

# CHESHIRE EAST COUNCIL

Minutes of a virtual meeting of the **Strategic Planning Board**  
held on Wednesday, 24th June, 2020

## **PRESENT**

Councillor M Hunter (Chairman)  
Councillor S Gardiner (Vice-Chairman)

Councillors A Critchley, S Edgar, A Farrall, P Groves, S Hogben, D Jefferay,  
R Moreton, P Redstone, J Weatherill and P Williams

## **OFFICERS IN ATTENDANCE**

Mr A Crowther (Team Leader-Major Applications), Ms S Dillon (Planning Lawyer), Mr P Hurdus (Highways Development Manager), Mr D Malcolm (Acting Head of Planning) and Miss E Williams (Principal Planning Officer)

### **1 APOLOGIES FOR ABSENCE**

None.

### **2 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 16/3829W, Councillor S Gardiner declared that he was a personal friend and colleague of Councillor J Clowes who was speaking on the application, however had not discussed the application with her.

In the interest of openness in respect of application 20/0901C, Councillor S Gardiner declared that he knew, by profession, Jon Suckley who was the agent for the applicant and who was speaking on the application, however he had not discussed the application nor had he made any comments.

In the interest of openness in respect of application 16/3829W, Councillor S Edgar declared that he was the Ward and Parish Councillor for the area.

In the interest of openness in respect of applications 19/3951W, 16/3829W and 20/0909C, Councillor S Edgar declared that he was the Chairman of the Public Rights of Way Committee who had been a consultee on the applications, however he had not discussed any of the applications.

In the interest of openness in respect of application 16/3829W, Councillor P Groves declared that he was a personal friend and colleague friend and colleague of Councillor J Clowes who was speaking on the application, however had not discussed the application with her.

In the interest of openness in respect of application 20/0901C, Councillor M Hunter declared that he was the Ward and Town Councillor for the area.

### **3 MINUTES OF THE PREVIOUS MEETING**

#### **RESOLVED**

That the minutes of the meeting held on 26 February 2020 be approved as a correct record and signed by the Chairman.

### **4 PUBLIC SPEAKING-VIRTUAL MEETINGS**

#### **RESOLVED**

That the public speaking procedure be noted.

### **5 19/3951W-SOUTH WESTERN EXTENSION TO SILICA SAND WORKINGS, ALONG WITH REVISIONS TO THE DEVELOPMENT PROGRAMME AND RESTORATION SCHEME APPROVED UNDER PERMISSION 09/2291W, ARCLID QUARRY, CONGLETON ROAD, ARCLID FOR MR DAVID ROBINSON, ARCHIBALD BATHGATE GROUP**

Consideration was given to the above application.

(Mr Laverick attended the virtual meeting and spoke in respect of the application).

#### **RESOLVED**

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

- a) the provision of 10 year habitat management for the proposed north western and south western blocks in accordance with the detailed aftercare scheme required by this permission which will be implemented following completion of the 5 year statutory aftercare required by this permission; along with the continuation of the existing 15 year management on all other areas of the site as approved under 09/2291W;
- b) annual monitoring and reporting of protected and Cheshire BAP species during the 15 year aftercare and management plan period,
- c) Provision of scheme for permissive footpaths to include location, type, timescale to be agreed with LPA; and footpath maintenance and management during the 15 year aftercare and management plan period for any diverted routes
- d) The replacement of permission 09/2291W and the associated Section 106 Agreement with permission 19/3951W and its associated Section 106 Agreement.

And subject to the following conditions:-

1. development shall be carried out in accordance with all relevant conditions attached to 09/2291W except where superseded by this permission.

Reason: for the purposes of clarity

2. Commencement

The development hereby approved shall be commenced within 3 years from the date of this decision notice.

Reason: To comply with Section 91 of the Town and Country Planning Act and to enable the Local Planning Authority to set a commencement date for monitoring and triggering the timetable for the programme of other conditions, schemes and management plans. To enable the Local Planning Authority to observe and confirm commencement.

