

Strategic Planning Board

Agenda

Date: Wednesday, 24th June, 2020

Time: 10.00 am

Venue: Virtual Meeting

How to Watch the Meeting

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Please note that members of the public are requested to check the Council's website the week the Strategic 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.

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 top of each report.

It should be noted that Part 1 items of Cheshire East Council decision meetings are recorded and the recordings are uploaded to the Council's website.

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

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

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 5 - 14)

To approve the minutes of the meeting held on 26 February 2020 as a correct record.

4. **Public Speaking-Virtual Meetings**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Strategic Planning Board
- The relevant Town/Parish Council

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

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- Objectors
- Supporters
- Applicants

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** (Pages 15 - 60)

To consider the above application.

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** (Pages 61 - 82)

To consider the above application.

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 (Pages 83 - 104)**

To consider the above application.

Membership: Councillors A Critchley, S Edgar, A Farrall, S Gardiner (Vice-Chairman), P Groves, S Hogben, M Hunter (Chairman), D Jefferay, R Moreton, P Redstone, J Weatherill and P Williams

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 26th February, 2020 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

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

OFFICERS IN ATTENDANCE

Ms S Dillon (Senior Lawyer), Mr D Evans (Principal Planning Officer), Mr T
Evans (Neighbourhood Planning Manager), Ms C Fenghour (Senior Planning
Officer), Mr P Hurdus (Principal Development Manager), Mr D Malcolm,
(Acting Head of Planning) and Ms S Orrell (Principal Planning Officer)

Prior to the start of the meeting the Chairman expressed his sadness at the
death of Councillor B Roberts who had been a Member of the Strategic
Planning Board for a number of years. He informed Members that a book of
condolence was available in the foyer of the municipal building at Crewe for
anyone who wished to sign.

Further to this the Chairman expressed his disappointment at the low number
of attendees at recent site visits. He reminded the Board of the importance of
attending site visits and whilst he acknowledged there were genuine reasons
for Members not being able to attend he reiterated that they were an essential
part of the decision making process.

67 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A Critchley and R
Moreton.

68 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of applications 18/0083C, 19/2513M
and 19/5736C, Councillor S Hogben declared that he was a was a Director
of ANSA who were a consultee on the applications, however he had not
made any comments nor discussed the applications.

In respect of application 18/0083C, Councillor M Hunter declared that he
had predetermined the application. In accordance with the Code of
Conduct he left the room prior to consideration of the application.

In the interest of openness in respect of application 18/0083C, Councillor S Edgar declared that he was a member of the Cheshire Brine Subsidence Compensation Board who had been a consultee on the application, however he had not made any comments nor discussed the application.

69 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 29 January 2020 be approved as a correct record and signed by the Chairman subject to the inclusion of Councillor S Hogben's declaration of interest which was omitted from the minutes as follows:-

In the interest of openness in respect of applications 19/1068M and 19/1392M, Councillor S Hogben declared that he was a Director of ANSA who were a consultee on the applications, however he had not made any comments nor discussed the applications.

70 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

71 19/5736C LAND SOUTH OF OLD MILL ROAD, SANDBACH: THE CONSTRUCTION OF 57 DWELLINGS AND ERECTION OF A PETROL FILLING STATION (SUI GENERIS) AND ASSOCIATED CONVENIENCE STORE (CLASS A1), DRIVE-THROUGH RESTAURANT (CLASS A3 / A5), DRIVE THROUGH CAFÉ (CLASS A1 / A3), OFFICES, (CLASS B1(A)) ALONG WITH THE CREATION OF ASSOCIATED ACCESS ROADS, PARKING SPACES AND LANDSCAPING FOR C MULLER, MULLER PROPERTY GROUP

Consideration was given to the above application.

(Councillor M Benson an adjoining Ward Councillor attended the meeting and spoke in respect of the application. In addition a statement was read out on behalf of the Ward Councillor S Corcoran).

RESOLVED

That the application be refused for the following reasons:-

1.This is an important gateway location and prominent site in Sandbach. The commercial buildings are standard generic designs that pay little regard to Sandbach as a place whilst the design of the proposed residential dwellings/apartments would create a poor focal point to the development. Consequently the development will not suitably integrate and add to the overall quality to the area in architectural terms.

Furthermore the topography of the site is not conducive to a large floorplate/car park format and would result substantial engineered retaining structures. The proposed development fails to take the opportunities available for improving the character and quality of the area and is contrary to Policies SE1 and SD2 of the CELPS, Policy H2 of the SNP and guidance contained within the NPPF.

2.The application site is of a very challenging topography including an escarpment that runs along the central part of the site. The submitted information demonstrates that the development will require engineered retaining walls with minimal landscape mitigation along the western boundary, whilst there would also be minimal landscape mitigation within the site. On this basis the development would not achieve a sense of place and would be harmful to the character of the area. The proposed development is therefore contrary to Policies SD2, SE1 and SE4 of the CELPS, PC2 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.

3.The commercial part of the development would be car dependent and Old Mill Road would act as a barrier between the application site and Sandbach Town Centre. Furthermore the development would not encourage linked trips and is not considered to be sustainable. The proposed development is contrary to Policies SD1, SD2, CO1 and CO2 of the CELPS, Policies GR9, GR10 and GR13 of the Congleton Local Plan and Policies H5 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.

4.The application contains insufficient information to demonstrate that the development would provide the required 30% affordable housing provision. The proposed development is contrary to Policy SC5 of the CELPS, Policy H3 of the Sandbach Neighbourhood Plan and the NPPF.

5.The proposed development cannot accommodate the number of dwellings proposed together with the required level of Open Space/Green Infrastructure/Childrens playspace. As such the proposed development is contrary to Policy SE6 of the CELPS, Policy GR22 of the Congleton Local Plan and guidance contained within the NPPF.

6.The proposed development would affect PROW Nos 17, 18 and 19. The PROW would be diverted along estate roads or pavements (which is an extinguishment of the public right of way) or accommodated at the side of residential properties affording limited natural surveillance and the potential for anti-social behaviour. The proposed development would be contrary to Policy CO1 of the CELPS, Policy GR16 of the Congleton Local Plan, Policies PC5 and JLE1 of the Sandbach Neighbourhood Plan and guidance contained within the NPPF.

In order to give proper effect to the Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Development Management in consultation with the Chair (or in their

absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

If the application is subject to an appeal approval is given to enter into a S106 Agreement with the following Heads of Terms:-

S106	Amount	Triggers
Affordable Housing	30% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan to be submitted at the reserved matters stage. No more than 80% open market occupied prior to affordable provision in each phase.
Education	For a development of 85 dwellings; 15 x £11,919 x 0.91 = £162,694.00 (primary) 13 x £17,959 x 0.91 = £212,455.00 (secondary) 1 x £50,000 x 0.91 = £45,500.00 (SEN) Total education contribution: £420,649.00	SEN – Full amount prior to first occupation of the housing development Secondary – Full amount prior to first occupation of 30 dwellings Primary – Full amount prior to first occupation of 50 dwellings
Health	Contribution of £72,972	Full amount to be paid prior to the commencement of the housing/care home
Indoor recreation	Contribution of £29,531	Full amount to be paid prior to the commencement of the housing/care home
Outdoor recreation	Contribution of £1,000 for a family dwelling or £500 per 2 bed apartment space	Full amount prior to first occupation of 50 dwellings
Public Open Space	Private Management Company Provision of a NEAP and the	On first occupation On occupation of 50% of the

	open space (amount based on calculation within Policy SE 6) – to include 30m buffer from NEAP to the nearest housing.	dwelling
Highways Contribution for works between the The Hill junction and the site access roundabout	Contribution of £200,000	50% prior to the commencement 50% prior to the first occupation/use of any part of the development
Ecology	Submission and implementation of off-site mitigation for Sandbach Wildlife Corridor (including a time-table of implementation and a 25 year management plan)	Submission – prior to the commencement of development and implemented in accordance with the approved timetable and management plan

(During consideration of the following item, Councillor S Gardiner arrived to the meeting, however in accordance with the Code of Conduct he did not take part in the debate or vote on the application).

72 19/2513M FORMER MERE FARM QUARRY, CHELFORD ROAD/ALDERLEY ROAD, NETHER ALDERLEY, CHESHIRE SK10 4SZ: DELIVERY OF WATERSPORTS AND OUTDOOR ACTIVITY CENTRE ON THE NORTH LAKE OF THE FORMER MERE FARM QUARRY, INCLUDING NEW VEHICULAR ACCESS, CAR PARKING, AND MULTI-USE BUILDING FOR ADV. HOLDINGS LTD

Consideration was given to the above application.

(Parish Councillor Brian Brindley, representing Chelford Parish Council, Steve Barber, an objector and Jonathan Vose, 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 the Board, the application be approved subject to the following conditions:-

1. Three year time limit
2. Accordance with the approved plans
3. Materials as per application
4. Removal of all structures, supporting infrastructure, decking and hardstanding on cessation of use
5. Lighting strategy for neighbour amenity and ecology
6. Loud speaker limited to emergency use only

7. No external music or speakers, apart from in accordance with condition
8. Tree protection plan
9. Submission of updated landscaping plan
10. Implementation of landscaping plan
11. Boundary treatments
12. Updated plan ecological mitigation and compensation measures - detailed design, details of implementation, management and monitoring. Management to continue for the operational life of the development
13. Implementation of agreed ecological mitigation and compensation measures
14. Updated badger survey if development has not commenced by 28 January 2021
15. Safeguarding of birds during nesting season
16. Submission of plan to accompany Bird Management Plan
17. Compliance with Bird Management Plan
18. Removal of PD for means of enclosure
19. Provision of parking and access
20. Provision of electric vehicle charging points
21. Details and provision of cycle storage
22. Details and provision of refuse storage
23. Submission of a public rights of way management scheme
24. Submission of detailed SUDS scheme
25. Compliance with Surface Water Drainage Strategy
26. Testing of soils for contamination
27. Hours of Operation
28. No motorised vehicles

(The meeting was adjourned for lunch from 12.20pm until 1.00pm).

73 18/0083C LAND EAST OF WARMINGHAM LANE, MOSTON, MIDDLEWICH: PROPOSED ERECTION OF 84 RESIDENTIAL DWELLINGS, ACCESS, LANDSCAPING AND ASSOCIATED WORKS FOR MR MICHAEL ORGILL, SEDDON CONSTRUCTION

(Prior to consideration of the application, Councillor M Hunter vacated the Chair and Councillor S Gardiner took over as Chairman for the item).

Consideration was given to the above application.

(Lewis Evans, 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 the application be approved subject to the following conditions:-

1. Commencement

- 2.Plans
- 3.Materials as submitted
- 4.Prior to occupation the provision of a frontage footway on Warmingham Lane as indicated on Dwg VN70839-102 to be implemented
- 5.Removal of permitted development rights – means of enclosure forward of building line
- 6.Removal of permitted development rights for extension for the 3 no affordable dwellings
- 7.The developer shall agree with the LPA an Environmental and Construction Management Plan (EMP) with respect to the construction phase of the development. The EMP shall identify all potential dust sources and outline suitable mitigation/ pile driving methods and hours of pile driving / storage of materials/car parking for workers/compound. The plan shall be implemented and enforced throughout the construction phase.
- 8.Imported soil
- 9.Unforeseen contamination
- 10.Development to be undertaken in accordance with Flood Risk Assessment (FRA) (3870/FRA/Final/v1.2/2018-09-03, v.1.2 by Weetwood) dated September 2018
- 11.No development shall take place until an overall detailed strategy / design limiting the surface water runoff generated by the proposed development, associated management / maintenance plan and managing any overland flow routes for the site has been submitted to and approved in writing by the Local Planning Authority. The drainage design must also include information about the design storm period and intensity (1 in 30 & 1 in 100 (+% allowance for Climate Change)) & any temporary storage facilities included, to ensure adequate drainage is implemented on site.
- 12.Existing and proposed levels, inc FFL
- 13.Electric vehicle charging
- 14.Raft/ ring beam Foundations as detailed in Wardell Armstrong Drawing No. LE13532-005.
- 15..Tree and hedge protection – non standard
- 16.Arbicultural Method Statement
- 17.Tree Retention
- 18.Drainage/services layout for trees
- 19.Non –standard construction trees
- 20.Residential travel packs
- 21.Retention and protection of hedgerows.
- 22.Scheme to link site with adjoining development of Glebe Farm allocation
- 23.Phasing of development to form part of 1st reserved matters
- 24.Superfast broadband provision
- 25.Hedgehog Gaps
- 26.Bird nesting season
- 27.Updated badger survey
- 28 Features for breeding birds/bats
- 29.Strategy for the safeguarding and enhancement of invertebrate habitat.
- 30.Bike store for flats
- 31.Environment/highways management plan for construction phase

32. Newt mitigation scheme to be submitted

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 Development Management 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.

