and concerns of all interested parties are considered, including those of the local community, waste collection authorities, waste disposal authorities and business (PPS10).

The existing waste transfer site provides an important waste management function for waste arising in the north of the authority. It is used to recycle a range of waste streams from local authority household silver bin collections to trade and event waste. It is one of few such facilities serving a large catchment area.

The relocation of the MRF on land to the rear of the existing waste transfer building would allow more space for the waste processing plant and more space for waste being tipped, thus potentially increasing the throughput of waste being recycled. The application also enables skip waste to be accepted on weekends and bank holidays. This would prevent waste being transported over a greater distance to the nearest available facility open over these extended weekends/bank holiday periods.

The development helps to achieve European targets for recycling and diverts waste from landfill which is supported in planning policy. Equally, it enables communities to manage waste close to its source and avoid transporting it over long distance. As such, subject to their being no consequential impacts on residential amenity or the local environment, the scheme accords with the overall approach of PPS10, RSS and CRWLP Policy 1.

Impact on Residential Amenity

A careful balance needs to be maintained between the provision of a network of sustainable waste management facilities and the physical and environmental constraints associated with its provision. In particular, planning policy requires us to secure recovery or recycling of waste without endangering human health or harming the environment (PPS10). The CRWLP emphasises that proposals which have unacceptable impacts on a range of considerations including residential amenity, noise, dust and highway management/safety will not be permitted (CRWLP Policy 12).

Relocated MRF

The existing MRF has been retrospectively constructed behind the waste transfer building and adjacent to the commercial vehicle repair garage which provides some element of screening for residential properties on Whiston Close/Sheldon Drive. However, it has the effect of bringing the plant closer to properties on Moss Lane. It is housed in an acoustic containment which is considered to significantly reduce noise emissions, particularly to those properties to the north of the site. In addition, the applicant has constructed a 6m high concrete acoustic barrier between the waste transfer station and the commercial vehicle repair garage which provides some degree of mitigation for properties to the north and east.

The noise assessment identifies a background noise level at Whiston Close/Sheldon Drive as ranging from 61.6Laeq to 66.3 Laeq. At Moss Lane this ranges from 66.9 Laeq to 68.5 Laeq. The assessment identified that with:

- the MRF relocated behind the existing waste transfer building,
- the process building being clad in 0.7mm profile steel sheeting,

The noise impacts to these properties would be 48DBA.

Equally, for properties on Moss Lane, the noise generated by the relocated MRF would be 52DBA (taking into account the distance to receptors and the acoustic fence that has been installed).

On the basis of the findings of the noise assessment, and given that no objections have been raised by the Environmental Health Officer to this element of the scheme, it is considered that the relocation of the MRF would not give rise to any additional unacceptable noise impacts especially as this is proposed to be operated within the consent hours of operation.

Sheeted Skip Storage

The applicant states that the additional hours proposed for the delivery and storage of sheeted skips is required to meet a demand from the local area for 7 day skip hire. This comes from regular and contractual waste producers, including householders, industry and commerce and to serve community/charity events. He maintains that this is a service not provided by any other operator in the local area and he has been operating this service since the waste management business was first established.

The hours proposed for storage of sheeted skips do not accord with the permitted hours of operation set out in Policy 29 of CRWLP which are 0730 to 1800 Mondays to Fridays and 0730 to 1300 hours Saturdays with no working on Sundays or Public Holidays. Provision is also made in this policy for longer hours specifically for the receipt of waste from Household Waste Recycling Centres (HWRCs) during the times of 1300 to 1700 on Saturdays and 0800 to 1700 Sundays and public/Bank Holidays. This special provision does not apply in this case, as the skips would not contain waste from HWRC facilities.

Under policy 29, exceptional circumstances need to be demonstrated to justify any longer working hours outside of permitted times and this is only acceptable where there are no consequent detrimental impacts. There could be a case made that exceptional circumstances exist in this instance, due to the benefits provided in terms of sustainable waste management which accord with PPS10, RSS and the approach of CRWLP. However, the delivery, movement and unloading of skips in the extended hours proposed by this

scheme is considered to present an unacceptable impact on local amenity, particularly associated with noise and disruption.

The Environmental Health Officer considers that any increase in the number of HGV skip vehicle movements travelling along the largely residential area of Moss Lane is likely to generate increased noise and vibration impacts. This would be particularly noticeable on Saturday afternoons, Sundays and Bank Holidays as there are no permitted movements to the main waste transfer site, and the general level of vehicle movements, particularly HGVs in the Moss Lane area is much lower than on weekdays.

Residential properties situated close to the site would also be likely to experience on-site noise and disruption impacts associated with the arrival of HGVs and unloading of the skips during the weekends when the site activity is normally minimal. It is acknowledged that the noise levels at properties on Sheldon Drive and Whiston Close would be reduced by using the entrance from 140 Moss Lane and due to the skips being stored behind the existing waste transfer building. However, skip unloading has the potential to cause a high level of noise due to skips being dropped, dragged and lifted on concrete.

Present operations on the main waste transfer site are restricted to Mondays to Saturdays mornings. Yet despite this, there is a long history of complaints regarding noise and disruption, particularly associated with the operation of plant and the movement of skips on site. There is concern that this increase in activity over these additional hours would give rise to further impacts on residential amenity. The level of complaints currently received is a further indication that there is little capacity for any increase in the frequency or duration of site activity without a negative impact on residential amenity.

The current limit on permitted hours allows for a period of respite for residents from associated traffic on Moss Lane and on-site activity for most of the weekend. Despite the limit on HGV numbers proposed, and the use of an entrance off 140 Moss Lane, the Environmental Health Officer considers that the scheme would give rise to detrimental noise and disruption impacts on neighbouring properties during times when background levels are lower. This is likely to cause adverse effects on residential amenity. Furthermore the capacity for any extra mitigation at this location is unlikely due to the close proximity of residential housing. The applicant has also not provided any noise assessment which specifically considers the impacts arising from the storage of skips during these times. Therefore, the noise impacts cannot be quantified.

Additionally, the Environmental Health Officer raises concerns that this proposal could also have the potential to increase noise and dust levels during existing permitted hours, as there would be increased onsite activity due to skip unloading and stacking and waste depositing and processing at the start of the week.

It is noted that these activities could also have the potential to cause dust, pest and odour impacts, although it is considered that these impacts could be more readily controlled through the Environmental Permit Regime and application of good site management practice.

There has also been concern expressed by local residents and Environmental Health that an expansion of the site for storage purposes would incrementally lead to further waste processing elements being relocated. This would in turn intensify activities on the site to a

significant degree. Should it be considered that planning permission be granted, appropriate controls could be placed on the consent to ensure that the level of activity on the site intensified further. It could also secure the site layout, provision of noise mitigation, noise monitoring plan, control of dust, odour, litter and noise, and hours of activities on site.

Policy states that proposals will not be permitted under Policy 23 of CRWLP which would give rise to unacceptable levels of noise pollution. On the basis of the proposed extent of this area, there will still be a direct line of sight to some residential properties. The Environmental Health Officer considers that:

- the movement of vehicles;
- on-site activity;
- associated noise during the hours proposed

could amount to significant impact on residential amenity, and there is insufficient consideration or apparent scope for mitigation of the potential impacts. On this basis, it is considered that the scheme conflicts with Policies 12, 23, 24, 29 of CRWLP; Policies DC3 and DC13 of MBLP; along with PPS10 paragraph 29

Impact on highway network

The scheme proposes a further 40 HGV movements to the site on Saturday afternoons, Sundays and Bank Holidays. No information has been provided by the applicant to assess the impacts of these vehicle movements on the local highways network, or the adequacy of the proposed site access. The Strategic Highways Manager therefore raises concerns on a number of issues, namely:

- The volume of traffic generation;
- The condition and geometry of the access to 140;
- The impact of the total flow of HCV from the site on the local junctions with the A523 & A536;
- The tracked turning movements for opposed heavy commercial vehicles at the 140 access;
- The tracked movements of the HCV's within the site which has a very tight corridor of movement.

The Strategic Highways Manager has requested a Transport Statement be provided to undertake an assessment of both existing permitted flows and proposed flows for the retrospective application for both sites, along with a PICADY analysis for the junction of Moss Lane with the A523 and the A536. This assessment has not been submitted by the applicant.

Whilst some information is provided in the Design and Access statement concerning vehicular use of the site, this is not considered to provide a sufficient assessment of the highway impacts arising from the scheme. In addition, concerns are also raised over the existing quality of the running surface of the access at 140 Moss Lane, which is considered to be very poor and there is likelihood that the erosion of this access will creep and encroach into the adopted highway surface. As such, the Strategic Highways Manager does not support the scheme, as it is considered that there is a lack of information on highway impacts.

On this basis, it is considered that the scheme does not accord with Policy 12 of CRWLP, which requires applications for waste management facilities to be accompanied by an evaluation of the proposed development and its likely direct, indirect and cumulative impacts. It is also considered to conflict with policy 28 which requires applicants to demonstrate that:

- the level and type of traffic generated would not exceed the capacity of the local road network;
- would not have an unacceptable impact on amenity or road safety;
- demonstrate that access arrangements are adequate.

Landscape and Visual Impact

The relocation of the MRF, to a location behind the existing waste transfer building would result in the pickling line sheds and trommel being visible due to its height approximately 7.2m above existing ground levels. The visual impact is partly mitigated by the vehicle repair garage which screens some views from sensitive receptors from the east on Moss Lane. Views of the plant would be visible from some properties on Moss Lane. However, these would be approximately 150m away and partially screened by the existing variety of land uses on 140 Moss Lane, including the commercial vehicle repair garage, radio station building and the caravan storage area.

The nature of equipment and materials stored on the site would be reflective of the general commercial/industrial nature of the site. The landscape officer does not raise any concerns with the scheme and it is considered that no significant detrimental landscape or visual impacts would arise from this scheme. As such, it is considered that the scheme would accord with Policy 14 of CRWLP, DC1 and DC2 and BE1 of MBLP.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The application site is not located on a preferred site as identified in the CRWLP and is within close proximity to preferred site WM13. No alternative site assessment to consider potentially suitable preferred sites, including the adjacent WM13 allocation has been provided. As such, this does not accord with the approach of Policy 5 of CRWLP.

However, the site is partially on previously developed land and within a settlement, thus broadly following the sequential approach of RSS as advocated in Policy 5(iii) of CRWLP. It is recognised a physical connection to the main waste transfer facility is needed for any expansion land to enable the business to operate and alternative options are restricted by existing development. The sustainable waste management benefits of the scheme are also noted, particularly the relocation of the MRF, as this would help to increase the capacity of waste recycling, and help to support a well established business which makes a contribution to the local economy. In this respect this accords with the approach of national planning policy.

It is considered that a case could be made to justify the extension of the site in this location as an exception to policy. Therefore, it is not considered that the application could be refused on the basis of conflict with Policy 5.

The use of the land for storage and activities in connection with the waste transfer station would be in compliance with the employment allocation in MBLP, providing this does not adversely affect the operation or amenity of neighbouring uses.

Planning policy requires sustainable waste management facilities to ensure they do not endanger human health or harm the environment (PPS10). The storage of sheeted skips in extended hours over weekends and on Bank Holidays is likely to give rise to unacceptable impacts on residential amenity, particularly associated with the delivery, movement and unloading of skips in the extended hours proposed. It is considered that this would generate unacceptable noise and disruption impacts. No noise assessment has been provided by the applicant to demonstrate that these impacts can be mitigated. As such, the scheme is considered to present adverse effects on residential amenity which conflicts with Policies 23, 24, 29 of CRWLP; Policies DC3 and DC13 of MBLP; along with PPS10 paragraph 29. These policies seek to ensure that waste management schemes do not result in detrimental harm to local amenity.

In addition, insufficient information has been provided by the applicant to demonstrate that the scheme would not have any adverse effects on the local highway network. On this basis, it is considered that the scheme does not accord with Policy 12 of CRWLP which requires applications for waste management facilities to be accompanied by an evaluation of the proposed development and its likely direct, indirect and cumulative impacts.

It is also considered to conflict with policy 28, which requires applicant to demonstrate:

- the level and type of traffic generated would not exceed the capacity of the local road network;
- would not have an unacceptable impact on amenity or road safety; and
- access arrangements are adequate.

On the basis of these points, the proposal is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

- 1. The proposed development would present unacceptable impacts on residential amenity arising from the delivery and storage of sheeted skips during the hours of operation proposed in terms of unacceptable levels of noise and disruption. Insufficient information has been provided to adequately assess the noise impacts arising from the scheme. This is contrary to the provisions of policies 12, 23, and 29 of the Cheshire Replacement Waste Local Plan; as well as DC3 and DC13 of Macclesfield Borough Local Plan; and the provisions of PPS10 and NPPF which seek to ensure developments do not give rise to unacceptable levels of noise pollution or unacceptable impacts on the amenity of nearby residents.**
- 2. Insufficient information has been provided to assess the impacts of the scheme on the local highway network which conflicts with policies 12 and 28 of the Cheshire Replacement Waste Local Plan, and the provisions of PPS10 and NPPF**

which seek to ensure developments do not give rise to unacceptable impacts on the highway network.

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Application No: 13/2772W

Location: HENSHAWS WASTE MANAGEMENT, 150, MOSS LANE,
MACCLESFIELD, CHESHIRE, SK11 7XF

Proposal: Variation of conditions 2, 22, 24 and 26 of approval 5/06/2496P -
Extension of existing waste transfer and recycling site together with new
buildings and new site layout

Applicant: CFM Henshaw

Expiry Date: 26-Sep-2013

SUMMARY RECOMMENDATION: Refuse**MAIN ISSUES**

Principle of development;
Impacts on Residential Amenity
Landscape and Visual Impacts
Ecological impacts

REASON FOR REPORT

This application has been referred to the Strategic Planning Board under the Council's scheme of delegation, as this constitutes a Major Waste site.

DESCRIPTION OF SITE AND CONTEXT

The site is an existing waste transfer facility located on the southern edge of Macclesfield urban area. It is accessed off Moss Lane, which is a busy road connecting the A536 Congleton Road to the west with the A523 London Road on the east of Macclesfield.

Surrounding the site to the north and east is a large residential estate, whilst to the south is a mixture of small industrial and waste management uses, along with smaller residential estates. Open fields edged with broken hedges and trees lie to the west and south of the site. Immediately adjoining the northern boundary of the site are residential properties on Whiston Close and Sheldon Drive. These properties are afforded second floor views across the waste transfer station due to their elevated position.

This linear parcel of land contains a number of steel framed buildings used for the sorting of materials, the largest of which is located on the southern boundary of the site at a height of approximately 14m. The yard area has a range of open air storage bays for various aggregates and materials, and is used for the parking of large vehicles in connection with the

site activities and external material processing plant including the trommel screen. A two storey brick office building fronts onto Moss Lane.

Land to the south, perpendicular to the site, is also in the applicants ownership and forms part of the waste transfer facility but lies outside of this planning application boundary. This is subject to a separate planning application also being presented to this Strategic Planning Board.

DETAILS OF PROPOSAL

This is a partially retrospective application to vary 4 conditions of consent 5/06/2496P. The amendments proposed would:

- seek approval for an amended site layout plan;
- increase stockpile heights during the working day;
- propose amendments to the approved Landscaping scheme;
- amend the permitted boundary treatment.

The details are as follows:

1) Variation to Condition 2 (approved documents)

Retrospective permission is being sought for an amendment to the approved site layout plan granted by consent 5/06/2496P, to reflect the changes to the site that have taken place over time and ensure all aspects of the site are recorded correctly on plan.

2) Variation of Condition 22 (storage mound/stored skip height)

Condition 22 restricts the height of storage mounds/stored skips to 3 metres. This application proposes to increase this limit to 4 metres during the working day, with stockpile heights being reduced to 3m by the end of the working day.

3) Variation to Condition 24 (shipping containers) and Condition 26 (landscape boundary treatment)

Condition 24 stipulates that all shipping containers retained on site and used for the purpose of securing the site boundary shall be painted green and there shall be no stacking of containers and no storage on and above them. The applicant proposes to replace the use of shipping containers as a boundary treatment with a mixture of concrete wall of 1 to 3 metres in height and a 2m high harris fence. An amendment is also proposed to the landscape treatment on the western site boundary approved under Condition 26 to replace the landscape bund with a 3m high concrete wall, backfilled on the western side with a 3m wide planted embankment.

RELEVANT HISTORY

The site has a long and complicated planning history. Temporary planning permission was first granted at the site for use of the land as a commercial garage and office in 1967. Numerous subsequent temporary permissions were then granted for caravan sales, commercial garage and parking areas until 1982 when planning permission was granted for the use of the site as a haulage depot.

In 1992, Cheshire County Council granted planning permission for the use of the northern part of the site as a waste transfer station (5/71028). Following this, a number of other applications have been submitted as follows:

- Planning permission was granted in 1996 to alter and extend the waste transfer station (5/96/1339).
- A further planning permission was granted by the County Council in 2003 (5/03/3227) for the relocation and extension of existing waste transfer buildings and waste recycling facilities.
- In 2007 a planning application for the extension of the site incorporating new buildings and a new site layout, was granted consent (5/06/2496P).

An application for a Lawful Development Certificate for 7 day skip hire deliveries was refused in May 2008 and the subsequent appeal was withdrawn.

Enforcement action has been taken on the site on a number of occasions. Breach of condition notices have been served on the operator and upheld for:

- Operating screening plant within an unauthorised part of the site, causing noise nuisance. The plant has since been relocated.
- Failing to provide vehicle numbers when requested.
- Failing to submit a noise monitoring scheme

An Enforcement Notice was also served (September 2005) in relation to unauthorised use outside the permission boundary. Planning permission 5/06/2496P regularised this unauthorised use.

POLICIES

Planning Policy Statement 10: Planning for Sustainable Waste Management

National Planning Policy Framework

Cheshire Replacement Waste Local Plan 2007

Policy 1

Policy 12

Policy 14

Policy 23 Noise

Policy 24 Air Pollution: Air emissions including dust

Policy 26 Air pollution: Odour

Macclesfield Borough Local Plan 2004

NE11 Nature Conservation

DC1 Design

DC3 Amenity

DC13 Noise

DC14 Noise mitigation

DC20 Water Resources

Policy E5

Policy E6

Other Material Policy Considerations

Government Review of Waste Policy in England 2011

National Waste Management Strategy for England 2007

Cheshire East and Cheshire West and Chester Councils – Waste Needs Assessment Report May 2011

Draft updated National Waste planning Policy 2013

Cheshire East Council Local Draft Plan Policy Principles

Cheshire East Council Local Plan Draft Development Management Strategy

OBSERVATIONS OF CONSULTEES (EXTERNAL TO PLANNING)

Nature Conservation:

The existing south eastern boundary of the development is currently an overgrown hedgerow. A Heras fence is proposed for this boundary. Confirmation of what is intended for the existing hedgerow is required.