3. Approved Plans

The development hereby approved shall be carried out in full accordance with the approved plans, documents and schemes submitted unless modified by the conditions attached to this permission set out below. These are:

The Written Statement and Environmental Statement, including Figures and Appendices

Plan no. ABG/SWE/01 – Arclid Quarry Location Plan

Plan no. ABG/SWE/02 – Application Site

Plan no. ABG/SWE/03 – Site Environs

Plan no. ABG/SWE/04 – Location and Summary of Boreholes

Plan no. ABG/SWE/05 – Outline Working Scheme

Plan no. ABG/SWE/06 – Diversions of Footpaths & Electricity Lines

Plan no. ABG/SWE/07a – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07b – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07c – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07d – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07e – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07f – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07g – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07h – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07i – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/08 – Restoration Masterplan

Plan no. ABG/SWE/09 – Restoration Masterplan: Cross Sections

Plan no. ABG/SWE/10 – Cross Section from Arclid Farm Cottage and Arclid Shire Barns

Plan no. ABG/SWE/12 – Recreational Users Plan

South Arclid Quarry: South Western Extension Ecological Impact Assessment. (ERAP (Consultant Ecologists) Ltd, July 2019). Document reference: 2018-151.

Technical Appendix 1: Extended Phase 1 Habitat Survey and Assessment (ERAP (Consultant Ecologists) Ltd, July 2019)

Technical Appendix 2: Brown Hare Survey 2018 to 2019 (ERAP (Consultant Ecologists) Ltd, June 2019)

Technical Appendix 3: Aquatic Invertebrate Survey at Pond 6 (ERAP (Consultant Ecologists) Ltd, June 2019)

Technical Appendix 4: Licensed Bat Survey and Assessment: Trees (ERAP (Consultant Ecologists) Ltd, June 2019)

Technical Appendix 5: Bat Activity Transects and Static Surveys (ERAP (Consultant Ecologists) Ltd, July 2019)

Technical Appendix 6: Non-breeding and Wintering Bird Surveys 2018-2019 (ERAP (Consultant Ecologists) Ltd, June 2019)

Technical Appendix 7: Confidential Addendum: Badger Survey and Assessment (ERAP (Consultant Ecologists) Ltd, July 2019)

Arboricultural Impact Assessment. Treetec, Version 5 dated: 5th April 2019

South Arclid Quarry, South Western Extension, near Sandbach, Cheshire. Restoration Details (Bright and Associates). Dated July 2019.

Hydrogeological Impact Assessment & Flood Risk Assessment: Figure 22: Proposed New Monitoring Locations. (Ref: 2443 BSS Arclid \ FIG 22 NEW BH).

Restoration Masterplan with Ecological Annotations (Figure 3 (Revision A) dated 16th January 2020. Ref. ERAP ref. 2018-151).

Written Statement. Technical Appendix 4: Contaminated Land.

Written Statement: Appendix 5 – Restoration Scheme (narrative) including Soils Balance Table.

Arclid Quarry South Western Extension. Soils and Agricultural Assessment Report.

Environmental Statement Section 7: Noise Assessment. (Vibroch Limited. Document reference: R19/10133/4/AP).

Environmental Statement Section 8: Air Quality Assessment. (Vibroch Limited. Document reference: R19.10134/5/AG).

Reason: To define the details and schemes which are approved for the avoidance of doubt and to assist compliance and monitoring of the development.

#### 4. Duration / Cessation of Mineral Working

The winning and working of minerals from South Arclid shall cease no later than 31st December 2041. All buildings, roads, plant, machinery and other

structures used in connection with this development hereby approved shall be removed within a twelve month period following this date, or within 12 months of the permanent cessation of mineral extraction at South Arclid, whichever is the sooner and the restoration works, as required under condition 29, shall be completed accordingly.

Reason: To define the life of the development and to ensure the site is restored at the earliest opportunity.

#### 5. Hours of Working and Plant Maintenance

The hours of operation for the winning and working of mineral including processing, loading and dispatch shall be 07:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturdays. There shall be no working or operational development on Sundays or Bank and Public Holidays. Site maintenance and emergency repairs shall only be permitted outside of these hours in accordance with condition 20 of this permission.

Reason: To limit the impact on the residential amenity.