If the application is subject to an appeal approval is given to enter into a S106 Agreement with the following Heads of Terms:-

S106	Amount	Triggers
Affordable housing including Overage clause to also include education contribution	13%	50% upon 1 st occupation. 50% at occupation of the 43 rd unit
Contribution to Middlewich Eastern Relief Road	£437388	Phased contributions with 40% upon 1 st occupation of the 1 st dwelling; a further 30% upon occupation of the 40 th unit; remainder payable upon occupation of 60 th unit
Management Company to maintain all open space in perpetuity (including, inter alia, general amenity open space, nature conservation area, drainage areas, ponds and any other areas of incidental open space not within private gardens or the adopted highway).		Upon occupation

(Prior to consideration of the following item, Councillor M Hunter retook the Chair).

74 **CREWE HUB AREA ACTION PLAN REPORT - PUBLICATION DRAFT PLAN**

Consideration was given to the Crewe Hub Area Action Plan.

Members made the following points:-

- That an update on progress on the Hybrid Bill through Parliament be provided;
- That it be made known how much was available already through existing S106 contributions to improve the junctions identified in the plan;
- Actively involve Ward Councillors in addressing issues (especially parking and traffic) for the areas west of Gresty Road;
- Ensure policies were in place relating to provision of green infrastructure and green links;

- Ensure that opportunities to make use of geothermal energy were referenced;
- Ensure that future engagement and consultations actively pursued for the residents in the areas adjoining the plan;
- Ensure the plan included the appropriate approach to climate change.

RESOLVED

1. That the publication Draft version of the Crewe Hub Area Action Plan (Appendix 1), its Sustainability Appraisal (Appendix 2) and Habitats Regulation Assessment (Appendix 3), Crewe Hub AAP Development Strategy and Further Options - Summary of Consultation Responses (Appendix 4) and the suite of documents which form the supporting evidence base (Appendix 5) be considered.

2. That Cabinet be recommended to approve the above documents for publication and public consultation, under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, for a period of six weeks from 17th March to 30th April 2020.

3. That the Head of Planning be authorised to make any additional non-material changes to the consultation documents or supporting information ahead of the consultation and prepare any additional explanatory information to support the consultation.

4. That it be noted that a Cabinet decision is required to implement consultation on the Publication Draft Crewe Hub Area Action Plan.

5. That it be noted that Full Council approval will be sought to implement the submission of the Area Action Plan to the Secretary of State.

75 CHESHIRE EAST LOCAL PLAN: AUTHORITY MONITORING REPORT 2018/19

Consideration was given to the Cheshire East Local Plan: Authority Monitoring Report 2018/19.

RESOLVED

That the report be noted.

The meeting commenced at 10.00 am and concluded at 3.17 pm

Councillor M Hunter (Chairman)

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Application No: 19/3951W

Location: ARCLID QUARRY, CONGLETON ROAD, ARCLID, CW11 4SN

Proposal: South western extension to silica sand workings, along with revisions to the development programme and restoration scheme approved under permission 09/2291W

Applicant: Mr David Robinson, Archibald Bathgate Group

Expiry Date: 13-Dec-2019

SUMMARY:

There is a presumption in the NPPF in favour of the sustainable development unless there are any adverse impacts that significantly and demonstrably outweigh the benefits.

Silica Sand is a nationally important strategic resource, providing feedstock for the glass, ceramics, horticulture and casting industries, and a host of other industrial uses. Minerals can only be worked where they occur and the distribution of silica sand across the UK is unevenly distributed and is limited to a small number of locations and Cheshire East contains important deposits east of the M6 motorway.

The Cheshire East Council Draft Local Aggregates Assessment identifies that there are currently insufficient reserves of silica sand to meet the requirement in the NPPF for at least 10 years supply at each site. This proposal is therefore required in order to ensure a sufficient supply of silica is maintained. It also does not meet the maintenance of at least 7 years sand and gravel landbank required by the NPPF. This proposal would therefore contribute towards the maintenance of at least 7 year supply of sand and gravel used for aggregates.

This should be balanced against any potential harm to the loss of Grade 2 and 3a agricultural land, the impact on hydrology and hydrogeology (the water table), residential amenity; particularly in terms of noise and nuisance dust impacts to sensitive receptors; along with the increase in vehicle movements in the area, the impact on the highway network and air quality and ecology and habitats.

On the basis of the above, it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the long term social and economic planning benefits, along-side long term benefits to nature conservation and return to agriculture. As such, the scheme is considered to accord with policies of the Cheshire East Local Plan Strategy 2017 and the saved policies of the Cheshire Replacement Minerals Local Plan and the Congleton Borough Local Plan First Review, and the approach of the NPPF.

RECOMMENDATION: Approve subject to conditions and the completion of a Section 106 Agreement.

SITE DESCRIPTION, CONTEXT AND RELEVANT HISTORY

Site Description

Arclid Quarry lies 2.5 km north east of Sandbach, 8.5 km west of Congleton and 5 km south of Holmes Chapel. The A534 Congleton to Sandbach Road splits the Quarry, with North Arclid comprising the plant processing site and former, now restored areas of quarrying lying to the north; with the active and permitted extraction areas of South Arclid and South Eastern Extension to the south. The A5022 joins the A534 some 200 metres west of the Quarry boundary and the A50 lies 200 metres to the east of the Quarry boundary.

The Application Site encompasses all mineral workings and areas of restored land covered by the consented South Arclid and adjacent South Eastern Extension, along with the South Western Extension proposed by this application. The proposed South Western Extension is situated immediately adjacent to the active working area at South Arclid.

Virtually all of the proposed South Western Extension area is agricultural land, mainly in arable use although some is used for grazing. The majority of the fields and the perimeter of the South Western Extension Area are bounded by Hawthorn hedges which have gaps in places with occasional mature hedgerow trees. A number of footpaths cross or run close to the edge of the South Western Extension Area.

Planning History and Site Development

Planning permission for silica sand extraction at Arclid Quarry was initially granted in December 1948 for an area of 2.7 hectares to the north of the A534. This planning permission was subsequently extended to cover the whole area now referred to as 'North Arclid', where sand extraction has now ceased. However, the site's plant and processing machinery, office complex and the quarry's highway access on to the A534 are all located at North Arclid, as the logistical hub.

In December 2001, an updated set of planning conditions was granted under the Environment Act, which effectively separated the set of conditions into North Arclid and South Arclid.

Sand extraction is currently being undertaken at South Arclid to the south of the A534 and this has been undertaken since 1996.

A small extension to South Arclid was granted in 2003 (ref 8/33385) which consolidated, through a legal agreement, all planning conditions for South Arclid into one consent so as to provide a comprehensive set of conditions for the whole of South Arclid.

In October 2008, a western extension to South Arclid was permitted (ref 8/07/0222/CPO). Again this consolidated, through a legal agreement, all the planning conditions for the various permissions over the South Arclid site; and also included for extended management of the site for 15 years post restoration.

In February 2013 an application was approved for a south eastern extension to the existing silica sand workings at South Arclid (ref 09/2291W). This was also subject to a Section 106 legal agreement securing 5 years aftercare and a further 10 years of management in respect of nature conservation and woodland planting.

PROPOSAL

The proposed South Western Extension is formed by two areas of land namely the north western block and south western block which overlap with the current mineral permission area. The South Western Extension lies to the west and south west of the current working area at South Arclid.

In total the South Western Extension covers 28.3 hectares, although 7.7 hectares of this land is already covered by extant mineral planning permissions.

The North Western Block contains a resource of approximately 1,000,000 tonnes of silica sand overlain by approximately 375,000m³ of overburden. The South Western Block area contains a resource of approximately 3,500,000 tonnes of silica sand overlain by approximately 620,000m³ of overburden. In total, the mineral reserves secured by this application would be 4,500,000 tonnes of silica.

There would be no change to the out put of sand from the quarry which is approximately 520,000 to 550,000 tonnes per annum. Approximately 5 million tonnes of mineral reserves remain at the quarry, which equates to around 9 years supply based on the current rate of extraction. The proposed extension would therefore provide a further 17 years supply.

End uses

The silica sand at Arclid Quarry is processed and sold for a wide range of industrial and leisure uses. The main markets are foundry, iron, steel and non-ferrous sectors, insulation, ceramic, paints, fillers and plastic industries. The sand also supplies the equestrian and leisure industry such as for all-weather pitches, race tracks, horse arenas, golf courses and football pitches.

Mineral extraction process

The approach to mineral extraction reflects that undertaken on the wider quarry. The site would be worked over 10 phases progressing in a broad anti-clockwise direction commencing with the north western block and then moving into the south western block. As extraction continues, the previously worked area would be progressively restored in tandem. This approach would keep to a minimum the amount of land being worked at any point in time, limit impacts on the local

environment and amenity, and also ensure the restoration of previous workings at the earliest opportunity.

The overall stages of extraction mirror the existing operations and would incorporate the following elements.

Site establishment works in each phase

The initial works in each phase would include (where necessary):

- The establishment of mitigation screening for the nearest residential receptors to the application site. This would be achieved by the advanced planting of a 4m high belt of mature trees and establishment of a 3m high soil screen mound using the soils stripped from the phase to be worked.
- Tree and hedgerow root protection zone established along the western and south western site boundary;
- Hedgerow and hedgerow tree planting along the site boundary in advance of future working;
- Overburden stripped and stored within existing active quarry areas ready to be used to restore previously worked phases;
- All of the sections of footpath that lie within the proposed extraction area diverted to new routes around the perimeter of the extraction area well in advance of mineral extraction;
- Diversion of overhead power lines crossing the South Western Extension Area in advance of mineral extraction;
- Stopping up of a section of Hood Lane; and replacement with permanent alternative routes in the south western block.

Extraction process

The extraction process would reflect current operations on site. Sand would be extracted using wheeled loading shovel and placed into a screen, then transferred onto conveyors which would be repositioned to follow the advance of mineral extraction. The conveyors would deliver the sand to a mixing chamber where it would be mixed with water and transported to the processing area via an underground pipeline where the sand would be processed to meet customer specifications and transported off site.

The extraction process would comprise mineral extraction both above and below the water table. In the north western block sand would be extracted above the water table. In the most southerly section of the south western block where the sand is located below the water table, extraction would be achieved by dewatering the quarry void. This would be done through the use of a drainage system across the base of the quarry which would direct water into a sump, from where would be mixed with the dry excavated sand and transferred by pipeline to North Arclid. The water would then be fed into the western lagoon in North Arclid for settlement and the clean water would fall by gravity into the Eastern Lagoon and be discharged into Arclid Brook once sediment has been settled out.

Access and Vehicular Movements

There would be no amendments to the existing access arrangements and no amendments to the current vehicular movements on site as sand sales are anticipated to remain at existing levels.

All sand would be transported by pipeline to the processing area. All vehicles transporting sand from the quarry would utilise the existing access from the processing plant site (Arclid North) off A534. Vehicular access to the current extraction area and proposed extension areas from A534 would be via the existing access off Hemmingshaw Lane as per current operations.

Hours of operation

The proposed hours of working for operations within the South Western Extension are the same as those currently permitted at South Arclid namely;

- 0700 hours to 1800 hours Monday to Friday,
- 0700 hours to 1230 hours on Saturdays.

Plant maintenance is permitted outside these times between 1800 and 1830 hours, Monday to Friday, and between 1230 and 1800 hours on Saturdays. No operations, other than pumping and essential maintenance, will take place outside these hours on Sundays or Public Holidays.

Restoration and Aftercare

The restoration proposals incorporate the entirety of South Arclid and adapt the existing approved restoration proposals for the South Eastern Extension to tie in with the new extension area to provide a site wide restoration scheme.