If planning consent is granted standard conditions will be required to safeguard breeding birds.

Public Rights of Way (PROW):

The Definitive Map of Public Rights of Way shows that the development does not appear to affect a public right of way.

Landscape:

Does not consider that this proposal would have any significant landscape or visual effects.

Environmental Health:

This application seeks to alter existing planning conditions relating to site layout, stock pile heights and landscaping.

The proposed temporary raising of the stock pile height from 3 metres to 4 metres during the daytime has the potential to increase dust emissions. However, as this would be reduced to 3 metres at the end of each day, existing dust control requirements would be maintained to control this.

The 3 metre concrete fence on the southern boundary would serve as to act as a noise reflector towards properties on northern site boundary. This is particularly significant as the mobile plant that has caused noise complaints would be located close to this barrier. It is our understanding that this barrier was initially intended to screen residents from this piece of plant / activity. As the proposed site layout could effectively increase noise levels and have adverse impacts upon residential amenity, they cannot recommend that this planning application is approved.

The proposed location of the storage of green waste is in a location close to existing residential properties. Green waste has the potential and has in the past given rise to

complaints from residents adjacent to this site. They cannot recommend approval for the proposed location of the green waste storage area submitted with this application.

This section would review this recommendation if an altered layout was submitted. This should show the location of the mobile trommel and any screening positioned so as to mitigate noise from this equipment and a revised location for the storage of green waste designed to minimise odour impacts on residential properties

Recommended refusal

Reason: Adverse impacts on residential amenity due to odour and increased noise levels from proposed reflecting surface.

It is recommended that the applicant addresses this issue in future planning application submissions or provide this information should the application be delayed or withdrawn (in accordance with Cheshire East planning application policy).

This section has used all reasonable endeavours to recommend the most appropriate measures regarding potential contamination risks. However, this recommendation should not be taken to imply that the land is safe or otherwise suitable for this or any other development.

Highways: No comments made

Environment Agency:

The Environment Agency has no objection in principle to the proposed development but has made the following comments.

Under the Environmental Permitting (England and Wales) Regulations 2010 permitted sites should not cause harm to human health or pollution of the environment. The operator is required to have appropriate measures in place at the site to prevent pollution to the environment, harm to human health, the quality of the environment, detriment to the surrounding amenity, offence to a human sense or damage to material property.

If any waste is to be used onsite (for example the back-filling proposed in condition 2.6.2), the applicant will be required to obtain the appropriate waste exemption or permit from us. They are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

Natural England: No comments made.

Manchester Airport: No objections.

VIEWS OF THE PARISH / TOWN COUNCIL: No response received

OTHER REPRESENTATIONS

In excess of 50 letters of objection from local residents have been received.

The main concerns raised relate to potential detrimental impacts on residential amenity associated with noise and disruption, vibration, and dust and odour. The potential increase in

noise associated with typical waste management activities undertaken on site is raised as a particular concern, with the noise from skips being delivered and dragged along the hardstanding, loading and movement of lorries both on and off site, processing of waste through the trommel screen, vehicle reversing alarms and potential for this to generate a statutory nuisance and breaching human rights all being cited as issues.

The impacts of increased dust, fumes and odour are all cited as being a concern associated with this scheme.

Other issues raised relate to the conflict in land use between the site and residential properties and potential for the business to relocate to an industrial location, conflict with national planning policy, the retrospective nature of these works and the repeated enforcement complaints from local residents.

APPLICANT'S SUPPORTING INFORMATION

Planning application forms

Planning Supporting Statement

Scheme drawings

OFFICER APPRAISAL

Principle of Development

Government policy on waste management is set out in the National Waste Strategy for England 2007 and, in the absence of specific waste policies in the National Planning Policy Framework (NPPF), Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10). The main aims of waste policy and legislation is to reduce the amount of waste being sent to landfill; with the revised Waste Framework Directive establishing a 5-step waste hierarchy to be applied in the management of waste, focusing on:

- prevention;
- preparing for re-use;
- recycling;
- other recovery; and
- disposal as a last option.

This is an existing waste transfer site which has been operational since 1992. It provides a facility for the collection, sorting and bulking up of waste generated within the Macclesfield urban area prior to further treatment. The site is considered to provide an important waste management function as it is one of the few waste transfer stations situated in the north of the authority and enables the recycling of waste which would otherwise be sent to landfill. It therefore supports the sustainable management of waste by preventing the carriage of waste over long distances to landfill, and makes a positive contribution to a network of waste management facilities which is an objective of PPS10 and CRWLP.

The application seeks to approve a revised site layout which would maximise the area available for the processing and storage of waste. In terms of complying with planning policy, measures to increase the amount of municipal, and commercial and industrial waste (C&I) being recycled are strongly supported in government legislation and within PPS10 and

CRWLP. This also helps to achieve waste recycling targets set out in European Legislation, Government waste strategy and the Cheshire Joint Waste Management Strategy. However, planning policy is very clear that the environmental and local amenity impacts arising from new waste development should be given thorough consideration to demonstrate there is no undue harm created by the scheme. As such, the scheme is considered to broadly accord with PPS10 and CRWLP, subject to there being no adverse environmental effects.

Impact on Residential Amenity

The site is allocated for 'Open Storage and Bad Neighbour Use' (Policy E5 and E6 of MBLP) with the caveat that such uses should not adversely affect the operation or amenity of neighbouring uses. Policy DC3 of MBLP states that proposals should not injure the amenity of adjoining or nearby residential properties due to matters such as:

- overbearing effects;
- impacts from noise, vibration, dust or grit;
- environmental pollution;
- traffic generation

CRWLP requires the full direct, indirect and cumulative impacts of development to be evaluated, along with appropriate mitigation. Where unacceptable impacts are identified, or where there is insufficient information on potential impacts, the application should not be permitted. In particular, permission will not be granted where a scheme would give rise to unacceptable levels of noise pollution (Policy 23).

The application site has been operating as a commercial business for a number of decades with waste transfer operations commencing in 1992. Residential development has brought properties within close proximity of the site (to the east beyond Moss Lane) and more significantly, to north on Whiston Close/Sheldon Drive (which have private gardens backing onto the site and first floor views over the yard area). In granting permission for residential development on the northern boundary of this industrial use, it must be assumed that the impact of its continued use on residential amenity was considered acceptable at that time.

The site generates environmental impacts typical to a waste transfer station, including potential for noise and disruption, dust, odour and litter. This is largely associated with:

- the delivery and unloading of large waste vehicles;
- dropping and dragging of skips across the hardstanding;
- use of screening and sorting equipment, including the aggregates trommel screen, storage of sorted materials in bays along the boundary wall, and the movement of operational vehicles around the site.

PPS10 is clear that planning authorities should consider the likely impact of waste schemes on the local environment and on amenity, but should work on the assumption that the relevant pollution control regime will operate effectively. The operator has an Environmental Permit which is regulated by the Environment Agency. The permit controls the operational aspects of the site to ensure that appropriate measures are employed to prevent and minimise pollution, so as to not endanger human health or harm the environment. The permit includes conditions on the receipt, handling and storage of waste to control matters such as mud,

debris, odour and dust creation. It does not have specific controls over noise limits on the site, which are covered by a planning condition on the existing consent.

The consent requires compliance with a numerical noise level limit at the façade of residential properties and also requires a quarterly noise monitoring scheme. The applicant has not applied to vary the condition restricting noise levels on site. No noise assessment has been provided with the application to demonstrate there would be no adverse impacts on residential amenity. Equally, the applicant has previously failed to provide the quarterly noise monitoring required by condition on the existing planning permission, so it is not known whether the site currently operates to its required noise levels.

It is also noted that the close proximity of the site to residential properties has resulted in a long history of noise, dust, litter and odour complaints from local residents to the Council's Environmental Health Officer and Environment Agency.

This scheme would approve a revised site layout which would bring the storage of aggregates, green waste and scrap within very close proximity to the rear garden of properties on Whiston Close and Sheldon Drive. In addition, the Environmental Health Officer considers that the proposed 3 metre concrete fence on the southern boundary would serve to act as a noise reflector towards properties on northern site boundary. This is particularly significant as the existing mobile plant on site, particularly the trommel screen that has been the subject of particular noise complaint, would be located close to this barrier. The Environmental Health Officer considers that the proposed site layout could effectively increase noise levels and present adverse impacts upon residential amenity. As no noise assessment has been submitted in support of the application, the full impacts of any noise increase are not quantified. As such, it is considered that the scheme does not accord with policy 12 of CRWLP, which requires a full evaluation of the proposed development and its likely direct, indirect and cumulative impacts. It also conflicts with policy 23, in that the scheme is likely to give rise to unacceptable levels of noise pollution which have not been adequately mitigated. In addition, it would conflict with policies DC3 and DC13 of MBLP and the approach of PPS10 and the NPPF.

Impacts from odour

The proposed site layout plan would also approve the storage of green waste on the corner of Whiston Close on its boundary with the rear gardens of residential properties. The storage of green waste in this location is likely to give rise to complaints of odour impacts from local residents. The site has a history of complaints regarding the generation of odour from green waste which have been received by the Environmental Health Officer and Environment Agency. These complaints were generated when the green waste was stored at a greater distance to residential properties than is being proposed by this scheme.

Whilst it is acknowledged that the control of odour is largely a matter for the Environment Agency through the Environmental Permitting regime, the impact of odour on local amenity remains a material consideration. In this instance, given previous complaints over this issue on this site, and in view of the very close proximity to residential properties proposed in this scheme, it is considered that this variation to the site layout would generate odour impacts which would present a detrimental impact on local amenity which has not been adequately

mitigated. As such, it is considered that the scheme would conflict with policy 26 of CRWLP, policy DC3 of MBLP and the principles of PPS10.

Other amenity issues

Residents have also raised concerns over the potential of the scheme to cause additional odour, pest and litter impacts. The proposed temporary raising of the stock pile height from 3 metres to 4 metres during the daytime has the potential to increase dust emissions. However, as this would be lowered at the end of each day and existing dust controls would remain in place on the current consent, no adverse impacts are anticipated by this variation. Any other potential pollution control issues associated with increasing stockpile heights and wider site activities would be possible to manage by good site practices which are currently enforced and through the Environmental Permit regime.

Residents have also raised concerns over the scheme creating a statutory noise nuisance issue. This is dealt with under separate legislation and is currently being considered by the Environmental Health Department as a separate matter to this planning application.

Landscape and Visual Impact

The scheme proposes an amendment to the boundary treatment on the south-western and south-east boundaries. It proposes to replace the approved landscaped earth bund on the south-western boundary with a concrete wall to be backfilled with soil on its western side and planted with vegetation. On the south-eastern boundary, the existing shipping containers are to be replaced with a mixture of 3m high concrete wall and 2m high Harris fencing, reflecting the topography of the site.

The amendments proposed are not considered to present any significant visual impacts or detrimental harm to the landscape. Equally, a temporary increase of stockpile heights to 4m throughout the working day is unlikely to present significant visual or landscape impacts and could be controlled by planning condition to ensure this is reduced to 3m by the end of the working day. The Landscape Officer considers that the proposal would not have any significant landscape or visual effects. As such, the variations proposed are not considered to conflict with policies 12 and 14 of CRWLP, and policies DC1 and DC3 of MBLP.

Ecological impacts

The scheme proposes to replace the existing south eastern boundary of the site currently defined by an overgrown hedge with a Harris fence. The Nature Conservation Officer has not objected to the scheme, but seeks confirmation of the proposals for the removal of this hedgerow. It is considered that should planning permission be granted, a scheme for replacement mitigation planting could be secured by condition. Planning conditions could also be secured in respect of safeguard breeding birds. On this basis, the scheme is not considered to conflict with NPPF or policy 17 of CRWLP.

CONCLUSIONS AND REASON(S) FOR THE DECISION

This is an existing waste management facility which enables the collection, sorting and bulking up of waste arising from the Macclesfield area. It contributes to a strategic network of facilities in the authority, which all help to:

- raise recycling rates;
- manage waste close to where it is generated;
- divert waste from landfill.

Thus, the variations proposed would accord with the broad principles of PPS10 and Cheshire Replacement Waste Local Plan, along with helping to achieve targets for recycling set out in European legislation, Government waste strategy and the Cheshire Joint Waste Management Strategy.

Planning policy on waste is clear that waste management facilities should not have a detrimental impact on residential amenity or the local environment.

The existing waste management operations undertaken on the site cause some adverse impacts on residential amenity, which has generated significant complaints from local residents in the past.

The proposed variations to condition are considered to present detrimental impacts on local amenity that have not been adequately mitigated. In particular, the variation to the site layout would generate odour impacts which would present a detrimental impact on local amenity which has not been adequately mitigated. As such, it is considered that the scheme would conflict with policy 26 of CRWLP and the principles of PPS10. In addition, the scheme does not accord with policy 12 of CRWLP which requires a full evaluation of the proposed development and its likely direct, indirect and cumulative impacts. It also conflicts with policy 23 in that the scheme is likely to give rise to unacceptable levels of noise pollution which have not been adequately mitigated.

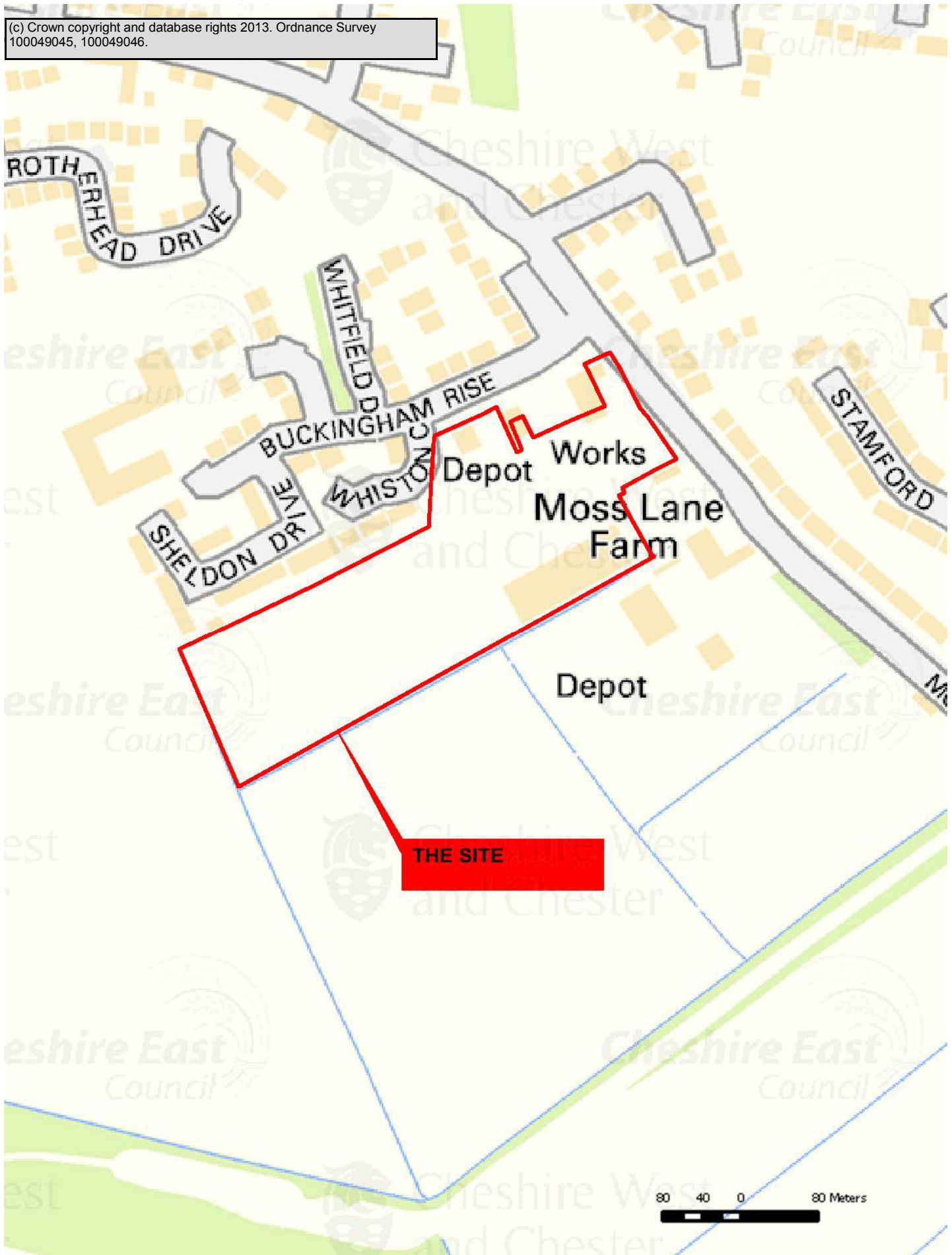
On the basis of these points, the proposal is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:-

- 1. The proposed development would give rise to unacceptable detrimental impacts on residential amenity by reason of noise and disruption, and from the generation of odours. Insufficient information has been provided to demonstrate that any harm can be appropriately mitigated. This is contrary to the provisions of policies 12, 23 and 26 of the Cheshire Replacement Waste Local Plan; as well as DC3 and DC13 of Macclesfield Borough Local Plan; and the provisions of PPS10 and NPPF. Those policies seek to ensure developments do not give rise to unacceptable levels of noise pollution or unacceptable impacts on the amenity of nearby residents.**

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Application No: 13/1223N

Location: Land to rear of 144, Audlem Road, Nantwich, Cheshire, CW5 7EB

Proposal: Outline application for up to 40 dwellings

Applicant: Wainhomes (Northwest) Ltd

Expiry Date: 21-Jun-2013

SUMMARY RECOMMENDATION

- **REFUSE**

MAIN ISSUES

- **Principle of Development.**
- **Sustainability**
- **Loss of Agricultural Land**
- **Affordable Housing**
- **Contaminated land**
- **Air Quality**
- **Noise Impact**
- **Drainage and Flooding**
- **Design Issues**
- **Open space**
- **Rights of Way**
- **Amenity**
- **Landscape Impact**
- **Trees and Forestry**
- **Ecology**
- **Education**
- **Highway Safety and Traffic Generation.**
- **Impact on Level Crossing**

REFERRAL

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

1. SITE DESCRIPTION

The application site is approximately 1.6 hectares in size and is located on the southern edge of Nantwich. The site comprises one residential plot of land fronting onto Audlem Road (within the settlement boundary) and land to the rear of the properties along the western edge of Audlem Road, which is outside of the settlement boundary. Land to the north is part of Brine Leas High School. Land to the west is playing fields associated with Weaver Vale Primary School with residential development beyond.