#### 6. Access

No vehicles, except cars and maintenance vehicles, shall enter or leave South Arclid via Hemmingshaw Lane other than between the following times:

07:00 – 18:00 Mondays to Fridays

08:00 – 13:30 Saturdays

Reason: To ensure that access to and from the site is only at the locations which were identified in the planning application. To limit the impact on the residential amenity and in the interests of highway safety.

#### 7. Movement of Topsoil

The movement of excess topsoil derived from topsoil stripping hereby permitted shall be restricted to between April and October (inclusive). The associated Heavy Goods Vehicle movements shall not exceed 5 in and 5 out (10 movements) per day on Mondays to Fridays, and 3 in and 3 out (6 movements) on Saturdays, with no movements of soils on Sundays or Public Holidays unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To limit the impact on the residential amenity and in the interests of highway safety.

#### 8. Working Operations

Sand shall only leave South Arclid by way of the existing pipeline between South Arclid and North Arclid; each location defined as shown on Plan no. ABG/SWE/01 – Arclid Quarry Location Plan.

Reason: To limit the impact upon residential amenity and safeguard the character of the area.

## 9. Soils Handling

Soils shall be stripped, handled, stored and placed in accordance with Arclid Quarry South Western Extension: Soils and Agricultural Assessment Report, Chapter 8: Mitigation Measures and Appendix 2: Soil Handling. All soil handling operations shall take place when soils are in a condition which does not compromise the structure of the soil. Soil handling techniques shall be used to minimise compaction of soils, including avoiding running heavy vehicles over soils, as set out within the MAFF Good Practice Guide for Handling Soils Sheet 1: Soil Stripping with Excavators and Dump Trucks.

Reason: To safeguard the integrity of soils structure as a growing medium and to ensure successful restoration of the mineral working site for agricultural, woodland and wildlife conservation use.

## 10. Phased Working and Restoration

All mineral extraction operations and progressive restoration shall take place in accordance with the phased working as set out in the approved plans:

Plan no. ABG/SWE/07a – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07b – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07c – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07d – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07e – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07f – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07g – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07h – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07i – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/08 – Restoration Masterplan

Reason: To ensure that the site is worked in the manner as set out in the Planning Statement and Environmental Statement. In the interests of residential amenity, progressive working and restoration.

## 11. Annual Progress and Review Meeting and Report

Within 3 months following the commencement of development, an inaugural meeting during initial site preparation works for the South Western Extension and thereafter an annual progress and review meeting and report of progress and works to be carried out in the following year

shall be undertaken and the reports submitted to the mineral planning authority for written approval within one month from the date each meeting takes place. The meetings and reports shall continue annually until the completion of the Landscape and Ecological Management Plan (as set out in condition 19) and aftercare period (as set out in condition 30). The review shall set out any unplanned alterations or mitigation works to the operations, the programme of restoration, planting and aftercare works, and timescales.

Reason: To assist compliance and monitoring of the development with the planning permission and to provide a mechanism for non-material alterations which may arise as operations progress to ensure a high-quality restoration and aftercare is carried out.

#### 12. Noise Limits

Noise from South Arclid shall not exceed 55dBA LAeq 1 hour as measured free-field at a minimum of 3.5m from any reflecting surface other than the ground at any noise sensitive residential property. For a period not exceeding 8 weeks in any given calendar year, the noise limit shall not exceed 70dBA LAeq 1 hour as measured free-field at a minimum of 3.5m from any reflecting surface other than the ground at any noise sensitive residential property to allow soils stripping, soils storage, landscaping and restoration works to take place.

Reason: To reduce the impacts of noise from the site and to safeguard amenity.

#### 13. Noise Monitoring

Within twelve months of the date of this permission an updated noise monitoring scheme for South Arclid shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include provision for the number and location of noise monitoring points, the frequency of monitoring, information to be collected and the submission of results to the Minerals Planning Authority. The development shall subsequently be carried out in accordance with the approved noise monitoring scheme throughout the life of the development.

Reason: To minimise environmental impact and to safeguard the amenities of residents in the local area.