The restoration proposals have been designed to ensure that high quality agricultural land is not lost, whilst contributing to the nature conservation value of the area by creating a range of habitats that help meet local biodiversity targets.

The main features of the restoration scheme are the creation of three waterbodies (Arclid Mere, Betchton Mere and Smallwood Mere) with adjacent land returned to agricultural use where the gradient of the land permits. Boundary hedgerows with individual tree specimens would be restored and extended. Within the margins between agricultural land and water, including the edge of the waterbodies, a variety of habitats would be created.

It is proposed that the winning and working of mineral would continue until December 2041; with the site restoration being completed within 12 months of this date, or within 12 months of the permanent cessation of mineral extraction whichever is sooner. All restored agricultural land would be subject to five years' aftercare. All land restored to nature conservation after use would be managed for 15 years, in accordance with a detailed ongoing Management Plan.

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 11, concerning sustainable development and paragraphs 203, 205 and 207 with regard to planning for minerals, particularly industrial minerals.

Development Plan:

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for this area comprises the adopted Cheshire East Local Plan Strategy 2010-2030 (CELPS), the Cheshire Replacement Minerals Local Plan 1999 and the saved policies from the Congleton Borough Local Plan First Review 2005 (CBLPFR).

POLICIES

Cheshire East Local Plan Strategy (CELPS)

The following are considered relevant material considerations:

- PG 6 Open Countryside
- EG 1 Economic Prosperity
- EG 3 Existing and Allocated Employment Sites
- SD 1 Sustainable Development in Cheshire East
- SD 2 Sustainable Development Principles
- SE 3 Biodiversity and Geodiversity
- SE 4 The Landscape
- SE 5 Trees, Hedgerows, Woodland
- SE 10 Sustainable Provision of Minerals
- SE 12 Pollution, Land Stability and Land Contamination
- SE 13 Flood Risk and Water Management
- SE 14 Jodrell Bank
- CO 1 Sustainable Travel and Transport
- CO 4 Travel Plans and Transport Assessments

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Cheshire Replacement Minerals Local Plan 1999 (CRMLP)

- Policy 2 Need
- Policy 9 Planning Applications
- Policy 10 Geological Content of Planning Applications
- Policy 12 Conditions
- Policy 13 Planning Obligations

Policy 15 Landscape
Policy 17 Visual Amenity
Policies 20 & 21 Archaeology
Policy 25 Ground Water/Surface Water/ Flood Protection
Policies 26 & 27 Noise
Policy 28 Dust
Policy 31 Cumulative Impact
Policy 32 Advance Planting
Policy 33 Public Rights of Way
Policy 34 Highways
Policy 37 Hours of Operation
Policy 39 Stability and Support
Policy 41 Restoration
Policy 42 Aftercare
Policy 43 Liaison Committees
Policy 54 Future Silica Sand Extraction

Congleton Borough Local Plan First Review 2005 (CBLPFR)

PS8 Open Countryside
GR6 Amenity and Health
GR7 Amenity and Health
GR18 Traffic Generation
NR2 Statutory Sites
NR3 Habitats
NR4 Non-Statutory Sites
NR5 Non-Statutory Sites

The Parishes of Arclid, Betchton and Smallwood do not currently have Neighbourhood Plans.

Other Considerations:

National Planning Practice Guidance (NPPG)
Cheshire East Local Aggregate Assessment 2018
North West Aggregates Working Party Annual Monitoring Report 2016 (NWAAMP)
BGS Mineral Planning Factsheet Silica Sand 2020
'Collation of the results of the 2014 Aggregate Minerals Survey for England and Wales' British Geological Survey/DCLG 2014
EC Habitats Directive
Conservation of Habitats and Species Regulations 2017

CONSULTATIONS (External to Planning):

Highways England:

No objection. No additional conditions other than those on the extant permission have been requested.

Head of Strategic Infrastructure:

No objection. No additional conditions other than those on the extant permission have been requested.

Flood Risk Management:

No objection, subject to a condition relating to ground water level recording.

Forestry: No objections are raised. Notes that no healthy trees would be removed from the north western block. The South Western Block works would require the removal of mature hedgerow trees. Proposals are included for the protection of retained trees, including a 5 – 7 metre stand off, which would accommodate a re-routed footpath and bridleway. Note that the extent of mature tree loss would be significant, it appears that only 14 of the trees surveyed would be retained. In accordance with CELPS policy SE5, mature tree losses associated with this proposal are a material consideration.

With respect to hedgerows, it is noted that the extension areas would result in the loss of 3442m of existing hedgerows. The submitted Arboricultural Impact Assessment states that none of the hedgerows were considered to be 'important' under the Hedgerow Regulations 1997; although it is noted that a standalone assessment against the criteria in the Hedgerow Regulations 1997 has not been submitted and a number of historic hedgerows are identified would may meet these criteria.

Whilst tree and hedgerow impacts have been identified, should planning permission be granted, it would be important to secure by condition:

- A detailed Tree Protection Scheme and Arboricultural Method Statement to secure full root protection areas;
- A site specific engineer designed no dig specification for the surfacing of the re –routed footpath and bridleway located in tree root protection areas;
- Detailed specifications for all new tree and hedge planting as part of detailed landscape proposals and implementation of the planting in accordance with the proposed phasing.
- Management of the new tree and hedge planting to ensure establishment.

Environmental Health:

No objection subject to conditions/informatives relating to land contamination.

Environment Agency:

No objection subject to a condition relating to ground water level recording.

National Grid:

No objection.

Natural England:

Require a Habitat Regulations Assessment (HRA) to be undertaken, this has been completed to the satisfaction of the Council's Principal Nature Conservation Officer.

Health and Safety Executive (Quarries Inspector):

No objection.

Historic England:

No objection.

Cheshire Archaeology Planning Advisory Service:

No objection subject to the implementation of a programme of archaeological work.

Public Rights of Way:

Originally submitted objections to the proposals due to issues with footpaths. Subsequently the applicant has put forward clarification on this matter and the PRoW officer is satisfied that the proposals are acceptable.

Sandbach Footpath Group:

Supports the methods of working and extending the quarry and is confident that the development will proceed in a professional and methodical way.

Jodrell Bank Observatory:

Jodrell Bank has not submitted written comments on this application but has confirmed verbally that they will not be submitting objections to the proposals.

Manchester Airport:

Have concerns about the species of bird that the lakes would attract and would like to see islands maintained for Terns and wading birds.

Arclid Parish Council:

None received at the time of report writing.

Betchton Parish Council:

None received at the time of report writing.

Smallwood Parish Council:

Support the application.

REPRESENTATIONS:

At the time of report writing 10 comments have been received, 3 in support of the proposal and the others expressing the following concerns:

- Noise pollution, in particular reversing beepers
- Sand dust and possible risk to health
- Proximity of the quarry extension to existing dwellings
- Inadequate restoration proposals
- Noise survey was not carried out for a long enough period
- Land stability
- Impact on wildlife
- Newt fencing should be erected
- Ponds shown on previous application have not yet been provided
- Work already starts before 7am as prescribed by the previous permission

- Damage to the byway from quarry vehicles
- Increase in traffic movements
- Increased production and on-site processing
- The quarry should pay towards road improvements
- Movement of Footpath 7 for the second time
- Impact on property prices
- Compensation should be paid to affected properties

The supporting representations put forward the importance of silica sand as a resource and the benefits to the local economy including employment.

APPRAISAL:

The key issues relating to this application are:

Principle of Development
Impact on Public Rights of Way
Impact on Jodrell Bank
Development in Open Countryside
Cultural Heritage
Water Resources and Flood Risk
Agricultural Land and Soils
Nature Conservation
Highway Impacts
Pollution Control
Landscape and Visual Amenity
Geotechnical Stability
Impact on Manchester Airport

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan consists of the Cheshire East Local Plan Strategy (CELPS), the saved policies of the Cheshire Replacement Minerals Local Plan 1999 (CMRLP) and the saved policies of the Congleton Borough Local Plan First Review 2005 (CBLPFR). Material considerations include the National Planning Policy Framework (NPPF) and the National Planning Policy Practice Guidance (NPPG).

Need for Silica (Industrial) Sand and Aggregates

The NPPF (paragraph 203) identifies that it is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource and can only be worked where they are found, NPPF states that it is important to make the best use of them to secure their long-term conservation. Paragraph 205 requires LPA's to give great weight to the benefits of mineral extraction, including to the economy.

Silica sand is defined (in the British Geological Survey (BGS) minerals planning factsheet, 2020) as sand which normally has a silica content of more than 95%. Silica sand is recognised in the National Planning Policy Framework (NPPF) as an industrial mineral, to which particular national planning policies apply. Planning Practice Guidance notes that, because industrial minerals provide essential raw materials for a wide range of downstream manufacturing industries, their economic importance extends well beyond the sites from which they are extracted.

Silica sand is recognised in national policy as an important industrial mineral. It occurs in only a limited number of locations within the UK and is unevenly distributed. Silica sand is used in a range of specialist (non-aggregate) applications. Therefore, silica sand is treated differently from more general construction aggregate materials in terms of mineral planning.

Cheshire East contains nationally important deposits of silica sand which are of economic importance, and the British Geological Survey identifies that Cheshire's silica sand resources are some of the most important in the UK accounting for approximately 40% of total output in Great Britain (BGS, 2020). There is an ongoing need for silica sand and Arclid Quarry supplies approximately 12-15% of the UK's total production of silica sand and 20% of UK's foundry sand.

There are currently four operational silica sand quarries in Cheshire East all providing feedstock for a diverse range of industrial uses and customer specifications, including glass, ceramics, sports use, horticulture and casting industries. Permission was also granted in 2019 for a fifth quarry at Rudheath Lodge as a cross boundary site with Cheshire West and Chester Council which secured approximately 3.3 Mt of silica sand and has recently commenced on site. All the operational silica sand sites in Cheshire East also produce some aggregate sand and gravel as a by-product of silica sand production in varying quantities. Arclid Quarry however supplies only nominal amounts of aggregate sand which are derived from poor quality overburden material.

Policy SE10 of the CE Local Plan Strategy (2017) and the NPPF (2019) Para 208 states that Minerals Planning Authorities (MPAs) should plan for a steady and adequate supply of industrial minerals and ensure these are maintained. Paragraph 208 of the NPPF states that reserves at individual industrial silica sand sites should be at least 10 years, and at least 15 years where significant new capital is required. Likewise, saved Policy 54 of the Cheshire Replacement Minerals Local Plan 1999, seeks to maintain landbanks of at least 10 years at each silica sand site throughout the plan period.

The NPPF and accompanying PPG for Minerals suggests the stock of silica sand sites should be used to assess when further permitted reserves are required at industrial mineral sites. It states that "*The required stock of permitted reserves should be based on the average of the previous 10 years sales for each silica sand site and have regard to the quality of the sand and the use to which the material is put*".

The applicant identifies that the stock of permitted reserves at present is approximately 5,000,000 tonnes. Based on the average sales output this means the life of the remaining reserves is approximately 9 years. As such Arclid Quarry does not currently comply with the NPPF and CELPS Policy SE10 requirement for at least a 10 year supply at each site. Borehole data submitted with the planning application confirms the existence of a further 4,500,000 tonnes of silica in the proposed extension area. The proposed extension would therefore result in silica sand supply for approximately 17 years based at current production rates, ensuring the supply of silica sand at Arclid Quarry remains above the 10 year planning policy requirement.

Aggregate reserves

NPPF and CELPS Policy SE10 requires the maintenance of a landbank of aggregates (sand and gravel) of at least 7 years across the Authority.

As with all operational silica sand sites in Cheshire East, Arclid Quarry contributes a small proportion of aggregate sand and gravel as a by-product of the extraction of silica sand.

Forecasting of demand for aggregate sand and gravel is set out in the Cheshire East Local Aggregate Assessment 2018 (LAA). The LAA identifies that as at 31.12.2018, the aggregate sand and gravel landbank is low at 4.64 years which does not meet the NPPF requirement for the maintenance of at least 7 years sand and gravel landbank. This proposal would therefore make a small contribution towards the maintenance of at least 7 year supply of sand and gravel used for aggregates.