The application site is currently a grassed parcel of land bordered by mature hedges and trees. The character of the street scene along Audlem Road consists of predominately two-storey terraced dwellings combined with some bungalows. The properties either side of the site entrance comprise a bungalow (no 146) and a two-storey terraced dwelling (No 142). Further to the north along Audlem Road are two storey semi-detached dwellings.

2. DETAILS OF PROPOSAL

The application seeks outline planning permission for the construction of up to 40 dwellings. Access is submitted as part of the application. Landscaping, appearance, layout and scale would be dealt with through reserved matters.

The proposal would include 30% affordable dwellings and 25% low cost open market housing in accordance with the councils interim planning statement on affordable housing.

The proposed development would be accessed off Audlem Road through the existing residential curtilage of 144 Audlem Road. This property would be demolished to facilitate the access. All of the proposed dwellings within the application site would be served by this one new vehicular access. Audlem Road leads directly to the north with direct links into Nantwich town centre and Crewe to the east.

An area of open space is located on the western part of the site which provides a new public footpath link to the existing footpath which runs along the western boundary.

The illustrative layout submitted with the application identifies how the dwellings could be accommodated on the site.

3. RELEVANT PLANNING HISTORY

There are no relevant previous planning applications relating to this site.

4. PLANNING POLICIES

Policies in the Local Plan

NE.2 (Open countryside)
NE.5 (Nature Conservation and Habitats)
NE.9: (Protected Species)
NE.20 (Flood Prevention)
NE.21 (Land Fill Sites)
BE.1 (Amenity)
BE.2 (Design Standards)

BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
RES.5 (Housing In The Open Countryside)
RT.6 (Recreational Uses on the Open Countryside)
TRAN.3 (Pedestrians)
TRAN.5 (Cycling)

National Policy

National Planning Policy Framework

Other Material Policy Considerations

Interim Planning Policy: Release of Housing Land (Feb 2011)
Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)
Draft Development Strategy
Strategic Housing Land Availability Assessment (SHLAA)
North West Sustainability Checklist
Article 12 (1) of the EC Habitats Directive
The Conservation of Habitats and Species Regulations 2010.

4. OBSERVATIONS OF CONSULTEES

Cheshire Wildlife Trust

- GCN surveys were not carried out in accordance with approved methods or at the right time of year.
- The applicant's ecologist acknowledges that full great crested newt surveys are required.
- The applicant should be requested to provide further information to prove no adverse impacts on a European Protected Species will result from the development of this site.
- Advise that, until this information has been submitted and reviewed, the application should not be determined.

Archaeology

- No further archaeological mitigation is justified in view of the site's relatively limited size, the lack of sites currently recorded on the Cheshire Historic Environment Record from within the application area, and an absence of features of interest on the historic mapping and aerial photographs.
- No further evidence of particular archaeological potential has come to light.

Environment Agency

- In the absence of a flood risk assessment (FRA), object to this application and recommend refusal until a satisfactory FRA has been submitted.

Greenspaces

- The proposal should provide an equipped children's play area. The equipped play area needs to cater for both young and older children - 6 pieces of equipment for young, plus 6 pieces for older children. A cantilever swing with basket seat would also be desirable, as these are very popular, and cater for less able-bodied children. All equipment needs to be predominantly of metal construction, as opposed to wood and plastic.
- All equipment must have wetpour safer surfacing underneath it, to comply with the critical fall height of the equipment. The surfacing between the wetpour needs to be bitmac, with some ground graphics. The play area needs to be surrounded with 16mm diameter bowtop railings, 1.4m high hot dip galvanised, and polyester powder coated in green. Two self-closing pedestrian access gates need to be provided (these need to be a different colour to the railings). A double-leaf vehicular access gate also needs to be provided with lockable drop-bolts. Bins, bicycle parking and appropriate signage should also be provided.
- If POS cannot be provided on site, would like to see this development provide S106 monies of £30,000 for the extension (and maintenance of the new equipment) of the existing children's play area at the nearby Brookfield Park.

Network Rail

- The developer's Transport Assessment directly seeks to shepherd future residents in the direction of public transport and towards Nantwich Railway Station. Network Rail has already made comments in the past relating to the material increase in the type and volume of traffic over the level crossing at Nantwich station as a result of the cumulative impact of development around the Nantwich area.
- Network Rail has already objected to proposals in Nantwich for 189 and 146 dwellings and we would object to the above proposal for 40 dwellings as presenting further cumulative impact upon the Nantwich Station MCB level crossing. There are also plans within the Cheshire East Local Plan for 1000 new dwellings at Kingsley Fields, 60 new dwellings at Snow Hill and 250 dwellings at Stapeley Water Gardens. This makes for a total of 1685 dwellings with potentially two cars per dwelling. This does not include the Nantwich alternative sites put forward in the Cheshire East Local Plan (which would comprise 1900 dwelling sin total plus 27 ha of employment land).
- Network Rail would request that the developer makes an S106 contribution of £1500-£2000 per dwelling towards the cumulative impact of the proposals on Nantwich Railway Station Level Crossing. (This sum has been submitted having reviewed typical highways contributions as a comparison).

United Utilities

No objection to the proposal providing that the following conditions are met:

- The applicant must discuss full details of the site drainage proposals with John Lunt via: planning.liaison@uuplc.co.uk

- This site must be drained on a total separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the nearby 1050 dia Surface Water Sewer at a discharge rate not exceeding 12L/S.
- A public sewer crosses this site and we will not permit building over it. We will require an access strip width of 10 metres, 5 metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption

Natural England

- The proposal is unlikely to affect any statutorily protected sites or landscapes.
- The protected species survey has identified that the following European Protected Species may be affected by this application: Great Crested Newts and Bats.
- Natural England does not consider that there are suitable features (eg buildings, trees or other structures) on or in the vicinity of the application site for bats to use as roosts.
- Advise that the application is unlikely to affect the species, through disturbance to individuals or from damage or destruction of a roost.
- Consider that there are suitable habitats on or in the vicinity of the application site for great crested newts
- Advises that the Great Crested Newt survey has not been carried out at the right time of year using recognised techniques.
- Advise that further survey effort is required in accordance with the Great Crested Newt mitigation guidelines, with further information to be requested from the applicant before determination of the application.

Highways

- In highway terms, the acceptability of this site is entirely dependent on the ability to provide adequate visibility onto the A529 Audlem Road.
- The proposed layout provides visibility splays by reducing the carriageway width on Audlem Road to 5.5 metres. At present there is only a footway on the east side of Audlem Road. The buildout would provide a short section of footway 1.5m wide on the west side where currently property boundaries extend to the carriageway.
- In their supportive information, the consultants for the applicant include results of a speed survey on Audlem Road. This gives an estimated 85%ile wet-weather speed of 27mph (the actual limit is 30mph). From this speed distribution a required visibility splay length of 37 metres has been adopted by the applicant on the basis of Manual for Streets.
- From site observations, it is plain that speeds are hindered by parked vehicles. As a result, there is a cluster of speeds around 20mph as a consequence of drivers having to give way to oncoming traffic. Where this does not arise, speeds are around 30mph or more. Thus the computed 85%ile speed, while mathematically correct, does not bring out that a substantial number of vehicles are travelling at 30mph or more. Also narrowing the main road carriageway will render it less likely to be used for parking, so resulting in higher traffic speeds.
- Accordingly, considering the size of the development and volume of traffic on Audlem Road, the appropriate sight-distance is 45 metres from a 2.4m setback. However, even

the 37 metre sight-distance projected by the applicant does not appear to be achievable within land either controlled by the applicant or lying within the highway.

- Given the volume of traffic on Audlem Road and the number of properties proposed, it is not considered that the attainable visibility is adequate. There are also concerns over pedestrian safety on substandard-width footways adjacent to a carriageway of 5.5 metres or less carrying an appreciable number of commercial vehicles. In addition there would be an effective loss of on-street parking for neighbouring properties due to the carriageway narrowing.
- Although the development is acceptable in other respects, it is considered that the substandard visibility at the A529 to be unacceptable in terms of road safety and therefore the Strategic Highways Manager recommends that the application be REFUSED.

Environmental Health

No objection, subject to the following conditions:

- The hours of construction works taking (and associated deliveries to the site) shall be restricted to: Monday – Friday 08:00 to 18:00 hrs Saturday 09:00 to 14:00 hrs Sundays and Public Holidays Nil
- All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs Saturday 09:00 – 13:00 hrs Sunday and Public Holidays Nil
- Submission, approval and implementation of a piling method statement
- Submission, approval and implementation of details of external lighting
- Submission and approval of an acoustic assessment report to assess the level of traffic noise from A529 Audlem Road, as well as the noise from adjacent school and playing fields and implementation of any mitigation
- Any mitigation shown as part of the report must achieve the internal noise levels defined within the “good” standard within BS8233:1999.
- Submission, approval and implementation of a scheme to minimise dust emissions arising from demolition / construction activities on the site
- Submission and approval of a Phase II contaminated land site investigation and implementation of any mitigation

Public Rights of Way

- The development has the potential to affect Public Footpaths Nantwich No. 28 and Batherton No. 1, as recorded on the Definitive Map of Public Rights of Way
- Recommend that the standard advisory notes should be added to the planning consent

Education

- A development of 40 dwellings will generate 7 primary aged pupils and 5 secondary aged pupils.
- The local capacities have been checked on primary schools within a 2 mile radius and secondary schools within a 3 mile radius of the centre of the site.
- The local primary schools when considered with already approved development in this area are forecast to be oversubscribed once already approved development is

considered. Therefore a contribution of $7 \times 11919 \times 0.91 = £75,924$ will be required towards primary education. This contribution will be required to be paid on occupation of the site.

- The local secondary schools are forecast to have some surplus capacity. However there are several development subject to planning applications and / or appeals which impact on the same schools. On the basis of this, the service will need to reassess sums which have previously been advised as required on other applications.

5. VIEWS OF THE PARISH / TOWN COUNCIL

Nantwich Town Council

The Town Council strongly objects to this development for the following reasons:

- The site was not identified in the Town Strategy and development will add to the overall housing figure for the town.
- Cheshire East has demonstrated that it has more than 5 years supply of land in the Borough
- The proposed access will lead to problems of highway safety on Audlem Road
- The proposed access is opposite the Methodist Chapel and there are already issues associated with on street parking
- The site is south of the Brine Leas school site and may preclude any expansion of this site in the future.

Stapeley Parish Council

The Parish Council has objected to the above application on the following grounds:

- The narrowing of Audlem Road will exacerbate problems already experienced with traffic congestion. Moreover, the traffic from the new dwellings will result in additional traffic congestion. Traffic congestion had already been identified as a problem within Stapeley area and can be evidence by the Parish Council's review of traffic data which accompanied the Muller Group Homes planning applications Nos. 12/3746N and 12/3747N, a copy of which has already been provided to CEC Planning.
- The resultant narrowing of the road will also cause access problems for emergency service vehicles (eg ambulance, fire and police). There is highway parking at present, which only allows for one vehicle at a time to have passage, and the narrowing will worsen this situation.

6. OTHER REPRESENTATIONS

Local Residents

Principle of Development and Housing Need

- The site is not a preferred option in the local emerging plan but appears to be an opportunist ploy to land bank.
- The developer has not made a case for housing need.

- The housing need for Nantwich is more than catered for by developments at the former Stapeley Water Gardens, the recent permissions for Queens Drive and the Reaseheath/Mosaic plans for 1,000 houses to the north of Nantwich.
- There are already too many planning applications for building houses on agricultural land/green belt in and around Nantwich.
- There is a brownfield site at the former Stapeley Water Gardens that must be developed before any green field sites are lost for housing.
- The parcel of land is too small for 40 homes. The area is clearly going to be too built up.
- Paragraph 3.2.13 of the Transport Statement says *"The proposed site access shown on Plan 4 has been submitted to, and approved by the Local Highway Authority in advance of the planning application."* This is not correct. In his email of 23rd October 2012, Mr N Jones, Principal Development Officer said, *"in principle the design put forward is acceptable"*. The proposed site access has **not** been approved.
- Inappropriate use of valuable agricultural land.
- This site is located on greenfield land outside the settlement boundary which is designated as Open Countryside. It is therefore contrary to saved policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan (CNRLP) 2011
- The development of the site would result in the loss of agricultural land.
- It is a greenfield site which should be preserved.

Highways and traffic

- Significant traffic problems at peak AM and PM hours
- Narrow / restricted movement up and down the street caused by parked cars
- New houses will result in additional traffic
- Danger turning right from new access
- Proposal to build a footway makes a narrow road even narrower
- Traffic Congestion
- Issues at school time
- Will increase traffic pressure in Wellington road and Nantwich generally
- Will exacerbate parking pressure in town
- Potential for conflict with church directly opposite and its users
- Narrow access will create accidents

Infrastructure

- Another 40 houses also means more children and over the past few years it has been difficult to place children in Brine Leas particularly as it is already oversubscribed. As a parent of Brine Leas children this is another reason for me to object.
- Has any thought been to the knock onto services within the area such as schools, doctors and dentists who are already stretched?
- There are not enough places at High School level and this will not improve.
- There is simply no local employment opportunities.
- Properties in the vicinity suffer poor water flow rates from the existing Water main. Additional housing will mean a significant demand on a system that is already on its knees.

- Owing to the sites proximity to Brine Leas school, this site should be reserved for future expansion to the school. This will undoubtedly be required if development continues at its current rate.

Flooding

- The site is liable to flooding. Any building on this land may affect the flood risk to properties in the area.
- The land where the houses are to be built is about 4 ft higher than our rear garden so if the houses are built this land will be covered in concrete and tarmac so any heavy or prolonged rain water will naturally run to the lowest point which is the rear gardens along Audlem Road.
- The land is liable to flooding. During the recent winter months the field was so saturated it actually flooded the path which runs from Brine Leas to the larger field.

Ecology and Wildlife

- Development of the site will have an adverse affect on the ecology and wildlife in the area.
- Residents have recorded Great Crested bats badgers and 115 different species of bird species in the area.

Other

- The owners of no 146 Audlem Road are concerned that the application for the construction of 31 houses at the rear and more significantly the demolition of the house next door in order to afford access to the site will have a detrimental affect on their property.
- The beauty of Nantwich is being spoilt by unnecessary development
- There seems to be no sense in further destruction of the character of Nantwich, for unnecessary housing purely to line developers pockets.
- The character of the area is going downhill rapidly, it is turning into an urban blurb-with no incentive for visitors or tourism.
- Development is destroying the character of both the parish of Stapeley and the town of Nantwich.
- Will affect existing householder's privacy and noise levels

7. APPLICANT'S SUPPORTING INFORMATION:

- Newt Survey
- Floor Risk Assessment
- Drainage Strategy
- Contaminated Land Desk top Study
- Ecological Survey
- Planning, Design and Access Statement
- Landscape Visual Assessment
- Tree Survey

- Drainage Statement
- Transport Statement
- Ecological Report

8. OFFICER APPRAISAL

Main Issues

Given that the application is submitted in outline, the main issues in the consideration of this application are the suitability of the site for residential development, having regard to matters of principle of development, sustainability, loss of agricultural land, affordable housing, contaminated land, air quality, noise impact, drainage and flooding, design issues, open space, rights of way, amenity, landscape impact, trees and forestry, ecology, education, highway safety and traffic generation and impact on level crossing.

Principle of Development.

Policy Position

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

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

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On 15th June 2011 this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which has now been published in the National Planning Policy Framework (NPPF) in March 2012.

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

“The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy”.

Housing Land Supply

Whilst PPS3 'Housing' has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF states that, Local Planning Authorities should have a clear understanding of housing needs in their area. This should take account of various factors including:

- housing need and demand,
- latest published household projections,
- evidence of the availability of suitable housing land,
- the Government's overall ambitions for affordability.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum. In February 2011 a full meeting of the Council resolved to maintain this housing requirement until such time that the new Local Plan was approved. In December 2012, the Cabinet agreed the Cheshire East Local Plan Development Strategy for consultation and gave approval for it to be used as a material consideration for Development Management purposes with immediate effect. This proposes a dwelling requirement of 27,000 dwellings for Cheshire East, for the period 2010 to 2030, following a phased approach, increasing from 1,150 dwellings each year to 1,500 dwellings.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the emerging Strategic Housing Land Availability Assessment (SHLAA) February 2013. The SHLAA has put forward a figure of 7.15 years housing land supply. This document was considered by the Strategic Planning Board on 8th February and the Portfolio Holder on 11th February 2013.

Policy in this area is constantly changing with new advice, evidence and case law emerging all the time. However, the Council has a duty to consider applications on the basis of the information that is pertinent at any given time. Consequently, it is recommended that the application be considered in the context of the 2013 SHLAA.

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The NPPF advocates a greater 20% buffer where there is a persistent record of under delivery of housing. However, for the reasons set out in the report which was considered and approved by Strategic Planning Board at its meeting on 30th May 2012, these circumstances do not apply to Cheshire East. Accordingly, once the 5% buffer is added, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

However, given that Cheshire East can now demonstrate a five year supply of housing land it is considered that policies NE.2 and RES.5, which protect Open Countryside, are not out of date and the provisions of paragraphs 49 and 14 do not apply in this case. Therefore, the presumption in favour of the development from the NPPF does not apply, but the presumption against the development under the adopted local plan policy is applicable. On this basis the application should be refused.

Emerging Policy

The Nantwich Town Strategy considered a number of development options around the town and these were subject to consultation that closed on 1 October. The results of that consultation were considered at a meeting of the Board on 6 December. The resolution at that meeting was that the future housing needs of Nantwich are met by two sites – one at Stapeley Water Gardens (around 300 homes) and the other at Kingsley Fields (around 1000 homes).

These sites have now been carried forward into the Draft Local Plan (development strategy) and are now the subject of consultation. The site under consideration in this application is not included within the Development Strategy or the Nantwich Town Strategy as a preferred option.

The NPPF consistently underlines the importance of plan-led development. It also establishes as a key planning principle that local people should be empowered to shape their surroundings. Regrettably, the Secretary of State has often chosen to give less weight to these factors within his own guidance – and comparatively more to that of housing supply.

In the recent Secretary of State decision at Doncaster MBC (APP/R0660/A/12/2173294 refers), it was found that a development was to be premature even though the Development Plan was still under preparation. Important to this decision was the finding that a five year supply of housing land was available. There is nothing in national guidance to suggest prematurity and housing supply should be linked in this way, and logic might question how the two are interlinked, but this factor was evidently influential in this case. Given that the Council now has a 5 year supply of housing, it is considered that a pre-maturity case can be defended in this case.