#### 14. Dust Management

The best available techniques, including measures identified in Section 3.0 and Appendix 3 of the submitted Air Quality Assessment (document reference: R19.10134/5/AG), shall be used at all times to ensure that dust emissions and propagation is minimised. Such measures shall include:

- a) the control of vehicle speeds;
- b) ensuring compaction, grading and maintenance of haul roads;
- c) minimising soil stripping to the area required for mineral production during the following 12 months;
- d) fitting vehicles with upswept exhausts wherever appropriate;

- e) minimising the drop height when loading materials;
- f) avoiding overloading of transfer plant, thus reducing spillages;
- g) enclosing processing plant where a dry process is used, where practicable;
- h) regular maintenance of plant and machinery in accordance with the manufacturers specification;
- i) the seeding of all soil and overburden mounds as soon as practically possible following their construction
- j) regular spraying of stockpiles and site haul roads wherever appropriate.

Reason: To reduce the impacts of dust disturbance from the site and to safeguard amenity.

#### 15. Archaeological Mitigation Strategy

No development shall take place within the South Western Extension Area until the applicant has secured the implementation of a programme of archaeological investigation, observation and recording in accordance with a Written Scheme of Investigation (WSI) which has been submitted to the Mineral Planning Authority. The scheme shall include undisturbed areas of the Application Site previously subject to a WSI and shall include a watching brief during topsoil stripping. The approved development shall be carried out in strict accordance with the approved scheme.

Reason: In the interest of proportionately investigating, understanding and recording the archaeological significance of any artefacts discovered as a consequence of the approved development.

#### 16. Contaminated Land

If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Mineral Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Mineral Planning Authority.

Reason: 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.

#### 17. Lighting Scheme

Prior to the installation of any new or replacement permanent external lighting at South Arclid, details of the proposed lighting scheme should be submitted to the Local Planning Authority. The scheme should include details of the:

- Proposed lighting regime;
- Number and location of proposed luminaires;
- Luminaire light distribution type;
- Lamp type and power;



- Mounting height, orientation direction and beam angle;
- Type of control gear.

Reason: In the interest of wildlife conservation, environmental protection and residential amenity.

18. No tree works, ground clearance or soil stripping shall take place in the South Western Extension Area until a Tree Protection Scheme and Arboricultural Method Statement has been submitted and approved by the Mineral Planning Authority.

The details shall include:

- All tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required), including stages at which actions and monitoring will be reported to the Mineral Planning Authority,
- Details of the precise location of the 'no dig' surfacing for the diverted footpaths / utility infrastructure and the mineral extraction area,
- A site specific 'no dig' design for the surfacing of any diverted public rights of way and utility infrastructure within tree and hedgerow root protection areas including an illustrative cross-section drawing.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To protect and enhance landscape character and ecological interests.

19. Landscape and Ecological Management Plan

No ground clearance, tree works or soil stripping shall take place within the South Western Extension Area until a Landscape and Ecological Management Plan (LEMP) addressing landscape and biodiversity protection, enhancement and management during the extraction of silica sand hereby permitted shall be submitted to the Mineral Planning Authority. The issues which shall be addressed in the LEMP include:

- i. Measures to be taken to protect habitat and species present on site as identified in the South Western Extension Ecological Impact Assessment by ERAP Consultant Ecologists Ltd [ref: 2018-151];
- ii. Details of Habitat Creation as shown on the approved drawing: Plan no. ABG/SWE/08 – Restoration Masterplan, comprising phasing and method statements for the creation, establishment and aftercare management of each habitat type to include:
  - a. Islands
  - b. Trees and hedgerows
  - c. Ponds
  - d. Sand martin banks
  - e. Wetland habitats including shallows/reedbeds and smaller ponds
  - f. Lowland meadows
  - g. Installation of bat and bird boxes (including barn owl).

- h. Creation of gently sloping banks (1:20) in the vicinity of the proposed wetland
- i. Habitat creation areas
- j. Habitat for Yellow Wagtail
- iii. A timetable detailing:
  - a. The carrying out of all habitat protection and creation measures,
  - b. The implementation of habitat and species management for the duration of silica sand extraction hereby permitted,
  - c. The duration of the subsequent aftercare period for each habitat created and timescales for the completion,
  - d. Details of the annual review and update of the LEMP.