Geology

CRMLP Policy 10 states that an application for the winning and working of minerals should be supported by adequate geological information to prove the existence of the mineral, its quantity and quality by reference to appropriate British Standards and any special chemical or physical properties

The application is accompanied by sufficient information to prove the quantity and quality of the mineral reserves in the proposed extension areas. Sand deposits worked at South Arclid belong to the Middle Sand which cut into the underlying stiff glacial tills. Within South Arclid and the South Western Extension areas the thickness of the sand is generally less than 25 metres, typically 7-15 m thick in the North Western Block area and 18-22 metres in the South Western Block area. South Arclid contains deposits of Gawsorth Sands and Congleton Sands which are distinguishable by their colour and slight grain size variation. The overlying Gawsorth Sands are orange-brown in colour and coarser grained than the underlying Congleton Sands which are pale buff brown to greyish white in colour. The absence of impurities and the uniform particle size of the sand are the key features that make the sand suitable for a wide variety of industrial applications.

Silica markets and uses

CRMLP policy 5 states that an application for mineral working will not be permitted where it would involve the use of high quality materials for low grade purposes. In respect of this point the applicant has identified that historically the largest market for Arclid's minerals was the foundry industry, and despite the decline in major foundries in the UK, Arclid has supplied mainly smaller, more specialist foundries. The high specification sands have been used in the foundry industry for a range of binder and resin coating systems.

The applicant identifies that sand from Arclid Quarry now has a wide range of end uses as detailed in the description of the development. Based on the information submitted by the applicant it is considered that this complies with CRMLP policy 5.

Development not on a Preferred Area

Where new mineral reserves are required in order to achieve or maintain the 10 year supply at each site required by planning policy, saved Policy 54 of Cheshire Replacement Minerals Local Plan requires additional sites or extensions to be provided from Preferred Areas identified in the Plan unless exceptional circumstances prevail. The proposed extension areas are not located within a Preferred Area identified in the Plan.

One Preferred Area is identified at Arclid Quarry on the north eastern boundary. Part of this Preferred Area has already been granted planning permission as part of the South Eastern Extension and is now being worked.

The Preferred Areas were delineated more than 25 years ago and were based on geological information available at that time. Since then more extensive geological and other environmental surveys have been carried out. The applicant notes that these surveys identify that the remaining Preferred Area is not viable for mineral extraction for a number of reasons:

- Parts of the area is constrained due to protected species;
- A section of Arclid Brook runs through the area which would need to be redirected and would result in significant ecological and hydrological impacts;
- The remaining area is not a large enough deposit to be worked in isolation; and.
- Importantly the mineral reserves in this area do not contain sufficient silica sand resources to help maintain the minimum policy requirement for a 10 year supply at the quarry.

The geological investigations identified that there were more extensive viable, high quality silica sand resources in other parts of the quarry on the land which now forms the consented South Eastern Extension; and on the land which comprises this proposed extension.

In the absence of any remaining viable/economic mineral reserves on the Preferred Areas identified in the Plan, further permitted reserves are required to be brought forward on land not identified in the Plan in order to maintain the 10 year supply required by planning policy and Policy 54 permits this where exceptional circumstances are demonstrated. On the basis of the above points, it is considered that the case put forward by the Applicant to justify why the remaining Preferred Area cannot come forward at this time is acceptable and provides the exception circumstances required in this instance.

It is also noted that the proposed South Western Extension has been submitted for assessment as part of the Mineral Call for Sites exercise being carried out to identify new sites as part of the emerging Minerals and Waste Development Plan Document (MWDPD) and will be subject to detailed assessment and consideration as the MWDPD is progressed.

On the basis of the above points it is considered that the proposed extension would comply with saved policy 54 of Cheshire Replacement Minerals Local Plan.

Impact on Public Rights of Way

The South Western extension will directly affect Arclid Footpath 7 and Bridleways 10 and 11. A scheme of footpath and bridleway diversions has been incorporated into the proposed progressive working and restoration plans.

Additionally, the proposals also include for retaining a permissive footpath to the south of Congleton Road, linking Arclid Footpath 3 and Arclid Footpath 9 and the creation of a new further permissive route (east-west) that would be likely to be implemented between 2032 and 2035 as mineral extraction and restoration continues.

The ongoing need to keep users of footpaths separate from active quarrying operations means that maintaining permissive footpaths is the only practicable solution and means that the operator can safely continue operations, whilst allowing public access opportunities.

The provision of the permissive routes would be secured under the Section 106 Legal Agreement. The long term, post restoration of the Public Rights of Way network, in terms of the type, location and timescales would also be secured by the Section 106 Legal Agreement.

The Public Rights of Way officer welcomes the commitment to secure long term future access to the paths currently shown as permissive paths on the Restoration Plan through a s106 legal agreement and considers that the proposals to further divert the bridleways are acceptable in principle. Subject to these measures being secured it is considered that there would be no long term adverse impacts to users of the public rights of way network and the diversions

proposed would provide adequate mitigation whilst works progress and an improvement overall to public access provisions.

As such, this complies with Policies SC3 (Health and Wellbeing), SE6 (Green Infrastructure) and CO1 (Sustainable Travel and Transport) of the CELPS; Policy GR16 (Footpath, Bridleway and Cycleway Networks) of the CBLPFR and Policies 13 (Planning Obligations/Legal Agreements) and 33 (Public Rights of Way of the CRMLP.

Impact on Agricultural Land and Soil Resources

A Soils and Agricultural Assessment Report has been submitted with the application. This details the types and grades of soils on the site as shown below:

- The extension areas are predominantly Best and Most Versatile land (BMV) with a small amount of grade 3b in the south western block.
- Topsoil is sandy clay loam; the subsoil is predominantly sandy clay loam with some medium sand in the south western block.
- For the purpose of designing the working and restoration scheme the north western block profile comprises 36cm of topsoil over 32cm of subsoil, and the south western block comprises 30cm of topsoil over 25cm of subsoil.
- The minimum target restoration is 30cm of topsoil over 25cm of subsoil.

The total BMV agricultural land affected by the proposed development is 37.38 hectares; this comprises the extant application area and the proposed extension area. Restoration includes 26.11 hectares of BMV land; therefore there would be a net loss of 11.27 hectares of BMV land. Natural England consider any loss of BMV land over 20 hectares to be significant therefore it falls below that threshold.

Although there would be a net loss of BMV land, the loss would be as a result of land being restored to nature conservation habitat which would provide an enhancement to biodiversity or lost as a result of the restoration of the lakes.

It is considered that all soil resources would be used sustainably and that there would be no significant, permanent or long term adverse impacts on best and most versatile agricultural land.

Natural England are satisfied that that the site working, and reclamation proposals meet the requirements for restoration and aftercare of minerals development, as set out in current Minerals Planning Practice Guidance and consider that, based on the physical characteristics of the land on restoration, it would make a restoration to agriculture achievable. They also consider that sufficient detail has been provided to demonstrate that a substantial area of the BMV land disturbed as a result of the development, would be reinstated to a similar quality.

As such, it is considered that, with conditions to ensure the implementation of practices outlined in the ES with regards to soil handling and the subsequent

submission and implementation of a full restoration and aftercare scheme, that this proposal would be in accordance with Policy 30 'Agricultural Land – Silica Sand' of the CRMLP.

Open Countryside

The site is located in the Open Countryside of the Congleton Borough Local Plan First Review 1999 and Policy PS8 applies. As stated above, whilst the proposal would result in the disturbance of approximately 37 hectares of best and most versatile land, this would not be a permanent loss of agricultural land in the open countryside as the site would be progressively restored.

The proposed 11 hectares that would be lost to agriculture is regrettable, however this is proposed to be put to nature conservation to enhance the biodiversity of the site, or to restoration the lakes. Furthermore, it is considered that the need for the nationally strategic silica sand resource would outweigh the loss of this agricultural land in the open countryside. It is also considered that the proposal would not have a permanent impact on the openness of the countryside and the impact of mineral extraction on the open countryside in this location has been accepted by virtue of the long history of permission for mineral extraction on this site. As such it is considered to be in accordance with Policy PS8 of the Congleton Borough Local Plan First Review.

Nature Conservation

Ponds

Pond 6, which would be lost under the existing planning consent, has been subject to an aquatic invertebrate survey. This pond is situated to the north of the only building on the site, approximately 850m west of the A50 Newcastle Road. All species recorded were relatively common in Cheshire; this pond does however have notable nature conservation value. The loss of pond six would be compensated for through the creation of 7 additional ponds. The Principal Nature Conservation Officer is satisfied that this is adequate compensation for the loss of pond 6 and would lead to a significant gain in aquatic habitats; and recommends that the detailed design plans for the ponds are approved prior to construction, which can be secured by planning condition.

Hedgerows

Native hedgerows are a priority habitat and hence material consideration. The two extension areas would result in losses of existing hedgerows of up to 3442m. The submitted restoration masterplan includes proposals for the creation of native hedgerows. These would comprise 4645 linear metres of hedgerow, with 185 new hedgerow trees (Pendunculate Oak and native Black Poplar).

Whilst a formal assessment under the Hedgerow Regulations 1997 has not been undertaken, the historic importance of them is acknowledged by the applicant.

Their ecological importance is very limited due to the way that they are cut each year. Consent under the separate legislation would be required for their removal.

Bats and Barn Owls

The single building on site is of negligible suitability for roosting bats and barn owls. It would be removed as part of the ongoing quarrying works, but as it is not suitable for these species, the Principal Nature Conservation Officer advises that specific mitigation for its loss would not be required.

Trees

A total of 26 trees were identified in the survey as having potential to support roosting bats. These trees were subject to further bat surveys in 2019 and no evidence of roosting bats was recorded. It is therefore considered that roosting bats are not reasonably likely to be affected by the proposed development.

Whilst no evidence of roosting bats was recorded there is a possibility that bats may begin to roost within these trees prior to their removal as part of the proposed development. The Principal Nature Conservation Officer recommends further surveys prior to the removal of selected trees of importance, and the identification of mitigation and compensation which can be secured by planning condition.

No trees were identified as having potential to support Barn Owls.

Foraging and Commuting Bats

Five species of bat were recorded on site including species which are a priority for conservation and a material consideration for planning. Only two bat activity surveys were undertaken with no survey data being available for the peak activity season in the summer. Bat activity was however relatively low during the submitted surveys

The Principal Nature Conservation Officer considered that the proposed development would result in the loss of foraging habitat of moderate value for bats and this loss is not likely to be significant enough to amount to an offence under the habitat regulations. The bat habitat created as part of the restoration of the quarry would compensate for that lost as part of the proposed development but would not be complete for a number of years.

To avoid any impacts on bats as a result of any lighting on site it is recommended that if planning consent is granted conditions are attached requiring submission of lighting details in accordance with the Bat Conservation Trust Guidance Note 08/18 (Bats and Artificial Lighting in the UK). This could be secured should permission be granted.

Breeding and Wintering Birds

Only two survey visits were undertaken during the breeding bird survey, which may mean that some bird species present may have been missed during the surveys. However, the Council's Nature Conservation Officer is satisfied that we have sufficient information to understand the bird interest at the site.

A number of priority bird species, which are a material consideration for planning, were present on site during both the breeding and wintering season. These bird species would be adversely affected by the loss of hedgerows and other habitat as a result of the proposed development.

Yellow Wagtail, an uncommon bird in Cheshire, was recorded as breeding on site during the surveys. A site with regular breeding by this species would qualify as a Local Wildlife Site and be considered to be of County importance.

It is considered that the proposed quarrying operations are likely to inadvertently create temporary habitats that will be used by other species of priority birds and the proposed restoration scheme also has the potential to deliver suitable habitat for both wintering and breeding birds. The proposed restoration scheme has the potential to deliver beneficial habitat for this species. The Principal Nature Conservation Officer recommends the submission of details of specific habitat creation measures and management proposals for this species which can be secured by planning condition.

Great Crested Newts

This protected species was recorded at three ponds during survey undertaken to inform the submitted ecological assessment.

The proposed development would result in a high magnitude adverse impact on Great Crested Newts as a result the loss of both aquatic and terrestrial habitat and through the killing or injuring of any animals present on site during the works.