Conclusion

- The site is within the Open Countryside where, under Policy PS8 and H6, there is a presumption against new residential development.
- The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.
- The 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years and therefore the presumption in favour of the proposal does not apply.
- The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land.
- Consequently, on this basis, the application should be refused.

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used

by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

The criteria contained within the North West Sustainability Checklist are also being used during the Sustainability Appraisal of the Cheshire East Local Plan. With respect to accessibility, the toolkit advises on the desired distances to local facilities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions. The results of an accessibility assessment using this methodology are set out below.

Category	Facility	AUDLEM ROAD
Open Space:	Amenity Open Space (500m)	0m
	Children's Play Space (500m)	0m
	Outdoor Sports Facility (500m)	1100m
Local Amenities:	Convenience Store (500m)	1000m
	Supermarket* (1000m)	1400m
	Post box (500m)	31m
	Playground / amenity area (500m)	1300m
	Post office (1000m)	1800m
	Bank or cash machine (1000m)	1000m
	Pharmacy (1000m)	1400m
	Primary school (1000m)	750m
	Secondary School* (1000m)	400m
	Medical Centre (1000m)	2200m
	Leisure facilities (leisure centre or library) (1000m)	2100m
	Local meeting place / community centre (1000m)	26m
	Public house (1000m)	170m
	Public park or village green (larger, publicly accessible open space) (1000m)	1100m
	Child care facility (nursery or creche) (1000m)	2000m
Transport Facilities:	Bus stop (500m)	23m
	Railway station (2000m where geographically possible)	1300m
	Public Right of Way (500m)	0m
	Any transport node (300m in town centre / 400m in urban area)	1300m

Disclaimers:

The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.

** Additional parameter to the North West Sustainability Checklist*

Measurements are taken from the centre of the site

Rating	Description
	Meets minimum standard
	Fails to meet minimum standard (Less than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).
	Significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).

The site fails against 11 criteria in North West Sustainability checklist, 8 of which are 'significant' failures. However, these facilities are within the town, albeit only just outside minimum distance and Nantwich is a key service centre in the emerging Core Strategy where development can be expected on the periphery. Development on the edge of a town will always be further from facilities in town centre than existing dwellings but, if there are insufficient development sites in the Town Centre to meet the 5 year supply, it must be accepted that development in slightly less sustainable locations on the periphery must occur.

Similar distance exist between the town centre and the existing local plan allocation at Stapeley and the proposed development site at Kingsley Fields and, although the latter would probably be large enough have own facilities, not all the requirements of the checklist would be met on site.

Accessibility is only 1 aspect and sustainability and the NPPF defines sustainable development with reference to a number of social, economic and environmental factors. These include the need to provide people with places to live and, on this basis, it is not considered that the Council would not be successful in defending a reason for refusal on the grounds of lack of sustainability.

Furthermore, highways have commented that it is possible to improve the non-car mode accessibility through suitable Section 106 contributions, including upgrading the public right of way which runs past this site. This is discussed in more detail below.

Previous Inspectors have also determined that accessibility is but one element of sustainable development and it is not synonymous with it. There are many other components of sustainability other than accessibility. These include, meeting general and affordable housing need, reducing energy consumption through sustainable design, and assisting economic growth and development.

No details has been provided within the Design and Access Statement, and other supporting documentation with regard to sustainable design principles and there appears to be very little commitment in respect to the scheme.

No consideration appears to have been given to passive environmental design, setting standards for performance in terms of building fabric, water use, performance of spaces, climate change adaptation, sustainable urban drainage and other elements of sustainable design relating to waste and recycling, sustainable procurement and waste reduction etc. However, this is an outline application and it is acknowledged that a detailed scheme to achieve this could be secured through the use of conditions.

With regard to the issue of economic development, an important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) issued by the Minister of State for Decentralisation (Mr. Greg Clark). It states that “Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', *except where this would compromise the key sustainable development principles set out in national planning policy.*”

The Statement goes on to say “*when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.*” They should:

- consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- consider the range of likely economic, environmental and social benefits of proposals;
- ensure that they do not impose unnecessary burdens on development.

The proposed development will bring direct and indirect economic benefits to the town, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

Similarly, the NPPF makes it clear that:

“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”

According to paragraphs 19 to 21:

“Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”

In conclusion, the loss of open countryside, when there is no need to lose it in order to provide a 5 year housing land supply, is not considered to be sustainable and it is considered that this outweighs any sustainability credentials of the scheme (in terms of its location, meeting general and affordable housing need, reducing energy consumption through sustainable design and assisting economic growth and development).

Loss of Agricultural Land

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (grades 1, 2 and 3a in the Ministry of Agriculture Fisheries and Food classification) will not be permitted unless:

- the need for the development is supported in the local plan;
- it can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non agricultural land; or
- other sustainability considerations suggest that the use of higher quality agricultural land is preferable to the use of poorer quality agricultural land.

This is supported by the National Planning Policy Framework, which states that:

“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

A survey has been provided to by the applicant which indicates that the site is grade 3a agricultural land. Previous Appeal decisions make it clear that in situations where authorities have been unable to demonstrate a 5 year supply of housing, the need for housing land outweighs the loss of agricultural land. However, given that Cheshire East has a 7.15 year supply of housing, it is considered that this argument does not apply and that the loss of the agricultural land makes the scheme less sustainable since it results in a loss of open countryside when there is no necessity to do so in housing land supply terms. The proposal is therefore considered to be contrary to policy NE.12 and the provisions of the NPPF in respect of loss of agricultural land.

Affordable Housing

The Strategic Housing Market Assessment 2010 (SHMA) shows that in the Nantwich sub-area there is a requirement for 73 new affordable units each year between 2009/10 – 2013/14, made up of a requirement for 21 x 1 beds, 20 x 2 beds, 10 x 3 bed, 17 x 4/5 beds and 6 x 1 or 2 bed older persons accommodation.

In addition to this information taken from the SHMA 2010, Cheshire Homechoice: which is used as the choice based lettings method of allocating social and affordable rented accommodation across Cheshire East, indicates that there are currently 587 applicants who have selected one of the Nantwich housing areas as their first choice. The number of bedrooms that these applicants need are 211 x 1 bed, 215 x 2 bed, 111 x 3 bed and 10 x 4 bed. (40 applicants have not specified how many bedrooms they require).

The Interim Planning Statement on Affordable Housing (IPS) states that on all sites over 15 units the affordable housing requirement will be 30% of the total units. The tenure split required is 65% rented affordable units, 35% intermediate tenure as per the recommendations of the SHMA 2010. The application indicates that the proposed development would be for up to 40 dwellings with 12 of these being affordable, which is 30% of the total dwellings and is therefore acceptable. 8 of these units need to be rented (either social rent or affordable rent) and 4 need to be intermediate tenure. A mix of 2 and 3 bed

affordable homes would be acceptable on this site. These requirements could be secured through the Section 106 Agreement.

The IPS requires that the affordable units should be tenure blind and pepper potted within the development. The external design, comprising elevation, detail and materials, should be compatible with the open market homes on the development, thus achieving full visual integration.

The Affordable Housing IPS also states that affordable homes should be constructed in accordance with the standards proposed to be adopted by the Homes and Communities Agency and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The design and construction of affordable housing should also take into account forthcoming changes to the Building Regulations which will result in higher build standards particularly in respect of ventilation and the conservation of fuel and power.

The Affordable Housing Interim Planning Statement states that:

“The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)

It also goes on to state

“In all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996.

Finally the Affordable Housing IPS states that no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided, with the exception that the percentage of open market dwellings that can be occupied can be increased to 80% if the affordable housing has a high degree of pepper-potting and the development is phased.

Given that the proposal is submitted in outline, there is no requirement to provide this level of detail with this application. However, the requirements of the IPS as set out above can be secured at reserved matters stage through the Section 106 Agreement.

Contaminated land

The Council's Environmental Health officers have commented that the application is an outline application for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, a Phase I desk study and walkover survey have been submitted with the application which recommends a Phase II site investigation. In accordance with the NPPF, it is recommended that conditions are imposed to secure a Phase II investigation.

Air Quality

The proposal has the potential to create short and long term air quality impacts as a result of dust from construction and air pollution from vehicles respectively. However, the site is not located in close proximity to any Air Quality Management Areas, and given the relatively small number of properties proposed, it is not considered that any significant adverse effects would occur.

Environmental Health Officers are satisfied that there will be no unacceptable impacts in respect of air quality from construction, subject to conditions relating to provision of appropriate dust mitigation measures during the building works.

Noise Impact

Environmental Health Officers have commented that there is insufficient information contained within the application to determine whether there will be a loss of amenity caused by noise from road traffic and the nearby schools.

In order to ensure that future occupants of the development do not suffer a substantial loss of amenity due to noise, the applicant is required to submit an acoustic assessment report to assess the level of traffic noise from A529 Audlem Road, as well as the noise from adjacent school and playing fields. Any mitigation shown as part of the report must achieve the internal noise levels defined within the “good” standard within BS8233:1999. The scheme must also include provisions for ventilation that will not compromise the acoustic performance of any proposals whilst meeting building regulation requirements. The agreed scheme shall be implemented, and maintained throughout the use of the development. This can be secured by condition.

In addition, Environmental Health Officers have requested conditions relating to hours of construction and foundation piling, as well as the submission of a piling method statement. Subject to the imposition of these conditions, it is considered that the proposal would comply with Policy BE1 (Amenity) in respect of noise impact.

Drainage and Flooding

United Utilities and the Environment Agency have been consulted on the application. United Utilities have raised no objections subject to the imposition of appropriate planning conditions. However, the Environment Agency originally objected on the grounds that no Flood Risk Assessment (FRA) had been provided.

The applicant has now submitted the required FRA. In summary, it states that the site is Floodzone 1, above the 1 in 1000 year risk level of the Weaver. New surface water runoff will be limited to the existing 1 in 1 year Greenfield runoff rate of 5l/s. When ground data is obtained an assessment of sustainable opportunities will be made. A public trunk surface water sewer passes through the site and an appropriate width easement will be kept clear of houses to allow for future maintenance.

This report has been forwarded to the Environment Agency for consideration. Comments were awaited at the time of report preparation. A further update on this matter will be provided prior to the Strategic Planning Board meeting.

Design Issues

Site layout is reserved for subsequent approval. However an indicative layout has been submitted which shows a single cul-de-sac arrangement. Properties are shown fronting on to the road through the site, as well as the public open space which is proposed to the western end. This ensures active frontages and natural surveillance of all public areas.

The position of the proposed Public Open Space links well with the Right of Way running along the western boundary of the site and softens the edge to the open countryside.

The properties are predominantly large detached houses although there are two blocks of mews style dwellings proposed. The lower density development of the larger properties is shown adjacent to the rural edge and the higher density development is in the centre of the site. This also softens the impact of the development on the surrounding grounds. Due to the generally well spaced character of the development, parking is predominately provided in integral garages and to the side of properties and there is ample space for landscaping to plot frontages. Therefore, car dominated street scenes are avoided. The only exception to this is the parking area to the front of the mews properties. However it is considered that there is capacity to break this up through additional landscaping and this can be addressed at the reserved matters stage,

Turning to elevational detail, the surrounding ribbon development along Audlem Road comprises a mixture of ages and architectural styles. Notwithstanding this, there is consistency in terms of materials with most dwellings being finished in simple red brick, and grey / brown slates / concrete / clay tiles. The predominant roof forms are gables although some are hipped.

Although external appearance and design are reserved matters, the applicant has submitted indicative elevations which show typical, house types. These have been influenced by the form and mass of surrounding residential properties. The house types include traditional features such as, brick and stone window heads and cills, bay windows, pitched roof half-dormer features and canopy porches, all of which helps to break up the massing of the buildings and maintain visual interest.

On this basis it is considered that an appropriate design can be achieved, which will sit comfortably alongside the mix of existing development within the area.

Rights of Way

A public right of way runs along the western site boundary. This route would not be adversely affected by the proposed development and would integrate well with the area that has been indicated for public open space. Therefore, the Rights of Way Officer has raised no objection subject to the standard informatives reminding the developer of their responsibility to maintain the safety and accessibility of the right of way throughout the development, being attached to the decision notice.

Furthermore, the Countryside Access Development Officer has noted the prospective importance of this footpath as a safe, off-road route for people from the proposed development site and surrounding properties to the schools and town centre facilities. In

order to bring the footpath to a standard which could support the anticipated footfall on a year-round basis, they proposed laying a tarmac surface, making the barrier arrangement adjacent to Brine Lees School more accessible, and addressing a flooding issue adjacent to the proposed pond within the proposed development site. The estimate for these works would be £28k-30k.

The developer has agreed that the proposed improvements to the footpath in question will be of real benefit to the footpath network, and will encourage potential future residents of the site to use this facility to access the local services and town centre. It will also encourage existing residents that do not currently have easy access to this path, to also use the route.

With regards to the need to potentially raise a short section of the path to prevent issues with seasonal flooding of the land from the pond on site, the developer advises that they are in the process of submitting mitigation details as part of their ecology submissions, to improve this seasonal pond by increasing the depth of the same to allow for an all year round pond feature. By doing this, not only do they consider that there are ecological benefits but they will increase the capacity of the pond to take additional surface water during heavy rainfall periods. This should therefore significantly, if not totally remove the problem of flooding to this section of footpath.

Notwithstanding the above, the developer has agreed to pay a sum of £30,000 towards improvement works to footpath 28 in relation to the proposed development. These improvements could be secured through a s106 agreement with a trigger of commencement of development, in order to ensure that the facility is available to new residents as they relocate.

Amenity

The site is surrounded by open countryside and school playing fields to the north, west and south. The only adjoining dwellings are those fronting on to Audlem Road to the east.

It is generally regarded that a distance of 21m between principal windows and 13m between a principal window and a flank elevation are required to maintain an adequate standard of privacy and amenity between residential properties.

The layout and design of the site are reserved matters. However, the indicative layout which indicates that these distances can be maintained to the dwellings in Audlem Road. Therefore no concerns regarding the amenity of existing neighbouring dwellings are raised. Furthermore the layout also demonstrates the required distance standards can be achieved within the site.

It is also considered that a minimum private amenity space of 50sq.m for new family housing should be provided. This has also been achieved within the submitted indicative layout.

Overall, the proposal complies with Policy BE1 (Amenity) of the adopted Local Plan.

Landscape Impact

The application site occupies an area of approximately 1.5 hectares and is located on the southern edge of Nantwich within the boundary of land defined in the Crewe and Nantwich Replacement Local Plan 2011 as Open Countryside.

The application site is currently rough grassland, bounded to the south by the wider agricultural landscape, and to the west by a footpath (Footpath 28 Nantwich, which becomes Footpath 1 Batherton, at the southern boundary of the application site). To the north are the extensive playing fields associated with Weaver Primary School and Brine Leas High School. Further to the north is the southern residential extent of Nantwich, which also extends along the east of the application site as ribbon development along the Audlem Road.

The baseline information does include reference to the National Character Areas as defined by Natural England in their revised study of the countryside Character Series (1998), where the application area is defined as Character Area 61; Shropshire, Cheshire and Staffordshire Plain. The study also refers to the Cheshire Landscape Assessment 2008, adopted March 2009 which identifies that this site is located in Landscape Type 7: East Lowland Plain 10; within this character type the application site is located within the Ravensmore Character Area: ELP1.

The Landscape and Visual Assessment states that it has been carried out with reference to and using aspects of the guidance found within the 'Guidelines for Landscape and Visual Assessment' (GLVIA) published by the Landscape Institute and the Institute of Environmental Management and Assessment 2002).

The Council's Landscape Officer has expressed concerns with the methodology used in this assessment, since it states in Para 1.3.2 that:

'this iterative approach ensures that the development which is considered by this assessment includes the necessary mitigation measures which have been designed to omit or ameliorate any significant anticipated landscape and visual impacts'.

This assessment therefore assesses the landscape and visual impact of the development with extensive landscape mitigation works already incorporated (as described by the indicative landscape layout Drawing M2183.08).

The problem with this methodology is that this is an outline application. The indicative landscape layout is purely indicative and relates to an illustrative layout plan based on 32 dwellings. However, the outline application is for up to 40 dwellings. It is not acceptable to base an assessment of an outline application on hypothetical landscape mitigation details that may or may not be achievable or practical. Consequently, the landscape impact brought about by these proposals would be more adverse than the assessment indicates. While the Landscape Officer agrees that the sensitivity is high, he does not agree with the magnitude of change or the significance of impact, which would be more likely to be major/moderate, rather than negligible at year 1. Since this is an outline application and the mitigation proposals are purely illustrative, it is difficult to comment with any accuracy on the significance of impact after 15 years.

The impact on the landscape character of the site has also been assessed (Para 1.6.15), based on the illustrative layout submitted. While the impact on the landscape character would be more significant than the assessment states, these impacts are based on the illustrative layout and will inevitably vary, depending on a final detailed design layout.

The Landscape Officer agrees broadly with the visual impacts as shown in the assessment, but feels that the visual impacts from Footpath 28 Nantwich and Footpath 1 Batherton would be more adverse than indicated.

Although a number of the impacts would be more adverse than indicated, the assessment is based on an outline and illustrative layout. Therefore, these impacts could potentially be reduced with robust landscape proposals, as indicated in Para 1.5.3, namely:

- the creation of 'desired soft edge' which would help in the mitigation of the proposed development, including the implementation of hedgerow and tree planting along the northern boundary with the school and western edge with the proposed open space.
- the retention and improvement to the southern hedge,
- additional tree planting as well as extensive tree planting throughout the proposed development.

Consequently, it is not considered that a refusal on landscape impact grounds could be sustained.

Trees and Forestry

This application is supported by a Tree Survey which includes an Arboricultural Implications Assessment (AIA), Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP). The survey has conflicting statements which refer to the new 2012 British Standard *Trees in Relation to Design, Demolition and Construction* and the old 2005 Standard (section 13.4). The Tree Survey Schedule makes reference to trees on an aerial survey (Maps 1 and 2). This is not consistent with the requirements of BS5837:2012 which require trees to be plotted accurately on a plan, visually referenced from a topographical survey, showing accurate stem positions and canopy spreads.

It should be noted that no reference has been made to the status of the hedgerows within the proposed application site. Consideration needs to be given to whether hedgerows are deemed to be 'Important' under the criteria within the Hedgerow Regulations 1997.

There is also some conflict with Map 2 (T10) which identifies this tree for removal, yet this tree is shown as not hindering development and outside the application site.