The development shall be carried out in accordance with the approved LEMP including any revisions as agreed in writing by the Mineral Planning Authority thereafter.

Reason: To protect and enhance landscape character and ecological interests.

#### 20. Plant and Machinery

All plant and machinery shall be maintained in good working order to minimise unnecessary noise.

Reason: In the interest of residential amenity.

#### 21. Site Maintenance and Emergency Repairs

Site maintenance and essential repairs are permitted outside of the operational hours. No repairs or maintenance which is capable of generating reasonable complaint due to noise such as from drilling, hammering, power tools, impact driver or running motors or engines, shall take place between the night-time hours 23:00 to 06:00 hours.

Reason: In the interest of residential amenity and the safe operation of the site.

#### 22. Groundwater Monitoring 1

No extraction of sand shall commence from the South Western Extension boreholes hereby permitted until 2019/01, 2019/02, and BH P11R as shown on Hydrogeological Impact Assessment & Flood Risk Assessment: Figure 22: Proposed New Monitoring Locations (Ref: 2443 BSS Arclid \ FIG 22 NEW BH) shall be drilled, replaced or deepened as appropriate.

Reason: To allow for the monitoring and protection of groundwater.

#### 23. Groundwater Monitoring 2

No extraction of sand shall commence from the South Western Extension hereby approved, until the groundwater level recording in the locations as shown on Hydrogeological Impact Assessment & Flood Risk Assessment: Figure 22: Proposed New Monitoring Locations (Ref: 2443

BSS Arclid \ FIG 22 NEW BH) has commenced. The monitoring undertaken shall:

- i) Record groundwater levels within each borehole shown on Figure 22,
- ii) Record the water level in, and the location of, each quarry sump at the same intervals as the groundwater level monitoring,
- iii) Record the quantity of water removed from each sump identified at iii) during the preceding month,
- iv) Record the location water was transferred to.

All recorded levels, locations and abstractions shall be included in an annual monitoring report. The groundwater monitoring scheme shall be maintained for the duration of the permitted operations.

Reason: To allow for the monitoring and protection of groundwater.

#### 24. Storage of Materials Harmful to Water Quality

Any facilities for the storage of oil, fuels or chemicals shall be sited on impervious bund walls. The volume of the bunded compound should be at least 110% of the total tank capacity. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks, plus 10%. At filled points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent adversely affecting watercourses passing through or outside the site.

#### 25. Protection of Bats

Trees T6, T7, T10 and T18 as identified in Technical Appendix 4: Licensed Bat Survey and Assessment: Trees (ERAP (Consultant Ecologists) Ltd, June 2019) Bat Survey and Assessment of Tree' shall not be removed until a bat survey has been undertaken and submitted to the Mineral Planning Authority for approval. The submission shall record any evidence of roosting bats and include appropriate mitigation and compensation measures.

Reason: To safeguard biodiversity.

#### 26. Protection of Newts

The development hereby approved shall be undertaken in accordance with the great crested newt mitigation detailed in paragraphs 5.6.4 – 5.6.6 of the Technical Appendix 1: Extended Phase 1 Habitat Survey and Assessment (ERAP (Consultant Ecologists) Ltd, July 2019), unless varied by licence granted by Natural England.

Reason: To safeguard biodiversity.

27. Protection of Badgers

Prior to the commencement of works within each Phase (as detailed at condition 8 of this planning permission), a survey relevant to working within that phase for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures, shall be submitted to the Mineral Planning Authority. Site works shall be carried out in complete accordance with approved measures.

Reason: To safeguard biodiversity.

28. Vegetation Clearance

No trees or hedgerows shall be removed within the bird nesting season (1st March to 31st August inclusive), unless the site is surveyed for nesting birds by a qualified ecologist prior to their removal. If nesting birds are found, a scheme to protect nesting birds shall be submitted to the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved scheme.

Reason: To avoid harm to nesting birds during the bird breeding season.

29. Restoration Scheme

The site shall be restored in accordance with the approved restoration plan (Plan no. ABG/SWE/08 – Restoration Masterplan) and in accordance with details agreed subject to the approved Landscape and Ecological Management Plan (condition 18).