European Protected Species

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 licence under the Habitat Regulations.

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("LPAs") to have regard to the directive's requirements.

The Habitat Regulations 2017 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission being granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding Public Interest

Silica sand can only be worked where it is found and the need for it is of great economic importance.

Alternatives

There is an alternative scenario that needs to be assessed, this is:

- No development on the site

In this case again, the mineral can only be worked where it is found and as such there is no alternative.

Detriment to the Maintenance of the Species Population

To compensate for the impacts of the proposed development upon Great Crested Newts the applicant is proposing the construction 7 additional ponds and associated habitats.

The Principal Nature Conservation Officer advises that, in the event that planning permission is granted, the proposed compensation would be adequate to maintain the favourable conservation status of the affected Great Crested Newt population. A condition could be imposed to ensure that the operations are carried out in accordance with the submitted Great Crested Newt mitigation measures.

Common Toad

This priority amphibian species was recorded on site. The impacts of the proposed development upon this species would be similar to those for Great Crested Newts. The habitat creation proposed as part of the restoration scheme would be adequate to address the potential impacts of the proposed development upon this species.

Badgers

A number of badger setts are present around the extension areas. It is likely that two setts would require closure under the terms of a Natural England license to avoid Badgers being harmed during the proposed works. The proposed works would also result in the localised loss of Badger foraging habitat.

The precise impacts of the proposed development and the level and type of mitigation required would however be dependent upon the level of Badger activity on site during the lifetime of the proposed quarry extensions. The Nature Conservation Officer therefore recommends that in the event that planning consent is granted a condition should be attached which requires an updated Badger survey to be undertaken prior to any works commencing in each phase of the development.

Polecat, Hare and Hedgehog

There are recorded of these three priority species in the broad vicinity of the application site.

Brown Hare

A single Brown Hare was recorded on site during the submitted surveys. It is considered that the proposed development would be likely to have a minor impact upon this priority species due to the loss of habitat. The habitats created as a result of the restoration of the quarry are likely to be sufficient to compensate for this loss.

Reptiles, Water Vole and Otter

These protected species are unlikely to be present or affected by the proposed development.

Biodiversity Net Gain and Restoration Proposals

Local Plan policy SE 3 (5) requires all developments to deliver a net gain for biodiversity.

Quarry restoration schemes provide an opportunity to deliver significant gains for nature conservation. In order to realise the opportunities presented by the restoration of this site the Nature Conservation Officer advises that the restoration scheme should be designed to include the following features:

- gently sloping banks (1:20)
- extensive areas of shallow water
- low lying vegetation free islands and peninsulas
- minimisation of tree planting around the lake
- creation of acid grassland/heathland
- provision of Sand Martin nesting banks
- bat boxes on retained trees.

Many of these features have been incorporated into the proposed restoration and this is supported.

The islands and wetland areas proposed for Arclid Mere and Smallwood Mere have the potential, if designed appropriately to, be of significant nature conservation value. To maximise their potential value it is recommended that they be topped with gravel and designed to ensure that they are low lying during the summer and partially submerged during winter. Blocks of woodland planting to the north of Betchton Mere should also be relocated to ensure that an open aspect is maintained to the proposed wetland habitats which would serve to maximise their suitability for important wading birds.

A detailed habitat creation design strategy could be secured by condition to be approved in liaison with the Principal Nature Conservation Officer in the event that planning permission is granted. The strategy should include details designs and method statements for the creation of:

- Islands
- Ponds
- Acid grassland/heathland, sand martin banks
- Wetland habitats including shallows/reedbeds and smaller ponds.
- Lowland meadows
- Installation of bat and bird boxes (including barn owl).
- Creation of gently sloping banks (1:20) in the vicinity of the proposed wetland habitat creation areas.
- Habitat for Yellow Wagtail

Habitat Management and Monitoring Plan

The Council's Principal Nature Conservation Officer has recommended the submission of a habitat management and monitoring strategy for a period of 25 years. It is noted however that the extant permission for the rest of the quarry (09/2291W) requires a habitat management and monitoring strategy for the 5 years of aftercare (statutory) plus 10 years of management, as each sub phase is completed.

The restoration proposals incorporate the entirety of South Arclid and adapt the existing approved restoration proposals for the South Eastern Extension to tie in with the new extension area to provide a site wide restoration scheme.

The nature of habitats proposed in the restoration of the new extension areas reflect those which have been approved on the wider site and which are subject to 15 years long term management. The applicant has agreed to the timescales for habitat management aftercare as per the existing arrangements (namely 5 years of aftercare (statutory) plus 10 years of management).

In respect of the request for a longer 25 year management period, the applicant notes that the 15 years of management which is being proposed would comprise a habitat management and monitoring strategy for each phase for the 5 years of statutory aftercare, plus 10 years of management; allowing for more control of the implementation of remedial actions and identification of management priorities, along with a review of the management and monitoring every 5 years during the lifetime of the long term aftercare period.

Whilst the 25 years period requested by the Principal Nature Conservation Officer would be preferable; in this instance given these considerations, it is not considered that imposing a 25 year aftercare period would be reasonable, justified or appropriate given that the same habitats on the remainder of the quarry would be subject to the shorter 15 year period of aftercare. The 15 year period proposed is considered acceptable and commensurate given the habitats being created and the extent of management and monitoring being proposed.

The proposals are therefore considered to be in compliance with Policies 13 (Planning Obligations/Legal Agreements), 22 and 23 (Nature Conservation), 41 (Restoration) and 42 (Aftercare) of the CRMLP and CELPS policy SE3.

Statutory Designated Sites

The proposed development is located 2km from the Midland Meres and Mosses Phase one RAMSAR. This application falls within Natural England's SSSI impact risk zones for quarry related applications. Natural England have been consulted on this application to advise on the potential impacts of the proposed development upon statutory designated sites. Natural England considers that the proposed development is not likely to have a significant effect upon the features for which the Ramsar site was designated.

Under the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant Effects'. At the request of the Council the applicant has undertaken a shadow assessment. The shadow assessment concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated. Consequently, a more detailed Appropriate Assessment is not required. The Principal Nature Conservation Officer advises that the Council adopts the shadow assessment and it is available to view in full on the file. The conclusions of the shadow assessment are set out below.

'This Shadow Habitats Regulations Assessment makes the recommendation that it can be concluded that the project will have no significant adverse effect on the

conservation objectives and integrity of the European site (or the associated Bagmere SSSI and the separate Brookhouse Moss SSSI.)

Landscape and Visual Impacts

The proposals involve two extensions and the extension of mineral working for an additional 8 years, until 2038, with restoration delays of between 2 and 4 years in the central part of the site and 4 to 6 years to the southern part of the site.

A Landscape Assessment has been submitted which identifies that the extension area is not within any nationally or locally protected landscape areas. Views into the extension are generally limited due to the flat, low lying landform of the surrounding area and the screening effect of hedgerows and trees.

The assessment identifies that the effects on the wider landscape character will be limited during the extractive operations. Some key landscape features would need to be removed during extraction; however it would not result in notable wider effects on the landscape character given the proposed mitigation and backdrop of the existing working areas at South Arclid. The assessment concludes that the proposals would have direct local impacts on landscape character in the short term due to the removal of agricultural fields, hedgerows and trees however on restoration it would have a negligible impact and the proposal would incorporate rolling restoration to lessen any impacts.

On restoration the north west block would be restored back to agricultural fields and the south western block back to a mere. The appearance would be similar to the existing site restoration proposals.

In terms of visual impacts, medium scale effects are anticipated for viewpoints near Hemmingshaw Lane, Betchton FP9 and Bridleway Arclid AR11 however following the formation of the screening mound the impact would be reduced to minor as views of the quarry activities would be lost from view. Following the initial short term effects associated with the western screening mound formation for both footpath users and residents at Gravel Bank Farm, there would be a reduction in visual effects. A similar impact would arise at Arclid Cottage Farm and Shire Barns. There may also be some impacts for footpath users near Hood Land which would reduce over time with mitigation.

The delayed restoration of the consented scheme resulting from this proposal would have some impact initially on views from Hemmingshaw Lane and from the south and west however this impact would reduce over time as the proposed restoration scheme is implemented and established. In the long term potential beneficial visual impacts are anticipated including for the footpath network to the east of Arclid Cottage Farm, Shire Barns and Gravel Bank Farm.

The Council's Principal Landscape Officer has assessed the application documents and broadly agrees with the submitted Landscape and Visual Assessment and offers no objections to the proposals. Mitigation includes

- advance woodland planting along the western and southern perimeters of the extension area to augment existing boundary treatments
- Incorporate the western screening mound and native tree and shrub planting along the western boundary of the site to ensure acceptable visual effects for residents and recreationalists
- Rolling restoration at the earliest opportunity as extraction progresses ,

On the basis of the above mitigation being secured by planning condition it is considered that the proposal would accord with CELPS policy SE4 and CRMLP policy 15.

Trees and Hedgerows

CELPS Policy SE 5 requires that all developments should ensure the sustainable management of trees, woodlands and hedgerows including the provision of new planting within new development to retain and improve canopy cover, enable climate adaptation resilience and support biodiversity.

The submission includes an Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement. The tree survey identifies 14 Grade A trees, 40 B trees, 35 C trees and 3 U together with 21 hedgerows.

The report indicates no healthy trees would need to be removed from the north western block. Excavation in the south western block would necessitate the removal of mature hedgerow trees, leaving perimeter trees where possible. The Arboricultural Method Statement proposes the protection of retained trees, including a 5 – 7 metre stand off.

The extent of mature tree loss would be significant with 14 of the trees surveyed to be retained. The restoration proposals however include for:

- 185 hedgerow trees,
- approximately 11.82ha of natural regeneration and scrub areas,
- native broadleaf woodland planting covering a total of 71,300sqm with dry woodland mix on the upper slopes and native woodland on the lower slopes

In respect of hedgerows, the proposals would result in the loss of up to 3442m; however 4645 linear metres would be replaced including 1385m established during the early phases of bridleway diversion works.

Whilst some concern is raised by the Arboricultural Officer regarding the extent of tree loss, given the above it is considered that the proposed restoration scheme would provide an improvement over the existing provisions and detailed planting schemes would be secured by planning condition which could be approved in liaison with the Arboricultural Officer to ensure sufficient replacement provision is made.

With respect to impacts on hedgerows, the submitted Arboricultural Impact Assessment states that none of the hedgerows were considered to be 'important' under the Hedgerow Regulations 1997. The Arboricultural Officer notes that a standalone assessment against the criteria in the Hedgerow Regulations 1997 has not been submitted and a number of historic hedgerows identified may meet these criteria.

In response the applicant highlights that whilst the loss of any important hedgerow is a material consideration and any loss is regrettable, it is not possible to undertake the extraction of nationally important silica sand without the removal of trees and hedgerows. The unavoidable losses of hedgerows from within the extension areas should be considered, in the planning balance, in conjunction with the significant socio-economic and other benefits of silica sand extraction. In addition to these benefits the applicant notes that the restoration proposals include for:

- As highlighted above, proposed new and retained hedgerows totalling 4645 linear metres including 1385 linear metres that would be established during the early phases of ongoing bridleway diversion works
- Provision of approximately 185 new hedgerow trees at a spacing of 25 metres
- Approximately 11.82ha of natural regeneration and scrub areas on the steep restored slopes as part of integral area of the woodland planting/edge mix
- Native broadleaf woodland planting using native species covering a total of 71,300sqm.

A significant proportion of this compensation and mitigation planting would also occur during the earliest phases of the development. The Arboricultural Officer acknowledges these points and notes that the mitigation being proposed in this application is very reasonable and would result in any overall net gain. On the basis of these points and the views of the Arboricultural Officer it is considered that the impacts to hedgerows is acceptable and the proposals would accord with CELPS policy SE5.

Water Resources and Flood Risk

A Hydrogeological Impact Assessment and Flood Risk Assessment has been submitted. The report combines published regional data and the results of site investigations and comprises the following:

1. A review of the baseline hydrology, geology and hydrogeology around the extension area;
2. Identification of surface water and groundwater features surrounding the extension area;
3. Formation of a Conceptual Hydrogeological Model for the extension Area;
4. The proposed outline development plan and proposals for water management throughout the proposed development;

5. A Flood Risk Assessment (FRA) written in accordance with the NPPF and the Planning Practice Guidance (PPG): Flood Risk and Coastal Change;
6. A Hydrogeological Impact Assessment (HIA)); together with proposals to mitigate hydrogeological risk;
7. Consideration of Cumulation of effects with existing permitted operations and development at South Arclid.