Two trees have been identified in the submitted Tree Survey as highly desirable for retention (T1 Birch and T2 Oak) located to the south east corner of the site. In terms of the illustrative layout submitted, both these trees appear to be unaffected by the proposal. A third tree (9a leaning Oak T9) located in the south west corner of the site appears to stand outside the application site boundary and would overhang the area of proposed public open space.

The submitted Tree Report identifies one tree for removal, a small Apple tree (T5) located within the boundary hedgerow which forms the northern boundary of the application site.

This tree is a modest specimen of no outstanding contribution to the wider amenity of the area and its removal is not considered significant in this respect.

In conclusion, there are no potential significant impacts on existing tree cover and tree losses are minimal, although the fact that the supporting Arboricultural Report relies on aerial photographs rather than a detailed topographical survey is not ideal.

Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales : The Conservation of Habitats and Species Regulations 2010. ("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.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

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

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

In this case the Council's Ecologist has examined the application and made the following comments.

Great Crested Newts

Great Crested Newts have been identified at two ponds within 250m of the proposed development. In the absence of mitigation, the potential impacts of the proposed development are moderate. However, the habitat value of the site depends greatly on the frequency of grass cutting undertaken. During the visits made by the applicant's ecologist, the grassland habitats on site did not provide significant opportunities for the species. However, from his experience of the site, the grasslands have in the past remained uncut for periods of time, increasing its value for amphibian species.

To mitigate the potential impacts of the proposed development upon this species, the applicants ecologist proposes to maintain the grassland on site in a close mown state through regular mowing and the adoption of 'Reasonable Avoidance Measures' during the construction phase. To compensate for the loss of habitat associated with the development the existing small pond on site will be retained and enhanced for Great Crested Newts and the open space area associated with the development will be maintained in a condition suitable for Great Crested Newts.

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

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

The Council's ecologist advises that if planning consent is granted the proposed mitigation and compensation will be adequate to maintain the favourable conservation status of great crested newts.

A condition will be required to ensure that the proposed development is implemented in accordance with the submitted report.

Water Voles

A water vole survey was undertaken in February. This is a suboptimal time of year for undertaking this type of survey. However, it is noted that this pond will be retained as part of the proposed development and the Councils ecologist is satisfied that this species, whilst not particularly likely to be present, would not be affected by the proposed development in the event that it was present on site. Therefore, in this instance, further survey work is not considered to be necessary.

Habitats on site

Grassland

A detailed botanical survey has been undertaken by the applicants ecologist, which was unfortunately completed after the grassland had recently been cut. However, the Councils

ecologist was able to visit the site prior to the cutting of the grass. Based on his own assessment and the report submitted by the applicant, he advises that, whilst the grassland on site is of some nature conservation value, it falls below the threshold for designation as a Local Wildlife Site.

Therefore, the grassland habitats on site do not present a significant constraint upon development. However, the loss of grassland habitat to this development would, still result in an overall loss of biodiversity.

It is recommended that the loss of biodiversity associated with the development be 'off set' by means of a commuted sum, which could be utilised to fund habitat creation/enhancement offsite. The following method can be used for calculating an appropriate commuted sum. This is based on the Defra report 'Costing potential actions to offset the impact of development on biodiversity – Final Report 3rd March 2011'):

- The loss of habitat amounting to roughly 0.5ha.
- Cost of land purchase for habitat creation - including admin, management planning and transactional costs (0.5ha x £17,298 cost per ha) = £8,649.00 (Source RICS rural land market survey H1 2010)
- Cost of creation of Lowland Grassland 0.5ha x £4,946 (cost per ha) = £2473 (Source UK BAP habitat creation/restoration costing + admin costs)

Cost of land acquisition and habitat creation would therefore be £11,122.00.

Hedgerows

Native species hedgerows are a UK BAP priority species and hence a material consideration. In addition, Hedgerow 1 on site has been identified as being "Important" under the Hedgerow Regulations. The submitted plan indicated the retention of the existing hedgerows and the creation of a new hedgerow along the northern boundary of the site. This approach is supported, although it is recommended that the details of the hedgerow planting and retention be dealt with by means of a condition attached to any planning permission granted.

In summary, if planning consent is granted, the following conditions will be required:

- Reserved matters application to be supported by detailed ecological mitigation proposals in accordance with the strategy submitted in support of the outline application.
- Reserved matters application to be supported by a 10 year habitat management plan including proposals for the ecological monitoring of the site.
- Submission of proposals for the incorporation of features for roosting bats and breeding birds.

Open space

Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan requires that on sites of 20 dwellings or more, a minimum of 15sqm of shared recreational open space per dwelling is provided and where family dwellings are proposed 20sqm of shared children's

play space per dwelling is provided. This equates to 600sqm of shared recreational open space and 800sqm of shared children's play space.

The indicative layout shows 2975sqm of open space within the site. However, in accordance with the advice of the Council's ecologist, as set out above, this area will be required for wildlife mitigation and habitat enhancement. This would be incompatible with the use of the area as shared recreational or children's play space.

Therefore, the Greenspaces officer has agreed that in this case, it would be acceptable to provide a commuted sum in lieu of on-site provision of public open space. He has stated that he would like to see this development provide £30,000 for the extension (and maintenance of the new equipment) of the existing children's plays area at the nearby Brookfield Park.

A private resident's management company would be required to manage the greenspace on the site as a wildlife mitigation area.

All of the above requirements could be easily secured through the Section 106 Agreement and through the Reserved Matters application process.

Education

The Council's Education Officer has examined the application and commented that the development will give rise to a contribution of £75,924 will be required towards primary education.

At present, the local secondary schools (excluding sixth form provision) are forecast to have sufficient surplus capacity to accommodate the pupils generated by this development. However, there are a number of other planning applications and appeals in the area which are currently pending consideration. If all these sites were to come forward additional capacity would be required. Therefore whilst the Education Officer is not requesting any secondary education contributions from this scheme, in the event of approval or the scheme not being built in the near future, he may need to revise his comments in respect of other sites to take into account changing circumstances.

Highway Safety and Traffic Generation.

Applicant's View

A Transport Assessment has been submitted with the application which states that:

- *Visibility splays at the proposed site access would be provided in accordance with the relevant guidance in Manual for Streets for the observed 85th percentile wet weather speeds on Audlem Road*
- *The site access proposals include the provision of a new 1.5m footway on the western side of Audlem Road where no footway is currently provided. It is considered that this would be of particular benefit, in highway safety terms, to the existing Audlem Road residents whose properties immediately abut the carriageway.*

- *The provision of the new footway would result in the narrowing of Audlem Road to 5.5m for a short length in the vicinity of the site. It is considered that this would act as a traffic calming feature, reducing vehicle speeds to the benefit of highway safety.*
- *It has been demonstrated that the site is accessible on foot and by cycle to the whole of Nantwich, where a range of community facilities including employment, education, retail, health and leisure uses are located.*
- *The site is accessible by public transport with regular bus services operating along Audlem Road. In addition Nantwich railway station is located approximately 1.2km to the north of the site where regular services to Crewe and Manchester Piccadilly are accessible.*

The report concludes:

- *The proposed development is forecast to generate a minimal number of vehicular trips and accordingly would have no material adverse impact on the local highway network. The proposed development site is situated in a sustainable location and would be accessible on foot, by cycle and public transport, in line with local and national transport policies.*
- *The proposed site access would be appropriate to serve the likely scale of development and would improve road safety in the vicinity of the site. There would be no material traffic impact on the local highway network. In view of the above positive findings it is considered that the site is acceptable in highway, traffic and transportation terms.*

The Strategic Highways Manager has examined the application and the transport assessment and has recommended refusal on the grounds of inadequate visibility and the site entrance. He has also indicated that there are concerns over pedestrian safety on sub-standard-width footways adjacent to a carriageway of 5.5m or less carrying an appreciable number of commercial vehicles.

Highway Officer's View

The developer's transport consultant has submitted a technical response which can be summarised as follows:

- *The proposed visibility splays fully accord with both MfS1 and MfS2. In fact the splays could be considered as over provision bearing in mind that the road will be narrowed, which will reduce the observed speeds further, which is not reflected in the visibility splays provided. MfS2 states that visibility splays below the recommended levels will not necessarily lead to a significant problem. We are providing full splays.*
- *The proposed site access was approved at the pre-application stage.*
- *The narrowing of the Audlem Road will provide an element of traffic calming, which will improve highway safety by reducing traffic speeds.*
- *The proposed new footway will deliver significant safety benefits for existing local residents and future residents of the new development.*

The Strategic Highways Manager has considered this additional information and commented that although he commented at the pre-application stage that the proposal was 'acceptable in principle', it is only when it is looked at in detail that its deficiencies become apparent.

The question of exactly what sightline is achievable on site can only be determined by direct measurement and he stands by the previous comments in respect of the effect of parked vehicles on traffic speed, and how narrowing of the main road would eliminate this restraint on traffic speed. It is clear from the speed distribution that parked vehicles are forcing many drivers to give way and that narrowing the road and thereby removing parking will (as well as inconveniencing residents) remove a restraint on speed.

The proposed kerb radii at about 4m radius are well below the Council's standard of 10 metres. Such tight radii are undesirable in a location such as this.

The Strategic Highways Manager remains of the view that narrowing the A529 merely as an expedient way to get an acceptable visibility splay is not acceptable. The Council would need to be satisfied that the necessary S278 works were of benefit to the public. On neither the issue of road safety or convenience to the travelling public is there any such benefit, but rather the reverse. Therefore he maintains his stance on the application and recommends refusal.

Whilst The Strategic Highways Manager is pleased to note that Wain Homes will be upgrading the footpath at the rear of the site, this is only what he would expect, as the site residents will be its main users and it does not mitigate the other problems and concerns referred to above.

Impact on Level Crossing

There are three level crossings in the vicinity of the site at Newcastle Road, Nantwich Railway Station and Shrewbridge Road that could be impacted by the above proposal due to increased vehicular and pedestrian traffic. Network Rail has expressed concern that increased traffic at these crossings will result in an increase risk of accidents, particularly at two of the crossings which are the "half-barrier" type. Through subsequent discussions, Network Rail have confirmed that these safety concerns could be overcome, if the "half-barrier" crossings were upgraded to the "full-barrier" type. It is therefore considered that the impact of the scheme could be overcome through a Section 106 contribution to these works.

With regard to the size of the contribution, Network Rail have based their calculation on recent planning applications for development in their Western route. Bearing these in mind, they would expect developers to contribute £1500 per dwelling towards the upgrade costs. They consider that this figure is reasonable and proportionate, albeit there will obviously be a considerable gap that will need to be met to achieve the total cost of c£4m to upgrade the two crossings.

On the basis of the above, it is considered that the Network Rail concerns can be overcome and that impact on level crossings does not provide sustainable, additional grounds for refusal.

9. CONCLUSIONS

The site is within the Open Countryside. Under Policies NE.2 and RES.5 there is a presumption against new residential development which would be harmful to its open

character and appearance, which in the absence of a need for the development should be protected for its own sake. The NPPF states that where authorities cannot demonstrate a 5 year supply of housing land, relevant local plan policies are out of date and there is a presumption in favour of development. However, the 2013 SHLAA shows that the Borough has an identified deliverable housing supply of 7.15 years. Therefore, the presumption in favour of the proposal does not apply. The proposal does not accord with the emerging Development Strategy. Previous Appeal decisions have given credence to such prematurity arguments where authorities can demonstrate a five year supply of housing land. The development of open countryside, where there is no established need to do so, is considered to be fundamentally unsustainable.

Furthermore, the proposal would result in the loss of agricultural land. The applicant has failed to demonstrate that this is not amongst the best and most versatile grades of land. In the absence of this information, and any established need to develop the site in order to meet housing land supply requirements, it is considered that the benefits of development would not outweigh the loss of agricultural land.

The applicant has also failed to provide adequate information to demonstrate that the proposal will not adversely affect important grassland habitats.

In addition, the applicant has failed to demonstrate adequate visibility at the site access and therefore the proposal is considered to be detrimental to highway safety. There are also concerns over pedestrian safety on sub-standard-width footways adjacent to a carriageway of 5.5m or less carrying an appreciable number of commercial vehicles.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space, education contributions level crossing mitigation, and the necessary affordable housing requirements.

The proposal would not have any significant impact in terms of loss of trees or hedgerows and is considered to be acceptable in terms of its impact upon residential amenity. Subject to confirmation from the Environment Agency that the submitted FRA is acceptable, the proposal is not considered to have any adverse impacts in terms of drainage/flooding and it therefore complies with the relevant local plan policy requirements for residential environments.

Whilst the site does not meet all the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, given that the site is located on the periphery of a key service centre and all such facilities are accessible to the site it is not considered that a refusal on these grounds could be sustained. Furthermore, the development would contribute to enhanced walking and cycling provision.

Overall harm would be caused in terms of the impact on the open countryside, loss of agricultural land, highway safety and impact on habitats. As a result the proposal is considered to be unsustainable and contrary to Policies NE.2, BE3, NR5 and RES.5 of the local plan and the provisions of the NPPF in this regard.

10. RECOMMENDATION

REFUSE for the following reasons:

- 1. The proposed residential development is unsustainable because it is located within the Open Countryside, where according to Policies NE.2 and RES.5 of the adopted Borough of Crewe and Nantwich Replacement Local Plan there is a presumption against new residential development. Such development would be harmful to its open character and appearance, which in the absence of a need for the development should be protected for its own sake. The Local Planning Authority can demonstrate a 5 year supply of housing land supply in accordance with the National Planning Policy Framework. As such the application is also premature to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.**
- 2. The proposal will result in a loss of Grade 3a agricultural land, which is considered to be amongst the best and most versatile agricultural land and given that the Authority can demonstrate a housing land supply in excess of 5 years, there is no need for the development, and the housing which it would provide could be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.**
- 3. In the opinion of the Local Planning Authority, visibility at the proposed access to the site from the A529 is substandard and would result in a severe and unacceptable impact in terms of road safety contrary to Policy BE.3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the provisions of the National Planning Policy Framework.**

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Application No: 13/2299N

Location: Land at Rope Lane, Shavington, Crewe, Cheshire, CW2 5DA

Proposal: Approval of details of the appearance, landscaping, layout and scale as required by condition 1 attached to the outline planning permission 11/4549N.

Applicant: Wainhomes North West Ltd

Expiry Date: 29-Aug-2013

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

- **Principle of Development**
- **Highway Safety**
- **Ecology**
- **Trees and Landscape**
- **Footpath**
- **Affordable Housing**
- **Contaminated Land**
- **Open Space**
- **Design and Layout**
- **Residential Amenity**
- **Flooding**

REFERRAL

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

1. DEFERRED ITEM

Previous Meeting

Members may recall that this application was presented to the Strategic Planning Board on 14th August 2013 where it was resolved to defer the decision to enable the applicant to reconsider and amend the following elements of the scheme:

- Density
- The location of the play area
- The Highways layout with regard to manual for streets
- The pepper potting of the affordable houses
- The design of the house types; and
- The reduction of the houses adjacent to Northfield Place to bungalows.

Applicant's Response

The applicant has submitted the following response to Members concerns:

"The matters raised by Members would involve a significant re-design of the Reserved Matters scheme, a scheme that has already been subject to substantial negotiation with officers.

Our initial comments with regard to the specific points raised by Members are as follows.

First, the outline application established the principle of 80 dwellings on the site. The Appeal inspector felt that 80 dwellings could be accommodated on this site and we consider it unnecessary to reduce the density.

Second, the location of the play area was specifically chosen to maintain the Green Gap ensuring that built development was confined to the indentation in the landscape. Detailed landscape evidence was presented to the public inquiry for the outline application on this matter. To amend the location of the open space would revisit matters considered and approved in detail by the Inspector at the Outline Stage.

Third, the highways layout and the location of the affordable houses have been subject to detailed discussions with relevant officers who no longer raise any objections.

Fourth, the scale of surrounding development has been taken into account in the design of the proposals. House types with a lower ridge height (7.2m) have been sited on the plots closest to the bungalows on Northfield Place. The relationship between the properties on Northfield Place and the application site accords with the Council's privacy distances and we do not see therefore why there is a need to reduce the height of the town storey dwellings.

Finally the design of the housetypes has not previously been raised. Details of the Wainhomes house types were presented to the Inspector as part of the public inquiry into the outline application and no issues were raised at this stage. The committee report for the outline application also provides some useful comments on the context of the site. It states on page 46 that:

'To turn to the elevational detail, the surrounding development comprises a mixture of ages and architectural styles, ranging from 1950's suburban development on Vine Tree Avenue and the surrounding roads to the south, to 1960's and 70's bungalow development on Burlea Drive to the west. There is a

substantial amount of modern suburban development to the south of the site, whilst older more traditional vernacular buildings can be found closer to the centre of the settlement and along Main Road. Notwithstanding this, there is consistency in terms of materials with most dwellings being finished in simple red brick, and grey / brown slates / concrete / clay tiles. The predominant roof forms are gables although some are hipped.

Although external appearance and design are also reserved matters, the applicant has submitted indicative elevations which show typical house types and indicative street scenes. These have been influenced by the form and mass of surrounding residential properties. The house types include traditional features such as, gables, pitched roof dormers, stone window head and cill details and canopies to front porches. The properties would be finished in traditional red bricks and tiles.

On this basis it is considered that an appropriate design can be achieved, which will sit comfortably alongside the mix of existing development within the area.'

The house types submitted with the reserved matters application accord with those submitted at the Outline stage. We consider that they are in keeping with the character of the surrounding area and furthermore, that the design is in keeping with other recent housing developments in Shavington.

For these reasons we do not deem it necessary to provide any additional amendments to the reserved matters scheme and respectfully request that Members determine the application on the basis of the plans before them at the next available committee with is the 11th September.

We would reiterate that the company has fully engaged with the Council including undertaking a pre-application meeting with Council officers at a cost of £3,000 over and above the planning application fees. This was to enable an efficient determination of the planning application and allowed us to take on board officers requests. Following our e-mails, resulting in the submission of an appeal for non-determination in May, prior to the submission of this duplicate planning application, we have had further engagement with officers resulting in some minor amendments. We believe that the current application is fully acceptable to enable planning to be granted and thus enable this site to make a meaningful contribution to the housing supply in the Borough and thus avoid and further unnecessary public inquiry and the associated costs of the same.

Officer Comment

Whilst it is agreed that the principle of residential development on this site was established at the previous Appeal, the consent was given in outline for up to 80 implying that the final density would be agreed at the reserved matters stage. The Inspectors Decision Letter, clearly states at paragraph 2 "the application was submitted in outline with all matters other than means of access reserved for a subsequent application." (My emphasis)

Furthermore, condition 1 of the permission also clearly states "details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be

submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved."