Reason: To ensure the site is satisfactorily restored and to avoid endangering the safe operation of aircraft through the attraction of birds.

30. Final Aftercare Scheme

Aftercare shall be carried out for a period of five years following the completion of restoration in each phase. The aftercare shall be carried out in accordance with a detailed aftercare scheme which shall be submitted to and approved in writing by the Mineral Planning Authority, six months prior to the completion of restoration works in each phase or as otherwise agreed in writing with the MPA.

Additionally, no later than the 31<sup>st</sup> December 2040 or within 6 months of the permanent cessation of the silica sand extraction hereby approved, whichever occurs sooner, a detailed scheme of management for a maximum duration of 10 years following on from the five year aftercare period shall be submitted to the Mineral Planning Authority. The scheme shall account for the phasing of the approved development and address actions outstanding from the LEMP (condition 19), provide for annual inspections and the carrying out of any necessary remedial measures, including the replacement of any planting failures, cultivating, fertilising, seeding, watering, drainage and other treatment of the land. An annual report of the aftercare works shall be forwarded to the Mineral Planning

Authority no later than the 31st March during each year of the aftercare period.

Reason: To ensure the positive restoration and aftercare of the site to delivery environmental enhancement.

31. Inspection of Planning Permission

From commencement of development until the cessation of mineral extraction a copy of this permission, including all documents approved and agreed in accordance with this permission, shall always be available for inspection at the site office during normal hours.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved documents.

32. The development shall be carried out in accordance with all relevant conditions attached to 09/2291W except where superseded by this permission

Reason: for the purposes of clarity.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Acting Head of Planning, in consultation with the Chairman (or in their absence the Vice Chairman) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Head of Planning in consultation with the Chairman (or in their absence Vice 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.

6 **16/3829W-IMPROVEMENT OF LAND VIA REMOVAL OF PREVIOUSLY DEPOSITED ASH/CLINKER, AND RESTORATION TO AGRICULTURAL AND EQUESTRIAN AFTER USE VIA IMPORTATION AND PLACEMENT OF INERT AND SOIL-FORMING MATERIAL (INCLUDING ANCILLARY WORKS), CASEY LANE STABLES, CASEY LANE, BASFORD, CHESHIRE FOR MR BARRIE GARRATT**

Consideration was given to the above application.

(Councillor J Clowes, the neighbouring Ward Councillor and Parish Councillor J Cornell, representing Weston and Basford Parish Council attended the virtual meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reasons:-

1. Significant areas of land within the application site lie within the limits of land subject to HS2 Safeguarding Directions. The proposed development would therefore prejudice the ability to deliver and operate HS2 Phase 2a and is therefore contrary to the requirements of Policy CO 2 (Enabling Business Growth through Transport and Infrastructure) of the Cheshire East Local Plan Strategy.
2. Several of the ecological reports submitted with the application are now out of date and cannot be relied upon to support the application. Insufficient information is therefore available relating to protected species and habitats in order to assess adequately the impact of the proposed development. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies, in particular Policy SE 3 (Biodiversity & Geodiversity) of the Cheshire East Local Plan Strategy, Policies 12 (Impact of Development Proposals) and 17 (Natural Environment) of the Cheshire Replacement Waste Local Plan and Policies NE.5 (Nature Conservation & Habitats) and NE.9 (Protected Species) of the Crewe and Nantwich Replacement Local Plan and other material considerations.

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

(During consideration of the application, Councillor R Moreton left the meeting and did not return. Prior to consideration of the following application, the virtual meeting was adjourned for a short break).