Currently no water management takes place within the proposed extension area as it is agricultural land. Dewatering currently takes place in South Arclid, where a pump is used to draw the water table down to the depth of base of the excavation. Water is then transferred to North Arclid, where it is settled in the Western Lagoon before entering the eastern lagoon and the being discharged into Arclid Brook.

The extension area will be dewatered using a pump and the field conveyer will deliver the moist sand and dewatered groundwater will be piped to the existing mixing chamber in the north eastern corner of South Arclid. The sand will then be mixed with groundwater, before being pumped to the processing plant at North Arclid, using the existing underground pipeline.

Following completion of workings at the quarry, the dewatering will end, and the water table will return to pre-working elevations.

The Environment Agency has assessed the proposals and has no objection. They note that the water management records of the site are important to secure and maintain the monitoring, and to determine the actual impact on water levels at the boundary of neighbouring land. They also qualify the predictions made about the actual impact of the development and inform upon the ability to achieve the final proposed restoration. As such they recommend a condition relating to boreholes, monthly groundwater level recording and groundwater monitoring which could be imposed on any grant of planning permission.

In respect of potential for flooding, the extension area is within Flood Zone 1, which is at very low risk of flooding. The proposed development in the north western block is from pasture/grassland to mineral extraction, with restoration back to pasture/grassland and as such is considered to be acceptable development in Flood Zone 1.

During active dewatering of the quarry, groundwater levels will be reduced, but the Flood Risk Assessment considers that water levels will return to their pre-dewatering elevations during restoration.

The Local Lead Flood Authority (LLFA) also has no objection in principle to the proposed extension in working area; and also support the request for a groundwater monitoring condition by the Environment Agency.

Subject to the above mitigation being secured, no adverse impacts on water resources in terms for water quality or flow, or adverse impacts from flooding are

anticipated and the proposal would accord with the NPPF and CELPS Policies SE12 and SE13, and CRMLP Policy 25

Highway Impacts

Mineral development should ensure that traffic can be accommodated within the existing highway network, the volume and nature of traffic should not create unacceptable adverse impact on amenity or road safety.

The proposals would not alter the frequency of vehicle movements or alter the road routes used to transport the sand which at present leaves the site predominantly in a westerly direction travelling along the A534 to join the M6 motorway. There are no proposals to materially increase the output from the site as a result of this development. Vehicle movements are anticipated to remain at their current levels with only the normal fluctuations that are already occurring as a result of the changes in demand for sand from customers. As such no increase in HGV movements or change to the nature of vehicles are anticipated.

It is also noted that the vehicle movements associated with the export of sand from the site are all from the processing plant at North Arclid which is subject to a separate planning permission and the processing plant does not form part of this application.

There would be no impacts associate with the transportation of mineral from the proposed extraction area to the processing area as the existing conveyors and underground pipelines would continue to be used.

Furthermore, as a large proportion of the mineral extraction proposed in the two extension blocks would be above the water table, and much of the site is to be restored back to agricultural land, the soil/overburden would remain on site, initially to provide screening mounds/bunds and subsequently used for restoration purposes, thus negating the need to remove this soil/overburden off site via the existing access off Hemmingshaw Lane. Other than the minimal movement of plant and machinery associated with extracting the sand, there would be no HGVs accessing the proposed extension areas.

Concerns have been expressed by objectors about potential for increased traffic movements, damage to roads and noise from reversing beepers. It should be noted that the only access for South Arclid is Hemmingshaw Lane and there is no other access to the quarry workings. This is secured by condition 10 of the existing permission (09/2291W) and this restriction would be replicated on any new permission should the application be approved.

No highway objections have been raised by the Head of Strategic Infrastructure.

The proposal is therefore in compliance with Policy CO1 (Sustainable Travel and Transport), of the CELPS, Policy GR 9 (Accessibility, Servicing and Parking Provision) of the CBLPFR and Policy 34 (Highways) of the CRMLP.

Residential Amenity

CRMLP Policies 25, 26 and 28 do not permit development which would give rise to unacceptable levels of water, noise or dust pollution. CBLPFR Policies GR6 and GR7 do not support development which would significantly harm the amenity of nearby residents or sensitive receptors due to increased air, land, water, light or noise pollution.

Noise and Vibration

With regards to mineral development, the NPPG advises that noise level limits should not exceed background noise levels by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable, and the total noise from the operations should not exceed 55dB(A) (with limits reduced to 42dB(A) during night time hours). During temporary operations for site preparation and restoration, increased daytime noise levels of up to 70dB(A) at noise sensitive properties are advised.

In support of the application, a noise survey was undertaken. This included collecting baseline sound level data during a 24 hour period and measurements were made at six locations selected to represent existing noise sensitive premises closest to the site. Assessments were also made for potential for noise from short term and normal operations.

The noise assessment concludes that potential noise levels are not expected to exceed the recommended levels. The assessment details general mitigation measures which will aid in controlling the level of noise from the proposed development and which can be secured by planning condition. This includes:

- Setting noise limits - during normal operations noise levels at noise sensitive properties is recommended to not exceed background noise level by more than 10dB(A); and during short term operations (soil stripping, bund formation/removal), operations should not exceed 70dB at noise sensitive properties and should be limited to a period not exceeding 8 weeks in a year at any one property.
- Control over working hours to reflect the current permitted hours of operation
- Expanding the existing scheme of noise monitoring to include the proposed extension areas
- Controls over the hours of plant maintenance

The reports methodology, conclusion and recommendations are accepted by Environmental Protection.

There have been concerns expressed about the proximity of mineral activity to neighbouring properties. The closest properties at Arclid Cottage Farm and Arclid Shire Barns lie adjacent to the boundary of the north western block, separated from the site by an access track. Additional mitigation is proposed in areas where the mineral activity comes in close proximity to the residential

receptor. In this location it is noted that Arclid Cottage Farm (the closer of the two properties) already benefits from screening in the form of mature Italian cypress trees and a hedge on the residential boundary. In between these features and the site boundary is an access track and a further hedgerow. Along the application site boundary in this location, the applicant proposes a vegetative screen of 4m high mature trees and a 3m high and 35m wide soil screen bund which would be situated between the proposed tree belt and the mineral extraction area. The distance between the property and the boundary of the working area would be approximately 80m which is some considerable distance. It is also noted that as the mineral extraction deepens, the noise impacts would lessen. Whilst the initial soil stripping activities may present some short term temporary impacts, once the mitigation is established, these impacts would lessen and would also reduce as mineral extraction deepens. Additionally the phased mineral working would mean that the impacts are controlled and only likely whilst the mineral extraction is taking place in the phase closest to those properties

With respect to concerns about potential noise impacts from reversing beepers, it is accepted that there may be instances where these are audible, and the noise assessment does not consider that such impacts would be significant. Controls would be in place regarding hours of operation at the site; this is monitored by the Council and no issues of non-compliance with this have been raised. Reversing beepers heard outside these hours could come from any number of nearby sources, where there is no control over hours of operation.

Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on Local Air Quality, the Council has regard to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality January 2017)

Air quality impacts have been considered within the air quality assessment.

The report considers whether the development will result in increased exposure to airborne dust particles with special consideration given to PM10 and PM2.5 sized particles.

There were several years selected for the predicted concentration of these particles. These were 2018, 2021, 2025 and 2030.

The assessment concludes that three of the chosen receptors may experience a slight adverse impact as a result of the extension, with the remaining receptors experiencing a negligible impact. The report then goes on to state that the

existing dust management procedures the site uses will likely offset the adverse impacts experienced. Environmental Protection agrees that by rigorously following the robust existing mitigation measures the impacts of this extension should be minimal and has no further need to add further conditions as part of this proposal.

Land Contamination

There are areas within the application site which may have been infilled in the past, and as a result there is the potential for parts of the site to be contaminated. The Environmental Protection unit has the Contaminated Land assessment. The information presented states that there is a low potential for contamination, however if any potential contamination is encountered during the development, all work in that area should cease and Environmental Protection should be contacted for further advice.

The Contaminated Land team has no objection to the proposals subject to conditions in respect of dealing with unexpected contamination and recommend. Subject to this being secured no adverse impacts are anticipated with respect to potential for contamination and this would accord with CELPS policy SE12, and CRMLP policy 25

General Amenity Issues

It is considered that, with the necessary controls on noise, dust management, hours of operation, phased working and progressive restoration as stated above, that the proposals would be in accordance with Policy SE 10 'Sustainable Provision of Minerals' of the Cheshire East Local Plan Strategy, Policies 26 and 27 'Noise', 28 'Dust', 31 'Cumulative Impact' and 37 'Hours of Operation' of the Cheshire Replacement Minerals Local Plan and Policy GR6 'Amenity and Health' of the Congleton Borough Local Plan First Review.

Cultural Heritage

Archaeology

The application is supported by a heritage assessment. This document considers the archaeological background to the area, including discoveries made during earlier phases of mineral extraction, and concludes that the watching brief maintained during previous phases of quarrying should be maintained in the event that planning permission is granted.

The watching brief will be focussed on the inspection of areas stripped of topsoil and will allow the recognition and recording of any archaeological remains. It is considered that this approach is appropriate and that the work may be secured by condition.

As such it is considered that the proposal accords with the approach of Policy SE7 (The Historic Environment) of the CELPS and Policies 20 and 21 of the CRMLP.

Geology and Geotechnical Considerations

CRMLP Policy 39 states that an application for new mineral working will not be permitted where it would result in unacceptable adverse levels of subsidence.

A geotechnical assessment undertaken by independent geotechnical consultants.

The geotechnical assessment confirms that exploratory drilling has been carried out to determine the thickness of the overburden and the mineral reserves at the site.

South Arclid will continue to be worked by stripping soil and overburden and then removing the sand in benches. The bench face heights will be maintained within the maximum reach of the excavators. The sand will be loaded onto a field conveyer which will be extended as the workings are developed.

The stability of the permitted and proposed excavations and the various soil and overburden storage mounds has been assessed using computer software and recommendations have been made regarding their design and construction. The proposed working method for the north western block should fully mitigate any risk of lateral displacement of the strata. Suitable standoffs are recommended to safeguard adjacent properties, services and soil screening mounds.

Dewatering is required to recover some of the mineral reserves, but existing practices at South Arclid should ensure that adequate measures are taken to achieve the required drawdown prior to excavation. The risks posed by excessive groundwater inflows and the mobilisation on fines are well understood and can be minimised by preventing the continued excavation of saturated sand.

The excavated slopes will be covered and fully supported as part of the proposed restoration works and recommendations have been made with regard to the preparation of the ground and the placement of overburden materials. The restored landform, as proposed, will remain stable in the long term.

The restoration will involve the creation of lakes. These will be founded on Lower Boulder Clay which has very low conductivity and is thick enough to protect the underlying salt bearing strata. The risk that any dissolution and subsidence might be reactivated by the proposed works are therefore considered to be very low.

Calculations show that very little settlement is likely to occur around the proposed excavations as a consequence of dewatering. This is because of the over-consolidated nature of the glacial deposits.

The operator will be required to inspect all of the working areas on a daily basis. Formal weekly inspections of all the excavated slopes will also be carried out. These measures will ensure that in the event that significant instability should occur, immediate action can be taken to remedy the situation. The appointed geotechnical specialist will undertake 12 monthly inspections as is the current practice.

It is also noted that such matters are covered by relevant mining and health and safety legislation under which the proposals would be regulated by Health and Safety Executive who have confirmed that they have no objections to the application. It is considered that the proposal is in accordance with Policy 39 'Stability and Support' of the Cheshire Replacement Minerals Local Plan 1999.

Impact on Manchester Airport

Manchester Airport raises no issues with the extraction workings, but do have concerns about the restoration proposals. This is because of the potential to support a significant number of Geese and wildfowl. They express a preference for islands to be designed to support Terns and wading birds.