It is therefore clear that the previous decision does not confer any approval for the layout of the site. Whilst the indicative layout was available to the previous Inspector, there is nothing within his decision letter to indicate that he considered it to be acceptable or gave it any weight in his consideration of the matter. The consideration of the site layout, therefore, is clearly entirely part of the Reserved Matters application.

Notwithstanding this point, Officers do share the view that the siting of the Public Open Space to the rear of the site will, in this case, minimise the incursion of built form into the Green Gap. However, Members are fully entitled to form their own view in respect of this issue.

The developer states that the highways and housing officers no longer raise any objections. However, as Members will note from the report below, *"concern remains about the lack of pepper-potting of the affordable dwellings.(and)the location of the affordable units is not ideal"*.

In respect of highways, the Strategic Highways Manager has commented that:

"Revision K, which was the 7th revision of the layout, has finally brought the masterplan to a reasonable detail but remains a compromise in design when Manual for Streets principles gave the opportunity for a design of much more significant quality and innovation."

It is acknowledged in the main report that the proposal meets the required separation distances from the existing properties in Northfield Place. Consequently, it is not considered that a refusal on amenity grounds can be sustained.

Although details of the Wainhomes house types were presented to the Inspector as part of the public inquiry, as has been set out above, the proposal was submitted in outline. Therefore, the Inspector would not have considered matters of scale and appearance as these were reserved matters. Therefore his lack of comment or objection is not an indication that he considered them to be acceptable. The quotation from the committee report relating to the outline application merely indicates that an *"appropriate design can be achieved"*. It does not indicate that the submitted indicative elevations were acceptable and, as stated above, these matters were not for consideration at that stage.

With regard to the comments in respect of pre-application advice, all such advice is given in writing with the caveat that is the informal opinion of a planning officer based on the information provided and does not constitute a formal determination under the Planning Acts. Such advice is given without prejudice to the decision of the Strategic Planning Board.

In the opinion of Officers, it is clear, from the applicant's response that, contrary to the spirit of paragraphs 186 and 187 of the NPPF (which places a duty upon Local Planning Authorities and Applicants to work proactively together to secure developments that improve the economic, social and environmental conditions of the area), the applicant is not

willing to enter into further negotiations in respect of this scheme. Therefore, Members have little option but to determine the scheme as submitted.

In summary, whilst Officers do not consider that it is necessary to reduce the houses adjacent to Northfield Place to bungalows, and consider the location of the play area to be acceptable, they continue to have reservations in respect of the Highways layout with regard to Manual for Streets, the lack of pepper potting of the affordable houses and the design of the house types.

If Members, were to be of the opinion that, having considered the applicant's representations above and the officer comments within this report, that the proposal is unacceptable, a reason for refusal could be substantiated on the following basis:

- 1. In the opinion of the Local Planning Authority the affordable housing provision would not be sufficiently "pepper-potted" throughout the development. This would be contrary to the provisions of the Council's Interim Planning Policy: Affordable Housing and paragraph 50 of the National Planning Policy Framework in respect of the provision of inclusive and mixed communities.*
- 2. The proposed internal layout for the site does not provide sufficient quality of design in relation to the Manual for Streets, or a legible adoptable boundary to appropriately serve the end-user residents. Therefore the proposed layout would fail to create a safe, accessible and secure environment and high quality and inclusive design for public spaces which will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. In so doing, the proposal will also fail to take the opportunities available for improving the character and quality of an area and the way it functions and to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and visit contrary to the provisions of the National Planning Policy Framework and policies BE2 (Design) and BE3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011*
- 3. The proposed house types are a standard design, with little or no elevational detailing, which do not establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; respond to local character and history, and reflect the identity of local surroundings and materials, or seek to promote or reinforce local distinctiveness and will not function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. The proposal is not visually attractive as a result of poor architecture and is therefore contrary to the provisions of policies BE2 (Design) and BE3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*

The previous report in respect of this application is reproduced below.

2. SITE DESCRIPTION

The site comprises 3.679ha of undeveloped agricultural land located on the north western edge of Shavington. The site is defined by Vine Tree Avenue and Northfield Place to the south and Rope Lane to the west. Open Countryside lies to the north and east and a public footpath traverses the site close to its southern boundary. It is bounded by existing hedgerows, some of which contain trees. In addition, there is one hedge which bisects the site which also contains a small number of trees.

Existing residential development lies to the south and west of the site. The wider site context includes the A500, beyond the field to the north, with further agricultural land on the opposite side. Further west lies Shavington high school and leisure centre and Rope Green Medical Centre.

This application was original submitted on 6th March 2013. The 13 week target date for determination was 5th June 2013. The application was due to be presented to the Strategic Planning Board for determination on 19th June 2013. However the applicants have appealed against non-determination of the application. In such cases the matter is taken out of the hands of the Local Planning Authority and the determination is made by the Secretary of State.

The applicant has submitted a second identical application, which is the subject of this report, in the hope of receiving a formal determination from the Local Planning Authority in advance of a decision being made through the Appeal process. The applicant has indicated that if this application is successful they may be willing to withdraw the present appeal against non-determination.

3. DETAILS OF PROPOSAL

Members may recall that outline planning permission for the erection of up to 80 dwellings was refused by Strategic Planning Board in 2012, and subsequently allowed at Appeal. Approval was also sought for means of access with all other matters, reserved for a subsequent application.

This application seeks approval of the reserved matters which comprise appearance, landscaping, layout and scale.

4. RELEVANT PLANNING HISTORY

11/4549N	2012	Outline application for up to 80 dwellings including access – Refused. Appeal allowed.
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13/1021N	2013	Application for approval of reserved matters - Appealed
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5. PLANNING POLICIES

National Policy

National Planning Policy Framework

Local Plan Policy

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

Other Material Considerations

Cheshire East Interim Affordable Housing Policy

4. OBSERVATIONS OF CONSULTÉES

United Utilities

- No comments received at the time of report preparation

Public Rights of Way Unit

- It would appear from inspection of the definitive map that Public Footpaths Rope No. 2 and Shavington cum Gresty No. 7 will be obstructed by the proposed development
- As there are currently no proposals for the paths to be suitably diverted under the Town and Country Planning Act 1990 (TCPA) by the applicant object to the planning application.
- If, however, the applicant is prepared to apply for a diversion of the routes under the Town and Country Planning Act 1990 may consider withdrawing objection the suitability of the new routes has been assessed.

Environmental Health

No objection subject to

- Submission, approval and implementation of an Environmental Management Plan to cover noise and disturbance, waste management, dust generation, piling techniques, hours of operation, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes during the construction phase
- Implementation of scheme of acoustic insulation submitted with the application

- Submission and approval of a Phase II site investigation and implementation of any recommendations / mitigation.

Highways

- This application offers a detailed design for the internal layout of a 79 unit residential development. The internal road layout should comply with Manual for Streets offering a clear design hierarchy for the road infrastructure to give better guidance of all road users.
- The proposed layout for this development was initially the same as the layout for the original application: 13/1021N which is currently the subject of an inquiry for non-determination.
- One of the concerns regarding the development proposal was that of the internal layout which was determined by the Strategic Highways Manager to fall short of delivering a quality design under the guidance of the Manual for Streets document.
- The consultant acting for the developer entered lengthy negotiations with the Strategic Highways Manager in recent weeks and finally, after a number of layout amendments an adjusted layout was agreed which improved the design of the layout to a satisfactory level.

Traffic capacity and site junction capacity.

- These issues were resolved at outline planning stage and the original Transport Assessment demonstrated that the junction onto Rope Lane had sufficient capacity to serve up to 130 dwellings and therefore this development for 79 dwellings is more than adequately served. This assessment was accepted by the S.H.M.

Conclusion.

- This development proposal does now offer an internal layout which provides a level of design which is satisfactory to the Strategic Highways Manager. The: geometry, consistency of features and connectivity will serve the site in a satisfactory manner.
- The Strategic Highways Manager recommends the following conditions be attached to any permission which may be granted for this development proposal:
 - **Condition:-** Prior to first development the developer will enter into and sign a Section 38 Agreement under the Highways Act 1980 with regard to the formal adoption of the internal road infrastructure serving the development.
 - **Condition:-** Prior to first development the developer will provide a suite of detailed design plans for the construction of the new access junction and the provision of a 2.0metre footpath for the full frontage of the site. This will include for tactile paving on pedestrian desire lines and for an upgrade to the frontage streetlighting.
 - **Condition:-** Prior to first development the developer will provide a detailed design for the upgrade of the street lighting system for Rope Lane on the site frontage to the satisfaction of the LPA.
 - **Condition:-** The developer will provide a capital sum of money for the improvement of the wider highway network and focused on the South Street/A534/Mill Street junction in Crewe. The provisional rate will be £3,000.00 per dwelling against development numbers on the site. The total sum of money

will be secured via a Section 106 Agreement under the Planning Act 1990 and via triggers to be agreed against the occupation of development numbers.

Peak and Northern Footpaths Society

- The development appears to affect Shavington 7 and Rope 2.
- If planning permission is granted please include a condition that there must be no objection of the public right of way. Should a temporary or permanent obstruction be unavailable then no development should take place until a diversion order has been confirmed and the diversion route with a satisfactory surface and adequate width and way marking is available for public use.

Environment Agency

- The Environment Agency has no objection in principle to the proposed development but requests that any approval includes the following planning conditions.
- Outline planning permission should only be granted to the proposed development if the following mitigation measure as set out in the Flood Risk Assessment (FRA) from Weetwood (Ref 1961/FRA_v1.3 dated 11 November 2011) submitted with this application is implemented
- Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and the Flood Risk Assessment (FRA) from Weetwood (Ref 1961/FRA_v1.3 dated 11 November 2011), has been submitted to and approved in writing by the local planning authority.
- Any vegetation clearance works should be conducted out with the bird breeding season of March through to August inclusive.
- To enhance the biodiversity value of the site, only native plant species should be used in landscaping works. The species used should offer food and shelter to wildlife all year round.
- Nesting boxes for birds and bats will also enhance the biodiversity value of the site.
- Only clean surface water from roofs and paved areas should be discharged to any surface water soakaway.
- A scheme to be agreed to protect the undeveloped buffer zone around Swill Brook on site as shown in 'Landscape Structure Plan' number 4381.03.

5. VIEWS OF THE PARISH / TOWN COUNCIL

The Parish Council has considered the above planning application and instructed me to submit the following observations:

- The Parish Council has made a number of observations for consideration, raised some queries that it would require clarification of, and made a number of recommendations for the use of s106 improvements arising from the development in order to help mitigate the effect on the Parish; and would wish these to be attached as conditions to any approval.
- The Parish Council notes that all of the 79 dwellings proposed are two storey houses, some of which are located on the plan as being adjacent to a row of bungalows in Northfield Place. These bungalows will suffer from being overlooked as a

consequence, and therefore the Parish Council would require that only bungalows be allowed to be built at this point on the site, similar to the conditions placed on the developers of the Triangle site when they construct properties behind the existing bungalows in Stock Lane.

- The Parish Council has significant concerns over the impact from heavy traffic during the construction of such a large site and would insist that a temporary 7.5T weight limit be introduced throughout the centre of the Village and along Chestnut Avenue/Vine Tree Avenue to ensure that construction traffic is routed via Nantwich Road and Rope Lane. This is considered essential as the view of the Parish Council is that heavy vehicles will attempt to access the site via the A500 and then along either Gresty Lane or Chestnut Avenue; or from Newcastle Road and then through the Village centre, both of which are unsuitable routes for heavy vehicles. Chestnut Avenue/Vine Tree Avenue is also the only route to Shavington Primary School located on Southbank Avenue.
- The Parish Council would also propose that the construction and delivery hours of the site be restricted to between 9am and 5pm Monday to Friday only.
- In terms of the developer's s106 contributions to the local infrastructure the Parish Council would request the following highway improvements identified as a priority by Members:
 - Improvements to the very poor condition of the carriageway and further traffic calming measures along Gresty Lane which is already extensively used as a rat run by local motorists and will only be used even more so once the works are underway
 - The provision of two zebra crossings in the Village at appropriate locations in Crewe Road and Main Road which have been seen as important by Parish Councillors for several years but not currently being considered by Cheshire East
 - Improvements to traffic flow in the centre of the Village by simple measures of new signage and white lining in making the Main Road/Sugarloaf Corner triangle a one-way system
- The site currently has a public footpath running along the rear of the Vine Tree Avenue properties, which then rejoins Vine Tree Avenue between No. 23 and the sub-station (although this is not clear on the plan), and the Parish Council understands that residents of these properties have concerns over the future potential for anti-social behaviour in what will be a thoroughfare between their properties and the rear gardens of the proposed new dwellings. There is also a drainage ditch running along this same route and the Parish Council would ask whether the developer has any plans to culvert this.
- There are areas of open space/recreational use shown on the plans submitted and the Parish Council would request some clarity over where the responsibility for the future on-going maintenance of these areas would fall.
- Finally, local knowledge suggests that there is a Foot and Mouth disease burial site located roughly in the centre of the site of the proposed housing development and the

Parish Council would ask whether any surveys to establish the extent of any contamination are planned or have been carried out.

6. OTHER REPRESENTATIONS

Local Residents

Ecology

- Pleased to note that a preservation order has been placed on the oak trees in the fields concerned but the wildflowers, which the government are anxious to save from extinction will be lost.
- Loss of vegetation, wildlife mature oak trees
- Already been loss of natural habitat with hedges and trees destroyed when the Shavington bypass was built and now more will be lost
- Is there a way the trees can be retained?

Amenity

- The buildings on the site of Santune House, also in Rope Lane, tower over the nearby bungalows. It is a disgrace that this is allowed to happen. The houses are so close that they look directly into bedroom windows and there is no privacy in the gardens. A similar situation will arise if Wain Homes are allowed to build house overlooking bungalows and the residents will lose their privacy. At the very least Wain Homes should be compelled to build bungalows in this area.
- Need to consider the visual impact that this development will have
- Northfield Place is all bungalows and to have a large number of houses to the rear of the existing bungalows will be unsightly and overpowering.
- We would like to add that, a majority of people currently residing in the area to be affected by the new development, are elderly or of retirement age, and have moved here for the peace and quiet that the countryside should bring. By encouraging families and young professionals into the area we are sure that this will bring problems such as noise nuisance from vehicle use at all hours and also anti- social behaviour from youths congregating around the play area and public footpath which runs to the existing properties.
- By attracting older people to reside in any bungalows built, it would allow families and couples to move into the houses that the older people have vacated.
- The public footpath which runs to the rear of the houses on Vine Tree Avenue is only at present mainly used by dog walkers but, even with little use residents have experienced problems with youths and vandalism in the past. There is concern that this public footpath will become used more and jeopardise security to property.
- No consideration had been given to local opinion, and existing dwellings.
- The number of 4 bedroom houses will totally dominate the landscape and be obtrusive when approaching the heart of the village.
- The people of Shavington and indeed the parish council strongly opposed this development and yet despite the level of opposition, houses are to be built immediately adjacent to many properties.

- It is certainly inappropriate to overlook bungalows with houses.
- The Developer / Landowner have no consideration for the views of the residents of Shavington or of the wellbeing of the Village itself.
- The building of two storey houses to the rear of bungalows in Northfield Place will result in a loss of privacy, as their gardens and bedrooms will be directly overlooked. This is distressing for the mainly elderly residents and should have a condition applied that bungalows only will be allowed.
- As Northfield Place is downwind of the prevailing wind direction we will be particularly affected by dust and noise during construction, again elderly residents tend to suffer from asthma / chest problems....that is why we chose to live in a semi rural area.
- Working hours should be restricted to weekdays between 09.00 and 17.00
- No site access via Chestnut Ave /Vine Tree Ave or through the Village centre
- The future residents of the development will be subjected to increasing traffic noise from the adjacent bypass as the planned Commercial and Residential development in the area are completed. There is no noise screening along this stretch of the bypass and the increase in noise is already evident.
- Loss of views from existing properties
- Gardens will be overlooked.
- Many Council's permit only the building of bungalows behind bungalows, so would hope that this compromise would be adopted concerning this planned development.
- Northfield Place turns to the right and also faces the houses being built behind the bungalows. To a lesser extent due to Northfield Place having a wide entrance with a large green area houses in Vine Tree Avenue will also see houses behind the bungalows.
- Object to a public footpath being left behind Vine Tree Avenue and the new houses which is a recipe for trouble.
- Apart from the undoubted visual horror, if approved, it should be remembered that people in this area have invested large sums of money in their homes (bought on an "as is" basis). And to have them de-valued in this way, is, not only totally wrong, but immoral.
- The light pollution from the development is not considered in the surveys carried out
- The siting of 4 large detached 2 storey (plus pitched roof) houses close to the low hedge boundary at the rear of 64 Rope Lane, with the front elevations of those houses directly facing the prominently fenestrated private rear elevation of the bungalow at 64 Rope Lane, is unacceptable. The main living room and two principal bedrooms at the bungalow will be directly overlooked by the many windows shown on the front elevation to these houses. Not only will these, and car headlights, be a potential source of light pollution but there will also be a severe intrusion of privacy on what is currently a very private outlook.
- No dimensions are given on the drawing submitted with the application (although they are given for properties affected on Vine Tree Avenue) but the distance from the bungalow at 64 Rope Lane to the nearest point of the new development is estimated at only 16m
- Although it is proposed to plant a few "trees" along the boundary, there will be immature and will take time to become established, if they do at all. The overlooking, particularly from the upper floor windows of the houses will be obtrusive.

- Consideration should therefore be given to permit only low rise bungalow development, which is more in keeping and compatible with surrounding bungalow dwellings, and to set these further back from the boundary with 64 Rope Lane.

Drainage

- Swill Brook can be fast flowing after heavy rain; this will be a magnet for children especially around the culvert opening (which is in need of maintenance at the moment). This should be fenced off.
- Properties in Northfield Place are in a flood risk area. This should be taken into account when drainage from the development is designed. The properties are below the development site.
- How will the water table be affected?
- Extra rainwater which will pour into Rope Lane, due to increased hard standing will adversely affect the drainage system
- There is a brook at the side of three existing bungalows and it will be at the bottom of the new estate. Has the danger of flooring with disturbance to the land been considered and appropriate flood planning and prevention for flooding been assessed and recommendation put in place.
- The total disregard of the route of the drain (protected by easement across the development site) from 64 Rope Lane.
- 64 Rope Lane has foul and surface water drainage via a pipe running across the proposed development site to the public sewer in the development site close to Vine Tree Avenue. This matter has been brought to the Council, and presumably the developer's attention, before but has always been disregarded
- The route of this drain is not shown on any of the drawings. However, it is clear that the developer proposes to construct dwellings over the drain. Access to maintain the drain will be required, as indeed it was a few years back, so the position of the proposed dwellings must be amended to ensure that no buildings oversail the drain and that 64 Rope Lane has the same easy and inexpensive access to maintain the drain in the future as it does now.