- 7 **20/0901C-PART FULL/PART OUTLINE APPLICATION PROPOSING: 1: FULL PLANNING APPLICATION FOR AN EMPLOYMENT DEVELOPMENT (USE CLASS B2 & B8 WITH ANCILLARY USE CLASS B1 FLOORSPACE), AND SECURITY GATEHOUSE AND WEIGHBRIDGE, THE PROVISION OF ASSOCIATED INFRASTRUCTURE, INCLUDING A SUBSTATION, PLANT, PUMPING STATION, SERVICE YARDS, CAR AND HGV PARKING, CYCLE AND WASTE STORAGE, LANDSCAPING, ECOLOGICAL ENHANCEMENT AREA, DRAINAGE ATTENUATION, ACCESS FROM ERF WAY AND RE-ALIGNMENT OF THE RIVER CROCO TRIBUTARY. 2: OUTLINE PLANNING APPLICATION FOR AN EMPLOYMENT DEVELOPMENT (USE CLASS B2 & B8 WITH ANCILLARY USE CLASS B1 FLOORSPACE) WITH ALL DETAILED MATTERS EXCEPT FOR ACCESS RESERVED FOR FUTURE DETERMINATION, PHASE 4B**

**AND 1B MAGNITUDE,, OFF ERF WAY, MIDDLEWICH FOR  
MAGNITUDE LAND LLP & SWIZZELS MATLOW LTD**

Consideration was given to the above application.

(Jon Suckley, the agent for the applicant attended the virtual meeting and spoke in respect of the application).

**RESOLVED**

That the application be delegated to the Head of Planning in consultation with the Chairman and Vice Chairman of the Strategic Planning Board to approve subject to resolving the objections from the Environment Agency; receipt of comments from the Lead Local Flood Authority (LLFA); clarification of the electrical charging provision requirements and meeting policy SE9 on renewable energy provision and subject to the completion of a S106 Agreement securing the following:-

Highways - Contribute to the Middlewich Eastern Bypass or A54 Corridor/Leadsmithy Street corridor improvements based on a payment of £30 per sq m GIA to be paid in four instalments prior to occupation of:-

- Plot 4B phase 1;
- Plot 4B phase 2
- Plot 4B phase 3; and
- Plot 1B

And Ecology – Biodiversity offset payment as follows:-

Prior to the commencement of development a scheme for offsetting biodiversity impacts on the site shall be submitted to and approved by the local planning authority. The proposed offsetting scheme shall include:

- Details of the offset requirements of the development in accordance with the current Defra biodiversity metric, which has been calculated to comprise 8.5 units conservation credits of grassland;
- The identification of a receptor site or sites which generate a minimum 8.5 units available conservation credits;
- The provision of evidence of arrangements that secures the delivery of the offsetting scheme;
- A management and monitoring plan (which shall include for the provision and maintenance of such offsetting measures for a period of not less than 25 years from commencement of development)

And subject to the following conditions:-

**FULL APPLICATION:**

1. 3 Year start date
2. Approved plans/documents

3. Materials
4. Landscaping
5. Landscape maintenance
6. Arboricultural Impact Assessment
7. Tree Retention/Protection
8. Levels
9. Electric vehicle infrastructure
10. Ultra Low Emission Boiler(s)
11. Importation of soils
12. Contaminated land assessment (Phase II)
13. Contaminated land verification report
14. Measures to deal with unexpected contamination
15. Foul and surface water on separate systems
16. Surface water drainage
17. Tree felling under supervision (Bats)
18. Lighting (Amenity & Bats)
19. Updated Otter survey
20. Bird nesting season
21. Ecological mitigation measures
22. 25 Year habitat management plan
23. PROW Management scheme

OUTLINE APPLICATION:

1. Outline timescales
2. Approved plans/documents
3. Materials
4. Landscaping
5. Landscape maintenance
6. Arboricultural Impact Assessment
7. Tree Retention/Protection
8. Levels
9. Electric vehicle infrastructure
10. Ultra-Low Emission Boiler(s)
11. Importation of soils
12. Contaminated land assessment (Phase II)
13. Contaminated land verification report
14. Measures to deal with unexpected contamination
15. Foul and surface water on separate systems
16. Surface water drainage
17. Tree felling under supervision (Bats)
18. Lighting (Amenity & Bats)
19. Updated Otter survey
20. Bird nesting season
21. Ecological mitigation measures
22. 25 Year habitat management plan
23. PROW Management scheme

In the event of any changes being needed to the wording of the Board'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 Head of Planning 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 Board's decision.

The meeting commenced at 10.00 am and concluded at 1.56 pm

Councillor M Hunter (Chairman)