In response to this, the Restoration Masterplan now includes provisions for nesting Terns and wading bird species and aims to minimise as much as possible the attraction of Geese. The final detailed design of the restoration proposals could be secured by planning condition in liaison with Manchester Airport.

Other Matters

Residents have expressed concerns about the impact of the proposals on the saleability and market value of property. This is not a material planning consideration in the determination of this planning application.

The site is within the outer zone for consultation with Jodrell Bank Observatory. JBO has stated verbally that they have no objection to the scheme.

S106 Requirements

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this case, aftercare, management and monitoring are necessary, directly related to the development and fairly and reasonably related in scale and kind to

the development due to the need to ensure restoration of the quarry takes place in an appropriate and timely way.

CONCLUSIONS

The NPPF recognises that minerals are essential to support sustainable economic growth and it is important to ensure that there is an adequate supply of materials to meet the needs of the country.

Since minerals are a finite source and, can only be worked where they are found, it is important to make the best use of them in order to secure their long-term conservation, and Local Planning Authorities should give great weight to the benefits of mineral extraction, including to the economy, and as far as practical, provide for the maintenance of landbanks.

The economic benefits of the scheme are therefore clear and considered to be significant. The proposal would release a substantial amount of nationally significant mineral reserve which occurs in only a very limited number of locations in the UK and provides specialist mineral to a wide range of industries. It would enable the Council to ensure a 10 year supply of industrial mineral at the site as required by national and local planning policy.

In addition the proposal would release reserves of construction sand contributing to the maintenance of a 7 year landbank as required by planning policy. It also provides direct and indirect benefits to the local economy by providing raw materials for a wide range of products.

RECOMMENDATION:

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

- a) **The provision of a 15 year aftercare and management scheme**
- b) **Annual monitoring and reporting of protected and Cheshire BAP species during the 15 year aftercare and management plan period**
- c) **Footpath maintenance and management during the 15 year aftercare and management period**

1. 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.

2. 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.

3. 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 conditions 29 and 30, shall be completed accordingly.

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

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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 18) 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. Protection of Trees and Arboricultural Site Supervision

Prior to any ground clearance, tree works or soil stripping within the South Western Extension Area, a Tree Protection Scheme and Arboricultural Method Statement shall be submitted to 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.

18. Landscape and Ecological Management Plan

Prior to any ground clearance, tree works or soil stripping within the South Western Extension Area, 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.

19. 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.

20. 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.

21. Groundwater Monitoring 1

Prior to commencement of extraction of sand from the South Western Extension hereby permitted, boreholes 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.

22. Groundwater Monitoring 2

Prior to any extraction of sand from the South Western Extension hereby approved, groundwater level recording shall commence in the locations shown on Hydrogeological Impact Assessment & Flood Risk Assessment: Figure 22: Proposed New Monitoring Locations (Ref: 2443 BSS Arclid \ FIG 22 NEW BH). 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.

23. 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.

24. Protection of Bats

Prior to the removal of 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, a bat survey shall be undertaken and submitted to the Mineral Planning Authority. The submission shall record any evidence of roosting bats and include appropriate mitigation and compensation measures.

Reason: To safeguard biodiversity.

25. 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.

26. 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.

27. Vegetation Clearance

The removal of any trees and hedges shall take place outside 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.

28. 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.

29. Final Aftercare Scheme

No later than the 31st December 2040 or within 6 months of the permanent cessation of the silica sand extraction hereby approved, whichever occurs sooner, a detailed aftercare scheme for a maximum duration of 15 years shall be submitted to the Mineral Planning Authority.

The aftercare scheme shall account for the phasing of the approved development and address actions outstanding from the LEMP (condition 18), 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.

30. Inspection of Planning Permission

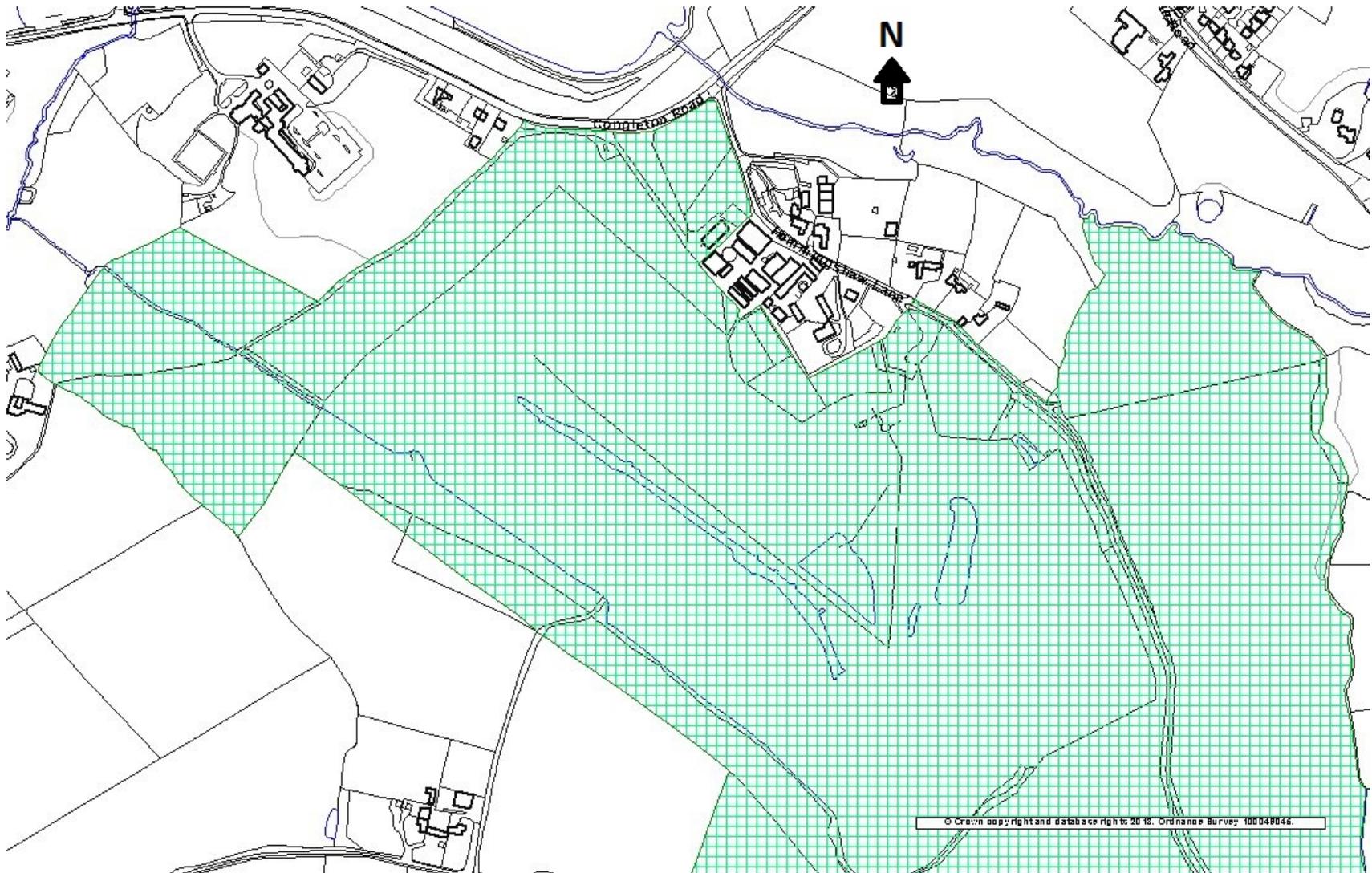
From commencement of development until the cessation of mineral extraction a copy of this permission, including all documents approved and agreed in accordance with this permission, shall always be available for inspection at the site office during normal hours.

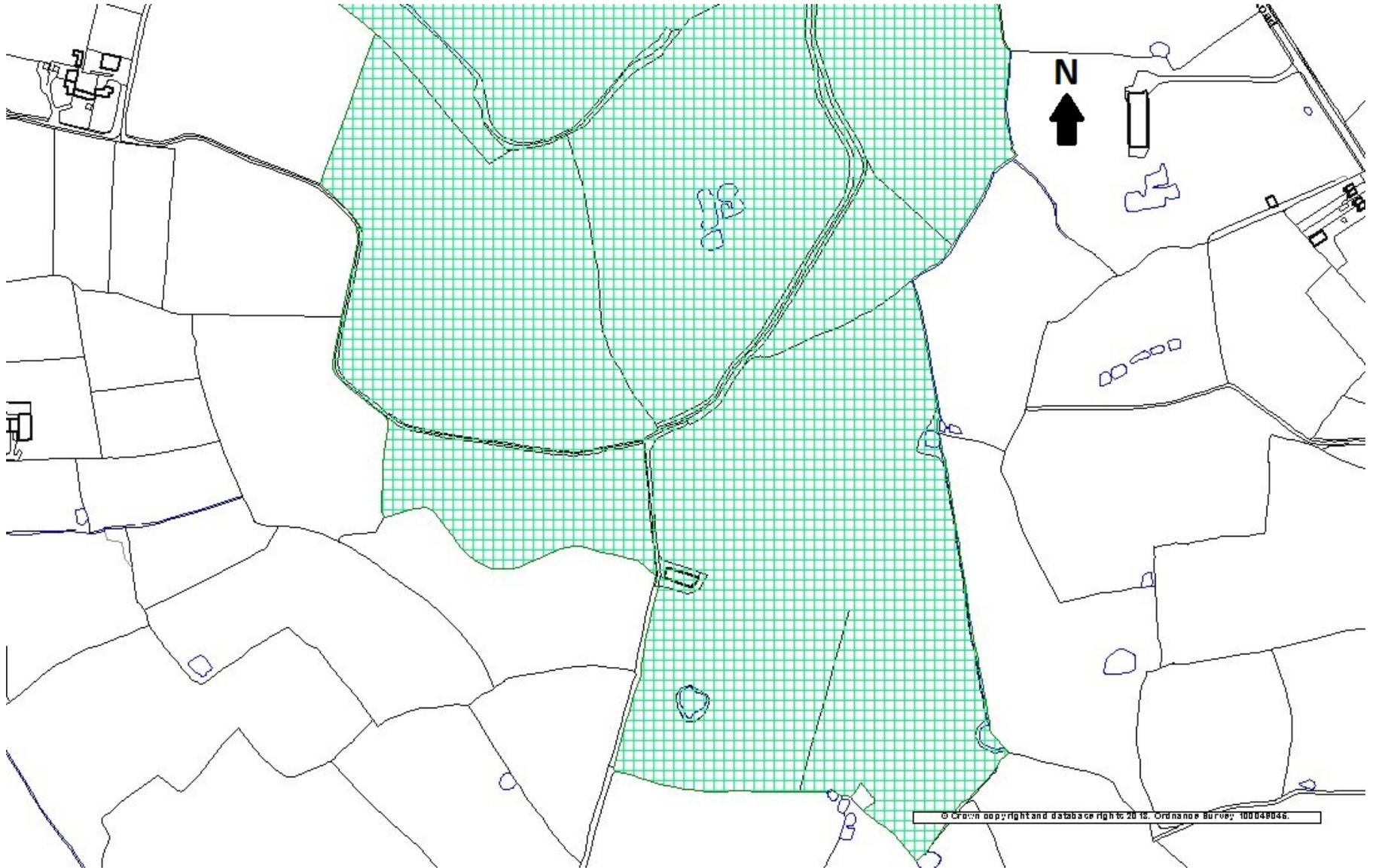
Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved documents.

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 Chair (or in their absence the Vice

Chair) 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 Chair (or in their absence Vice Chair) 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.





Application No: 16/3829W

Location: Casey Lane Stables, Casey Lane, Basford, Cheshire, CW2 5NH

Proposal: 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)

Applicant: Mr Barrie Garratt

Expiry Date: 27-Mar-2020

SUMMARY:

Significant areas of land within the application site lie within the limits of the Phase 2a HS2 Safeguarding Zone. The proposed development in its current form would therefore prejudice the ability to build and operate the HS2 Proposed Scheme

Reports relating to ecology are now considered to be out of date and therefore cannot be relied upon to support the application.

The proposals are considered to be acceptable in terms of noise and vibration, air quality and contaminated land subject to conditions.