Highways

- Concerns over the state of local roads, especially Vine Tree Avenue and Chestnut Avenue. The increased numbers of cars on these roads will surely make the potholes worse and increase in number.
- Rope Lane is heavily trafficked and getting worse. Local roads cannot support many new homes
- Where are the surveys on the current and long term state of the roads in the area? The Shavington bypass was a complete waste of money as it does not relieve the volume of traffic from the minor roads into Crewe.
- The road infrastructure linking the bypass to Crewe does not support the volume of traffic and now there will be the additional traffic.

Other Matters

- It is a waste of time objecting as it would appear what the Government of the day say is all that matters and the men and women in the street have no rights.
- Why in a democratic country is a Government Inspector allowed over-ruling a unanimous decision by a council and the wishes of local residents, but apparently this has happened regarding this application.
- Loss of Green Belt status land
- The development will erode the gap between Wistaston and Shavington
- There are many developments currently in Shavington
- When there are so many empty properties in Crewe, the need to build new properties on farm land is outrageous and will ruin the natural beauty of the area.
- Residents were extremely distraught and disappointed at the news that the developer won his appeal to build a monstrous estate on what is now a beautiful unspoilt haven for wildlife, and has been up until now a most pleasant outlook from the rear of existing property.
- The Planning Inspector (who was not from this area), somehow saw no reason to turn down the application to develop town houses in a greenbelt area. Perhaps it was to do with Cheshire East's need to fulfil their quota of new build development
- Residents are aware that they cannot win the battle to have properties built, but would urge that any buildings erected should be sympathetic to the residents currently residents in the area.
- It would be a pleasant change if a building developer would be sympathetic to the residents that are affected by his profit making scheme. Some respect should be shown, as these decisions concern the lives of good people, who just want a peaceful, stress free place to live.

Councillor Brickhill

- *I realise that outline permission has been given for this thoroughly unwanted blot on Shavington landscape and I hope you will raise every possible difficulty in granting the full approval to these despoilers of our countryside and villages.*
- *I demand that the new buildings that back on to bungalows in Northfields are also bungalows. This is so that they do not overbear onto the existing residents. This principal has been accepted by the strategic planning board in respect of the Shavington triangle and it ought to be adopted here.*
- *You should also make it a condition that no access is taken to the site from the very narrow Vine Tree Avenue or Chestnut Drive. Nor should vehicles take access to Rope Lane through the Shavington village centre or Gresty Lane all of which are too narrow. The only access for construction traffic should be via Nantwich Rd and Rope lane itself. I feel sure that residents will park their vehicles in such a way as to totally obstruct construction traffic using any other route.*
- *In view of the fact that there are residents in the immediate area close to the site please make it a condition that work may only be done on Mondays to Fridays from 9 am to 5 pm with no weekend working to disturb the peace.*

7. APPLICANT'S SUPPORTING INFORMATION:

- Air Quality Assessment

- Noise Assessment
- Tree Survey Report
- Cable Calculations report

8. OFFICER APPRAISAL

Main Issues

Given that the principle of development has been established by the granting of outline planning permission, this application does not represent an opportunity to re-examine the appropriateness of the site for residential development.

The key issues in question in this application, are the acceptability of the appearance, landscaping, layout and scale of the buildings, particularly in respect of residential amenity, their relationship to retained trees and the surrounding area.

Design and Layout

The Principal Design Officer has examined the application and commented that the layout is reasonably positive and the amount of greening within it should help to integrate the scheme into the wider context. The street arrangement has an informal, loose character, which is a positive aspect of the scheme. Materials for squares and other feature road surfacing should be of a high quality to complement the soft landscaping within the scheme. This can be secured through the use of appropriate conditions.

The proposal provides active frontages to both Rope Lane and the public footpath running through the sites, which are positive aspects of the scheme. Parking is mostly to the side or rear of the properties and therefore car dominated frontages are also avoided.

The housetype designs lack a little in architectural quality terms but, given the very mixed nature of the surrounding development, there is not a strong context upon which to base the scheme. The landscape within the development will help in terms of softening the built elements of the scheme. It is not considered that artstone is necessarily a good detailing material in this context and the Principal Design Officer has suggested a locally applicable detail(s) are used such as brick heads and sills (although these should not be laid as soldier courses). This could also be secured by condition.

Therefore the proposal is considered to be acceptable in design terms and meets the requirements of policies GR1 and GR2 of the adopted Local Plan and the provisions of the NPPF in terms of design.

Landscape & Trees

The Landscape Officer has examined the proposal and commented that the Landscape Structure Plan (Drwg 4381.03) is acceptable. Furthermore, the supporting arboricultural information, which includes a Tree Survey Report by Trevor Bridge Associates (Ref DF/4381/Tree Survey Report) dated January 2013 and a Tree Root Protection Plan also by Trevor Bridge Associates (Drawing 4381.02) dated January 2013 accords with Condition 12 of the Appeal Decision and is therefore acceptable.

Condition 13 of the Inspectors Decision requires the submission of a Tree Protection Scheme. This needs to be presented as an overlay onto the site layout and detailed in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction. However, this will be dealt with as part of a subsequent discharge of conditions application and does not need to be submitted at the reserved matters stage.

The Landscape Officer has commented that he will be recommending that a TPO be placed on the retained Oak trees as a duty under Section 197. It is noted that a number of local residents have supported this proposal.

Access

The vehicular access to the site would be taken from a point mid-way along the Rope Lane frontage. Details of access were agreed at the outline stage.

Residents have raised various traffic and highway safety issues including implications on the wider network, traffic generation and the condition of local roads. Whilst these concerns are noted, access matters cannot be re-examined at this stage given their approval on the outline application.

Therefore, the only issue in terms of access, which is under consideration in this application, is the internal site layout and parking provision. The Strategic Highways Manager examined the proposals as originally submitted and raised a number of concerns.

The general layout did not satisfactorily conform with Manual for Streets (MfS) and did not offer the kind of environment that a quality MfS design could bring to this site. Approximately 27 units were served from private drives which did not accord with the adoptions policy for new development. A Manual for Streets layout would improve this through the use of pedestrian priority design. For example, Plots 40 – 46 were served for vehicular access from a private surface which resembles a car park. Nothing about this layout was pedestrian priority and the concentrated vehicle turning movements will prevent its reasonable use as such.

Consequently, the layout for this site needed a complete revision before it could be considered to be acceptable in highway terms.

Revision K, which was the 7th revision of the layout, has finally brought the masterplan to a reasonable detail but remains a compromise in design when Manual for Streets principles gave the opportunity for a design of much more significant quality and innovation. However, the Strategic Highways Manager does not consider that a refusal of the latest design would be sustainable and accordingly recommends approval subject to conditions.

Of the conditions requested, the requirement to enter into a Section 38 agreement is a matter to be dealt with under the Highways Acts and does not need to form a planning condition. The requests for financial contributions to off-site works have already been secured through the unilateral undertaking attached to the outline consent and do not need to be reiterated. The request for a suite of detailed plans for the construction of the new access junction, the provision of a 2.0metre footpath for the full frontage of the site, tactile paving on pedestrian

desire lines and for an upgrade to the frontage streetlighting, is considered to be necessary and reasonable.

Affordable Housing

The outline planning permission 11/4549N was granted on appeal. As part of the appeal process and Wainhomes submitted a Unilateral Undertaking dated 17th September 2012 which secured a requirement for the provision of 30% of the total dwellings on site as affordable housing with a tenure split of 65% social rented and 35% as Discounted for Sale dwellings. The affordable housing requirement equates to 16 social rented and 8 intermediate tenure dwellings.

The Unilateral Undertaking requires the developer to submit a draft Housing Scheme with or at the same time as the Reserved Matters application, or if there is more than one application at the same time as the first application and not to implement the planning permission until the scheme has been approved. The Housing Officer was unable to find any details of a draft Housing Scheme with application as originally submitted. The information required as part of the affordable housing scheme is as follows:

1. *“Housing Scheme” means a scheme to provide the Affordable Dwellings and submitted to and approved by the Council pursuant to Part One of the Second Schedule and such scheme shall meet the following criteria:*
 - (a) *the location and boundaries of each Affordable Dwelling shall be identified on a plan*
 - (b) *which of the Affordable Dwellings shall be Social Rented Housing and which of them shall be Discounted Housing For Sale shall be identified*
 - (c) *the external design of the Social Rented Housing and Discounted Housing For Sale shall be compatible with the external design of the Open Market Dwellings in order to achieve full visual integration*
 - (d) *the specifications for the Social Rented Housing and Discounted Housing For Sale are no less favourable than the specifications for the Open Market Dwellings*
 - (e) *in respect of the Social Rented Housing the minimum HCA design and quality standards (or such other standards as are from time to time adopted by the HCA) and the Code for Sustainable Homes level 3 shall be met*
 - (f) *the Open Market Value of each Discounted Housing For Sale Dwelling shall be determined in accordance with the Fourth Schedule to this Undertaking*
 - (g) *the scheme shall comply with the requirements of the Second Schedule to this Undertaking*

The Housing Officer also noted that the Planning and Design & Access Statement details that the affordable dwellings are to be 16 x Bell House Type and 8 x Baird House which according to the planning layout drawing would be primarily located in the south easterly part of the site and not pepper-potted throughout the site. The plan did not show which are the social rented and which are the discounted for sale units.

A final point of concern was that there needed to be 16 social rented dwellings which will necessitate some of the Bell House types being provided as social rented. Having looked at the drawings for the Bell house type it appears unlikely that they will meet the minimum HCA Design & Quality Standards for a 2 bed house, as Housing Quality Indicators which form part of these standards set out that a 2bed 4 person property has to have a minimum size of 67m², the Bell house type is only 58m².

The developer has been made aware of these concerns and provided an amended plan, substituting the Bell housetype with the Churchill housetype, and additional supporting information. The Housing Officer has confirmed that the change of house type means that the 2 bed social rented units will meet the minimum size standards. He is also satisfied that the developer has confirmed that the social rented properties will be built to the required HCA D&Q Standards and CFSH Level 3. The applicant has also provided confirmation of the tenure split and specified which properties will be intermediate and which will be social rented. On this basis, the Housing Officer has removed his previous objection on these 3 points.

However, concern remains about the lack of pepper-potting of the affordable dwellings. Wain Homes suggest that they have provided 3 separate pods of affordable housing shown by the red lines on the plan. However, one of pods is only separated by a road with affordable dwellings on either side of this road fronting each other so this is arguably only 1 pod which contains 21 of the affordable homes in it, with the other 3 in a separate pod.

The Interim Planning Statement: Affordable Housing states at 4.8 *The design of new housing developments should ensure that affordable homes are integrated with open-market homes to promote social inclusion and should not be segregated in discrete or peripheral areas. Affordable homes should therefore be 'pepper potted' within the development.* It is considered that plots 49 – 50 and 55-59 do not meet this requirement. In particular 40-50 are not fully integrated with the rest of the site as they are served by a parking court to the rear and face out onto the public footpath.

However, the Crewe & Nantwich Local Plan and the NPPF do not contain any explicit policies requiring pepper-potting. Therefore, although the location of the affordable units is not ideal, it is not considered that the Council can sustain a refusal on this basis alone. However, the developer will have to provide the affordable dwellings no later than occupation of 50% of the open market dwellings as they are not pepper-potted. This is as per the UU which Wainhomes submitted at the appeal on the outline application.

Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate *"in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment"* among other reasons.

The Directive is then implemented in England and Wales: The Conservation of Habitats and Species Regulations 2010. ("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.

The Regulations provide that the Local Planning Authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

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

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

A number of local residents have also expressed concerns about impact on wildlife and ecology resulting from the development. In this case, these issues were considered at the outline stage, and the principle of development of this site has been established. Therefore, the only ecological issues in the consideration of this application relate to the detailed layout and design of the scheme and whether it accords with the principles and conditions which were laid down at the outline stage.

The Council's Ecologist has examined the application and has commented that the developer has included some native species planting and wildflower area into the open space which will deliver some benefit for biodiversity. The balancing pond would also potentially be of some benefit if designed appropriately. Therefore, he has requested a condition requiring the detailed design of the pond to be submitted and agreed. Given that this detail was not provided as part of the reserved matters submission, it is considered to be reasonable to attach a condition of this nature.

The Council's Ecologist has also pointed out that, in his original comments on the outline, he suggested that the large gap in the hedgerow to the north of the open space area be planted up. This suggestion does not seem to have been included in the submitted landscape strategy. However, a native hedgerow has been provided on the southern boundary of the open space area. Whilst this is probably enough to compensate for the hedgerow lost as a result of the development, it is considered desirable to also 'gap up' the hedgerow to the north and this could also be secured by condition.

Amenity

It is generally regarded that a distance of 13m is sufficient to maintain an adequate level of light to principal windows and distance of 21m is usually considered to be sufficient to prevent overlooking between principal windows. These minimum distances apply equally to two storey and single storey dwellings.

Distances of 21m and above will be maintained between all of the proposed dwellings and the neighbouring properties in Rope Lane, Vine Tree Avenue and Northfield Place. Consequently, whilst the concerns of neighbouring residents regarding the construction of 2 storey dwellings behind existing bungalows are noted, given that the requirement minimum distance standards will be achieved, and in many cases exceed, it is not considered that a refusal on amenity grounds could be sustained.

The recommended minimum garden area of 50sqm recommended in the Crewe and Nantwich Borough Council supplementary planning guidance has been achieved on the majority of plots, with the exception of some of the mews properties in the southern corner of the site. However, this is consistent with many traditional terraced properties and these properties are less likely to be occupied by families with children. In addition, given the significant amount of shared amenity space on this development, this situation is considered to be acceptable.

Furthermore, if the minimum standards were to be achieved, it would not be possible to accommodate within the site the density of development which is currently proposed. The provision of an adequate standard of amenity for future residents must be balanced against the need to make the best use of land and the proposed increase in the number of properties to be built on this site will contribute to the Council's housing land supply and will ease pressure to develop other Greenfield and open countryside sites within the Borough.

Therefore the proposal is considered to comply with the requirement of policy BE1 (amenity) of the local plan.

Drainage and Flooding

The Environment Agency has requested a number of conditions and it is noted that a number of local residents have expressed concerns regarding drainage and flooding. However, these matters were addressed at the outline stage by the Inspector who dealt with the Appeal and appropriate conditions were added to the outline permission. It is therefore inappropriate to add further conditions at this stage unless they relate to specific aspects of the site layout and design, which is not the case with the current application.

Other matters

Objectors have raised a number of issues with regard to the principle of development, need for the houses, loss of open countryside and erosion of the Green Gap between Wistaston and Shavington. However, as stated above, outline planning permission has already been granted and this application relates only to reserved matters. The principle is therefore firmly established and cannot be revisited.

Impacts on infrastructure have also been raised by residents. However, these were addressed at the outline stage and appropriate Section 106 obligations were imposed accordingly.

Environmental Health have requested a number of conditions relating to contaminated land, dust emissions, travel plan and hours of construction. These issues have also been raised by residents. However, these issues were also considered at the outline stage and conditions were imposed to address them. Therefore, no further conditions are required at this stage.

9. CONCLUSIONS

Given that the principle of development has been established by the granting of outline planning permission this application does not represent an opportunity to re-examine the appropriateness of the site for residential development.

The key issues in question in this reserved matters application, therefore, are the acceptability of the appearance, landscaping, layout and scale of the buildings, particularly in respect of residential amenity, their relationship to retained trees and the surrounding area.

The design and layout of the proposal are considered to be acceptable in urban design terms, and will not have any adverse impact on existing trees and hedges or ecology within and surrounding the site. Matters of drainage and flooding were addressed at the outline stage.

Distances in excess of the recognised minima will be maintained between all of the proposed dwellings and the neighbouring properties in Rope Lane, Vine Tree Avenue and Northfield Place. Consequently, whilst the concerns of neighbouring residents regarding the construction of 2 storey dwellings behind existing bungalows are noted, given that the requirement minimum distance standards will be achieved, and in many cases exceed, it is not considered that a refusal on amenity grounds could be sustained. Sufficient standards of amenity will also be achieved within the site.

The proposal will provide the required quantum and mix of affordable housing. However, there is concern that it will not comply with the requirements of the Council's Interim Policy and the NPPF in terms of pepper potting. Furthermore, there are concerns in respect of the internal layout of the site which does not entirely embrace Manual for Streets principles. Nevertheless, following submission of amended plans, it is not considered that reasons for refusal on these grounds could be sustained at appeal. Accordingly, therefore, it is recommended that the Strategic Planning Board resolves to approve the application for reserved matters.

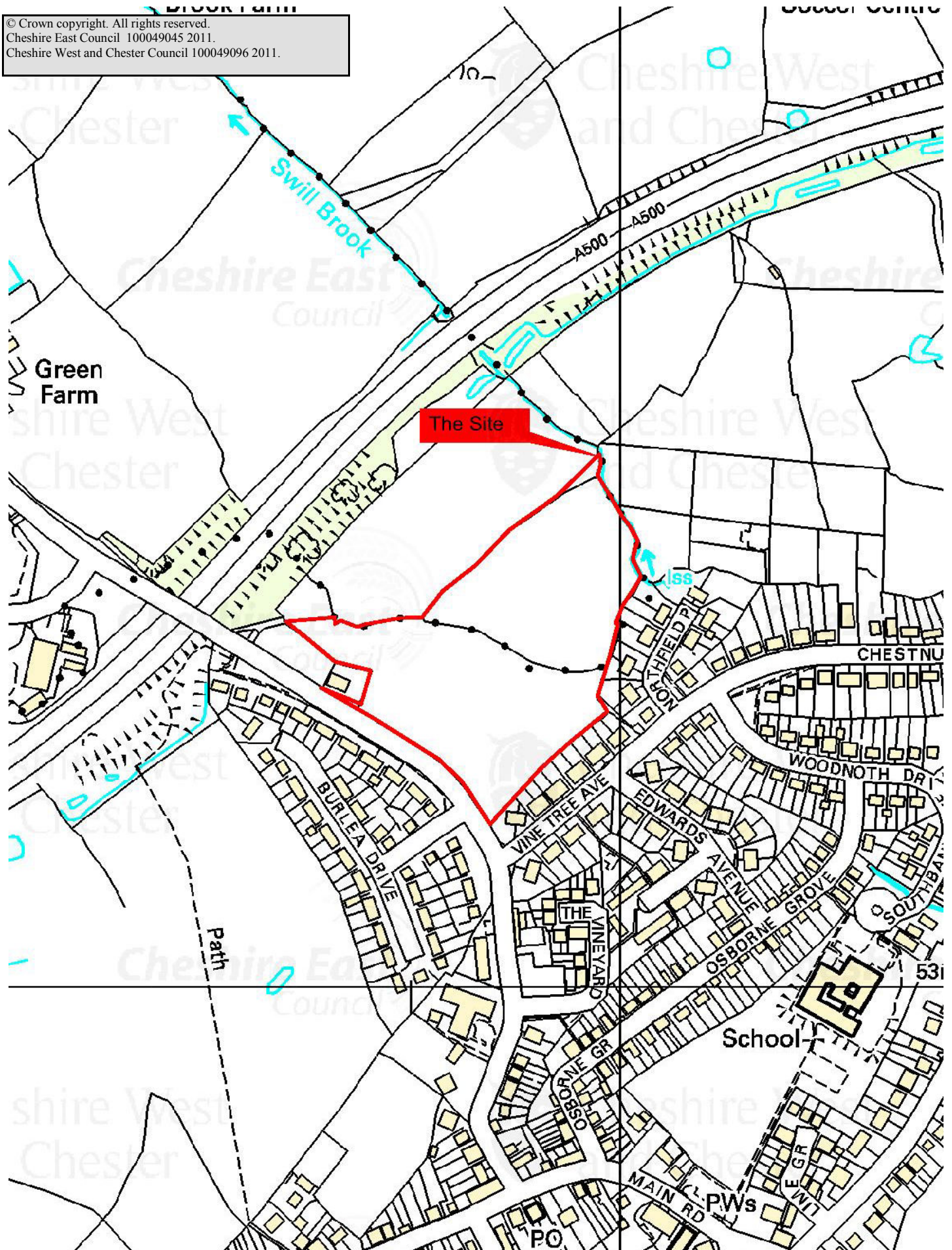
10. RECOMMENDATIONS

APPROVE subject to the following conditions:

- 1. Submission of details of materials**
- 2. Details of surfacing materials to be submitted**
- 3. Artstone to be substituted with local brick details – details to be submitted and agreed**
- 4. Detailed design of balancing pond to be submitted and agreed**

- 5. Submission, approval and implementation of proposals for gapping up hedgerow to the north.**
- 6. Submission, approval and implementation of suite of plans for access.**

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CHESHIRE EAST COUNCIL

REPORT TO: STRATEGIC PLANNING BOARD

Date of Meeting:	11/09/2013
Report of:	Strategic Planning & Housing Manager
Subject/Title:	Newbold Astbury and Moreton Neighbourhood Area Application
Portfolio Holder:	Councillor David Brown

1.0 Report Summary

- 1.1 Newbold Astbury Parish Council and Moreton Cum Alcumlow Parish Council have submitted a joint application to designate their respective parishes as a combined neighbourhood area.
- 1.2 The Localism Act 2011 introduced new legal rights enabling communities to plan locally for growth by preparing formal development plan documents (neighbourhood plans) to allocate land for development and prepare policies which apply to the development of land.

Neighbourhood plans must conform with the NPPF, all relevant legislation and the strategic policies held within the local plan. The first stage in the process of preparing such a plan is the formal designation of the geographic area to which a neighbourhood plan will apply, the neighbourhood area.

Limited funding for local authorities and for local communities is available from DCLG to support the process.

- 1.3 Cheshire East Council is required to consider whether designation of the submitted neighbourhood area is desirable. The Council can, with valid reasons, choose to reject all, or part of the proposed neighbourhood area. The criteria under which a neighbourhood area can be rejected are set out below.

2.0 Decision Requested

- 2.1 That the Strategic Planning Board gives consideration to the report and to the neighbourhood area application.
- 2.2 That the Strategic Planning Board recommends that the Portfolio Holder for Strategic Communities approves the designation of Newbold Astbury and Moreton Parishes as a neighbourhood area for the purposes of preparing a neighbourhood plan.

3.0 Reasons for Recommendations

- 3.1 Under the Town and Country Planning Act 1990, as amended by the Localism Act 2011, every local planning authority must consider valid applications to designate neighbourhood areas for the purposes of neighbourhood planning.
- 3.2 The local planning authority is required to assess whether:
- a valid neighbourhood area application has been submitted;
 - whether, under section 61G of the Localism Act 2011, it is desirable to designate the whole of the parish area as a neighbourhood area
 - whether it is desirable to maintain existing neighbourhood area boundaries
- 3.3 An application is valid where it meets the criteria for an application as established in Part 2, 5. – (1) of The Neighbourhood Planning (General) Regulations 2012 and provides:
- A map which identifies the area to which the application relates;
 - A statement explaining why this area is considered appropriate to be designated as a Neighbourhood Area; and

- A statement that the organisation or body making the application is a relevant body for the purposes of section 61G of the Town and Country Planning Act 1990, as amended by the Localism Act 2011.

3.4 The application submitted by Newbold Astbury and Moreton Parishes (please see appendix 2 for further details) satisfies the criteria established above.

3.5 Neighbourhood area applications submitted by parish councils may cover an entire parish or more than one single Parish. A local planning authority can exclude land from inclusion within a neighbourhood area, particularly where land is identified as of strategic importance to the local plan. Where the Council decides to exclude part of the submitted neighbourhood area, the council must use its powers of designation to secure that some of the area applied for is designated a neighbourhood area.

3.6 The emerging Cheshire East Core Strategy does not identify any areas within Newbold Astbury or Moreton Parishes as a strategic priority and there is no valid planning reason to exclude any part of the area from the designation applied for. Existing legislation allows the Council to reconsider this position should a strategic need arise to do so.

3.7 No other neighbourhood area boundaries are under consideration.

4.0 Wards Affected

4.1 Odd Rode Ward

5.0 Local Ward Members

5.1 Cllrs Rhoda Bailey and Cllr Andrew Barratt

6.0 Policy Implications

6.1 The designation of Newbold Astbury and Moreton Parishes as a single neighbourhood area will enable Newbold Astbury Parish Council and Moreton cum Alcumlow Parish Council to prepare a neighbourhood plan for this area. Any neighbourhood plan must be prepared in accordance with the strategic priorities and policies identified in the emerging Cheshire East Local Plan and be positively prepared to address the social, economic and environmental needs of the area.

7.0 Financial Implications

7.1 The designation of a neighbourhood area for Newbold Astbury and Moreton will not incur direct costs to the Council in itself, however this application, and future applications, will require input and time from officers both in the Spatial Planning team and from other services.

7.2 At a later stage direct costs will be incurred as the Council is required to hold an independent examination of the proposed neighbourhood plan and a referendum on the plan. Under the Neighbourhood Planning (General) Regulations 2012, the costs of this examination and referendum are required to be met by the Council. The more applications the Council receives to undertake neighbourhood planning, the greater the implications of these costs to the Council.

7.3 Funding from DCLG is available to reflect costs incurred. A maximum of up to £30,000 (non ring-fenced) per plan is available and payable in three stages:

- £5,000 upon designation of a Neighbourhood Area,
- £5,000 upon publication of the plan prior to examination; and
- £20,000 upon successful completion of the examination

7.4 DCLG have also made up to £7,000 directly available to communities preparing neighbourhood plans via Locality.

7.5 There are also implications for future revenue collection from the Community Infrastructure Levy (CIL), a charge levied on new development after the adoption of a CIL charging schedule by the local planning authority.

- 7.6 The CIL Regulations 2013 require local authorities to pass on 15% of CIL collected within the boundary of a local council (i.e. Town or Parish Council), to the local council. The 15% will apply across the whole of the area administered by the local council whether or not they have an adopted neighbourhood plan and is capped at £100 per dwelling built.
- 7.7 Within neighbourhood areas with an adopted neighbourhood plan, CIL payments from the local planning authority to the local council are required to rise to 25%. This proportion of CIL is payable where development takes place within a designated neighbourhood area and is uncapped.
- 7.8 The body preparing a neighbourhood plan can, where they wish to do so, enter into an agreement with the local planning authority to return all, or part of any funds received via the CIL; a local authority can also exclude sites of strategic importance from proposed neighbourhood areas.

8.0 Legal Implications

- 8.1 Chapter 3 of the Localism Act 2011 (sections 116 to 121), in force since 15 November 2011, introduced the concept of Neighbourhood Planning. It made substantial amendments to the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 and provided that any qualifying body (including a Parish Council) is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a Neighbourhood Development Order.
- 8.2 Such an order would grant planning permission in relation to a particular neighbourhood area as specified in the order, for development as specified in it, or for development of any class specified in the order.
- 8.3 A “neighbourhood area” can be an area within the local planning authority’s area; power to designate as such is only exercisable where a relevant body (including a Parish Council) has applied to the local planning authority, and the LPA is determining the application; the legislation includes some restriction on this power in Section 61G (5). Schedule 4B of the Town and Country Planning Act 1990 (as inserted by the Localism Act) sets out a detailed process for the making of neighbourhood development orders, including a process for submitting any draft for independent examination, and, on the making of an order, a referendum.
- 8.4 The Secretary of State has made the Neighbourhood Planning (General) Regulations 2012 under powers conferred by the 1990 and 2004 Acts, and these Regulations, which came into force on 6 April 2012, make further detailed provision on this subject.

9.0 Risk Management

- 9.1 The Council has a statutory duty to consider neighbourhood area applications and decide whether to designate neighbourhood areas. Failure to discharge this duty will put the Council at risk of failing to meet its statutory requirements.
- 9.2 Increased applications to designate neighbourhood areas and prepare neighbourhood plans will divert resources from the Spatial Planning Team.
- 9.3 There are also time and cost implications for other services required to support the process, particularly for the Electoral Team in supporting any referendum.

10.0 Background and Options

- 10.1 Neighbourhood planning was introduced by the Localism Act 2011 as a new community right to prepare a development plan document relevant to a specific geographic area.
- 10.2 A neighbourhood plan is a development plan document prepared by a relevant body (either a town/parish council or a neighbourhood forum) which allows communities to allocate land and write policies which relate to the development of land. It is subject to an independent examination, a local referendum and, once adopted, will hold equal weight to the local plan for decision making purposes.

- 10.3 The preparation of neighbourhood plans is supported by the National Planning Policy Framework (NPPF); they are required to be prepared positively in accordance with the NPPF, the strategic policies of the Local Plan, all relevant legislation and national policy to promote local growth and development.
- 10.4 Local planning authorities have a duty to support and assist the preparation of neighbourhood plans which may include providing guidance on the process, sharing information and best practice. Funding is available to reflect costs incurred by the local authority.
- 10.5 Funding is also available to communities preparing a neighbourhood plan in the form of a grant of up to £7,000 and for planning assistance from Locality and Planning Aid England.
- 10.6 The Council publicised the application for a period of six weeks from 15/07/2013 to 27/08/2013 during which representations on the proposals were invited. Four responses were received, three of which support the application. One response was submitted as comment only; no objections were received. A full report of representations received is included in Appendix 3.
- 10.7 At this stage the local planning authority is required to assess whether a valid neighbourhood area application has been submitted and whether it is desirable to designate the whole of the parish council areas as a neighbourhood area.
- 10.8 Where the Council decides to refuse an application to designate a neighbourhood area, they must provide reasons to the applicant for refusing the application. These reasons may include the submission of an invalid application, or the submission of an application which conflicts with the strategic aims of the Local Plan.
- 10.9 Where the Council decides to exclude part of the submitted neighbourhood area, the council must use its powers of designation to secure that some of the area applied for is designated a neighbourhood area.

11.0 Access to Information

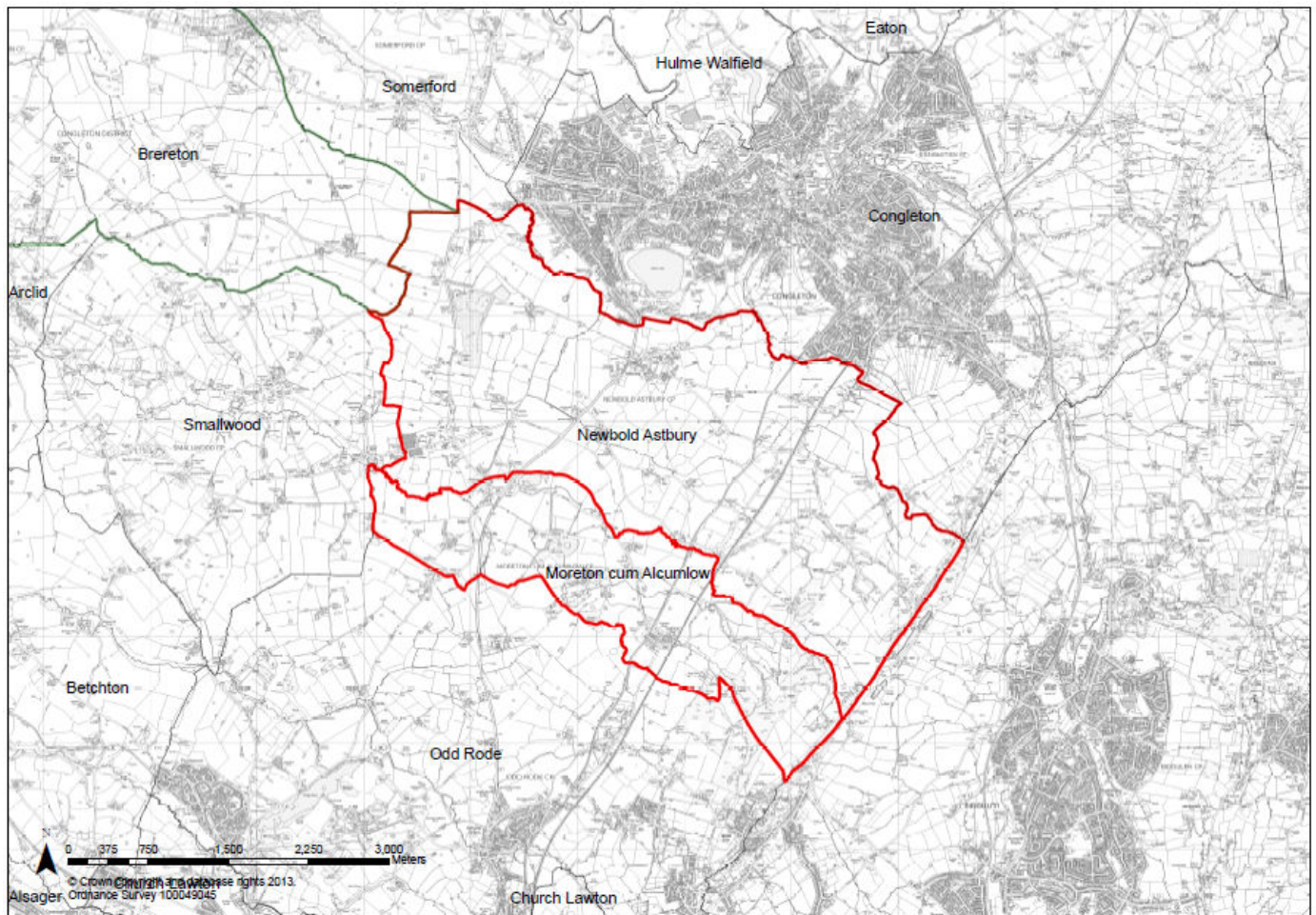
The background papers relating to this report can be inspected by contacting the report writer:

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Appendices:

Appendix 1: Newbold Astbury and Moreton cum Alcumlow Parish Boundaries
Appendix 2: Statements submitted by the parish councils in support of Newbold Astbury and Moreton Parish Neighbourhood Area application
Appendix 3: Results of Consultation
Appendix 4: Neighbourhood Planning: A Guide

Appendix 1: Astbury and Moreton Parish Boundaries



Appendix 2

**Statements submitted by the parish councils in support of Newbold
Astbury and Moreton Parish Neighbourhood Area application**

'Newbold Astbury Moreton is a wholly rural Parish, a substantial proportion of which is part of the South East Cheshire Green Belt and includes a Conservation Area and designated large areas of ASCV, HLV and an SSSI.

Lying immediately south of the urban settlement of Congleton and under pressure from urban expansion, a Neighbourhood Plan is considered essential to ensure the needs of the Parish population and communities and the largely agriculturally based economic activity are properly met by analyzing and coordinating future land use and development in the most appropriate and sustainable way.

Postal canvas and a public meeting have confirmed that the Parish Community strongly supports the concept of a Neighbourhood Plan which is appropriate for the whole Parish as a unifying Objective.'

Appendix 3: Results of Consultation

Type - Please indicate whether you support, object or wish to make a comment.	Comment - Please provide details:
Support	The collective community of Alcumlow, Astbury, Moreton & Newbold can only benefit from a stronger local voice such as that proposed by the Neighbourhood Plan / Forum. It is simply a win / win situation for Alcumlow, Astbury, Moreton & Newbold, who for the very first time will be able to directly influence what happens in their parish. Local decisions by local people who have the community at heart, not remote mandarins who have their career and back yards at heart.
Support	<p>I strongly support this application by Astbury-cum-Moreton PC to designate a Neighbourhood Area as the first step in creating a Neighbourhood Plan. This action will enable Astbury-cum-Moreton to create a plan that is sensitive to the aspirations and needs of the local community, whilst still being in general conformance with strategic requirements of Cheshire East's emerging Local Plan. In doing so, Astbury-cum-Moreton will relieve Cheshire East of some of the burden of preparing detailed plans for the designated area, which would inevitably miss many of the residents' preferences.</p> <p>Cheshire East's legal obligation to support Astbury-cum-Moreton, imposed by the Localism Act, will be offset by government grants.</p> <p>I call on Cheshire East not only to approve the Neighbourhood Area Designation, but to be generous rather than parsimonious in their support for Astbury-cum-Moreton PC.</p>
Support	I support Astbury and Moreton Neighbourhood Area Application. Neighbourhood Planning is a key part of Localism and it is great to see parishes in Cheshire East setting out to produce Neighbourhood Plans for their area.
Comment	<p>United Utilities: We support growth and sustainable development within the North West and would like to build a strong partnership with you and neighbourhood groups to aid sustainable development and growth.</p> <p>Our aim is to proactively share our information; assist in the development of sound planning strategies, to identify future development needs and to secure the necessary long-term infrastructure investment.</p> <p>At this stage we have no specific comments to make on the Neighbourhood Area Application submitted by the Newbold Astbury Parish Council, but wish to be included in further consultations and where necessary, the development of the Newbold Astbury and Moreton cum Alcumlow Parish Neighbourhood Plan and any Neighbourhood Development Orders or Community Right to Build Orders</p>

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