Having regard to highway safety, the traffic flows associated with the development will be low and will route along Casey Lane for which the flows are also low. Carriageway widening and junction improvements are proposed to mitigate the impact of the development. As such the proposal is considered to be acceptable in highway safety terms.

The impact of the proposal on landscape character is considered to be acceptable.

RECOMMENDATION:

Refuse

SITE DESCRIPTION

The application site comprises an irregular shaped parcel of land, widest at the northern end and tapering to the south. It is designated as being within Open Countryside in the adopted local plan (CELPS). Basford Footpath 4 runs along the eastern boundary and Basford Footpath 3 runs along the northern boundary of the site.

On the western boundary there is the West Coast Main Line, with Casey Lane Bridge over the railway line on its northwest corner. To the north it is bounded by Casey Lane, to the east it is bounded by agricultural land and to the south, where the land tapers off is Basford Old Creamery, an industrial estate accessed from Newcastle Road.

On the northern part of the site there is an office and a 'C' shaped stable block.

The site was originally a sand quarry and subsequently railway sidings were constructed over it from the West Coast Main Line. Following the end of the sand extraction works it was used for the deposit of boiler ash from steam locomotives up until the late 1960's.

Significant areas of land within the application site now lie within the revised HS2 Safeguarding Directions issued on 27th September 2017.

PROPOSAL

The application proposes a scheme of land improvement through the removal of previously deposited ash and clinker, and the restoration of the void created with imported inert soil making materials to bring the land back into agricultural and equestrian use.

In order to achieve this the application proposes the following operations:

- Partial demolition of the existing stables and associated infrastructure including diversion of overhead power lines/utilities
- Retention of the northern flank of the stables for bat mitigation measures and temporary use as a site office, welfare and mess facilities
- Extraction (with on-site processing where required) of approximately 200,000m³ (360,000 tonnes) of ash and clinker
- Importation and consolidated infilling of the resultant void to restore the site to existing levels, using approximately 200,000m³ of inert, soil forming materials and soils
- Installation and temporary use of site offices, weighbridge, wheel wash facilities and ancillary infrastructure (including access improvements) as required
- Subsequent restoration with a five year aftercare period to an agricultural/equestrian use, including removal of infrastructure installed for the operational period and provision of replacement livery stables.

Details of the proposed works

Site investigations and testing have identified that the ash/clinker deposits are inert and lie at an average depth of 6m across the site. The total extraction depth will be taken to 57.5m Above Ordnance Datum (AOD) (current ground levels on the site are 64m AOD).

Soils would be stripped from each phase and stored in stockpiles for re-use on completion of infilling. Additionally soils stripped from phase one would be used to form 2m high soil screening mounds which would be created along the northern boundary aligning Casey Lane and part of the eastern boundary to provide a visual screen. These

would be retained on site until the proposed periphery hedgerow vegetation has sufficiently established in the initial stages of the works; and the soil mounds would then be reworked into the phased restoration of the site.

Extracted ash/clinker that meets industry specification would be removed from site without processing. Other more variable deposits would be processed and screened within the site to remove any oversize or non-conforming material, or to remove any soils which could be retained for use in the site restoration. Any significant oversized material would be stockpiled and when there is sufficient quantity, it would be crushed on site prior to its removal. This is anticipated to be on an infrequent ad-hoc basis only.

The material would be extracted using an excavator and front load diggers. A mobile screening plant would also be permanently located on site; and a mobile crusher would be brought to site as and when required.

The site would be worked over five phases commencing in the north east with rolling restoration as extraction progresses. The restoration of the land once the ash/clinker has been extracted would be undertaken using inert soils and soil forming material from construction, demolition and excavation wastes and the restored ground levels would be similar to pre-existing levels. Soils and top soils would then be re-laid over the infilled ground.

In the north east (phase one), the site would be extracted and a void would be left at depth to accommodate the material processing, storage, vehicle loading/unloading which would help mitigate noise, dust and visual impacts whilst the remainder of that phase would be fully restored back to original levels. The northern flank of the stables would be retained to provide suitable bat roosting features, whilst the southern and western flank would be demolished as may be required to facilitate the extraction of ash/clinker. The paddock to the north of the stable block will be retained for vehicle reception (with weighbridge, office and wheel wash facilities).

The extraction and subsequent infilling would then move progressively northwards from the southern boundary, before completing the final phases in the centre of the site.

The restored land would provide:

- A suitably compacted ground with sufficient stability and drainage infiltration;
- Better soil conditions and improved drainage to support plant growth and improve grazing land
- Improved habitats with rich pasture meadows suitable for grazing and habitat benefit, a new pond with marginal habitat in the south of the site, and scrub and hedgerow planting to provide habitat connectivity around the periphery of the site.

The works would be undertaken between 0800 to 1800 Monday to Friday and 0800 to 1300 Saturday with no operations on Sundays or Bank Holidays. Lighting would only be used within the proposed operational hours during the winter when conditions require it and would be designed to minimise light spill.

The timescales for completion of the whole project would be likely to be influenced by market demands, however the applicant anticipates extraction rates would be around 30,000 tonnes per annum. The extraction of ash/clinker would take approximately 12 years. Infilling with inert material would be at a rate of around 50,000 tonnes per annum and would be undertaken as part of a rolling plan of restoring as each phase progresses. In total including for the infilling, restoration and initial aftercare activities (soil cultivation etc) of the final phase, the project would take up to 14 years, with five years of aftercare undertaken on each phase of the development on completion of the restoration works.

Bat house

The proposal includes for retention of the existing stables. There would be an overall reduction in built footprint at the site with the partial demolition of the existing stables block. The retained element would be used for bat roosting potential, and the building would be retrofitted with bat roosting features, the design of which would be informed by the detailed bat mitigation strategy.

Vehicle movements and access

- HGV movements associated with the exportation of material will be up to 4300 movements per annum (average of 16 movements per day)
- HGV movements associated with the importation of material will be up to 7150 movements per annum (average of 28 movements per day) which may be less where the same vehicles can be used for import and export.
- Where export and infilling is occurring concurrently, total HGV movements would be an average of 44 movements per day. This equates to 4 to 6 movements an hour on average.

The only current means of access is via Casey Lane. The application proposes the following improvements:

- Highway junction improvements at the junction of Casey Lane, Back Lane and Newcastle Road
- Provision of 3 formal passing bays along Casey Lane;
- Maintenance of suitable visibility splays at the site access.

RELEVANT HISTORY

P92/0606 Livery stables, indoor riding yard and ancillary building incl. temporary mobile home (Reserved Matters) – Approved 24th September 1992

P92/0012 Livery stables and covered exercise yard – Approved 16th April 1992

NATIONAL & LOCAL POLICY

Local Plan Policy

Cheshire East Local Plan Strategy (CELPS)

MP 1: Presumption in Favour of Sustainable Development

PG 6: Open Countryside

SD 1: Sustainable Development in Cheshire East
SD 2: Sustainable Development Principles
IN 1: Infrastructure
IN 2: Developer Contributions
EG 1: Economic Prosperity
EG 2: Rural Economy
SE 2: Efficient Use of Land
SE 3: Biodiversity and Geodiversity
SE 4: The Landscape
SE 5: Trees, Hedgerows and Woodland
SE 10: Sustainable Provision of Minerals
SE 11: Sustainable Management of Waste
SE 12: Pollution, Land Contamination and Land Instability
SE 13: Flood Risk and Water Management
CO 1: Sustainable Travel and Transport
CO 4: Travel Plans and Transport Assessments

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Cheshire Replacement Minerals Local Plan 1999 (CRMLP)

Policy 2: Need
Policy 6: Prior Extraction
Policy 9: Planning Applications
Policy 10: Geological Content of Planning Applications
Policy 11: Pre-Application Discussions
Policy 12: Conditions
Policy 13: Planning Obligations/Legal Agreements
Policy 15: Landscape
Policy 16: Plant and Buildings
Policy 17: Visual Amenity
Policy 20: Archaeology
Policy 21: Archaeology
Policy 25: Groundwater/Surface Water/Flood Protection
Policy 26: Noise
Policy 27: Noise
Policy 28: Dust
Policy 31: Cumulative Impact
Policy 32: Advance Planting
Policy 33: Public Rights of Way
Policy 34: Highways
Policy 36: Secondary Operations
Policy 37: Hours of Operation
Policy 41: Restoration
Policy 42: Aftercare
Policy 43: Liaison Committees

Cheshire Replacement Waste Local Plan (CRWLP)

Policy 1: Sustainable Waste Management

Policy 2: The Need for Waste Management Facilities
Policy 12: Impact of Development Proposals
Policy 17: Natural Environment
Policy 18: Water Resource Protection and Flood Risk
Policy 20: Public Rights of Way
Policy 23: Noise
Policy 24: Air Pollution; Air Emissions Including Dust
Policy 25: Litter
Policy 27: Sustainable Transportation of Waste and Waste Derived Materials
Policy 28: Highways
Policy 29: Hours of Operation
Policy 32: Reclamation
Policy 33: Liaison Committees
Policy 36: Design

Borough of Crewe and Nantwich Replacement Local Plan 2011 (CNRLP)

NE.5: Nature Conservation and Habitats
NE.8: Sites of Local Importance for Nature Conservation
NE.9: Protected Species
NE.10: New Woodland Planting and Landscaping
NE.17: Pollution Control
BE.1: Amenity
BE.3: Access and Parking
BE.4: Drainage, Utilities and Resources
BE.6: Development on Potentially Contaminated Land
BE.16: Development and Archaeology
RT.9: Footpaths and Bridleways

The Weston and Basford Neighbourhood Plan (WBNP)

Weston and Basford Neighbourhood Plan

LC1 Local Open Space within the Neighbourhood Plan Area
LC2 Landscape Quality, Countryside and Open Views
LC3 Woodland, Trees, Hedgerows and Walls
LC4 Historic Environment
LC5 Footpaths
LC6 Weston and Basford's Wildlife Corridors
LC8 Biodiversity
E1 New Business
C3 Contributions to Community Infrastructure
D3 Employment Development
D5 Adapting to Climate Change
T1 Footpaths, Cycleways and Bridleways
T2 Traffic Congestion
T3 Improving Air Quality
T7 Identification of Underground Utility Assets
T8 Creation of New Accesses

National Policy

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development.

The National Planning Policy for Waste (NPPW) seeks sustainable management of waste.

CONSULTATIONS:

Highways:

No objection subject to conditions.

HS2:

Submitted a formal holding objection to planning permission being granted due to significant areas of land within the application site being safeguarded for the delivery of HS2 (Phase 2a).

Environmental Protection:

No objection subject to conditions relating to land contamination, working hours, noise and dust.

Public Health:

No objection subject to industry standard mitigation to safeguard public health.

Environment Agency:

No objection subject to a condition relating to the disposal of foul and surface water.

Natural England:

No objection.

Public Rights of Way:

The property is adjacent to public footpath Basford No. 4 as recorded on the Definitive Map held with the Council. It appears unlikely that the proposal would affect the public right of way, although the PROW Unit would expect an informative to ensure that developers are aware of their obligations in relation to the footpaths to be added to any approval.

Network Rail:

No objection subject to technical issues relating to the railway that fall outside the planning process.

National Planning Casework Unit:

No objection.

Archaeology Planning Advisory Service:

No objection.

Weston & Basford Parish Council:

Raise objections relating to the following:

- Disruption and danger from HGV vehicle movements
- Length of time that the operations would last

- Proper analysis of the material to be removed should be done
- The site is in the HS2 safeguarding corridor
- Proximity to a site for 90 houses and a primary school
- Cumulative impact of all developments in the area
- Contrary to open countryside policy
- Weston and Basford Neighbourhood Plan policies relating to ecology

Hough & Chorlton Parish Council:

Raise objections relating to the following:

- Contravention of open-countryside policies
- Highways – Disruption and danger to the community
- Casey Lane and its current agricultural and recreational use
- Ground Contamination
- Pollution caused by the operation
- Drainage and flooding risk
- Duration of the proposal

Shavington Parish Council:

- The principal concern is air pollution as a consequence of the excavation of the ash, clinker and unidentified contaminants.
- The application demonstrates insufficient reassurance that there is only ash on the site.
- The proposal is likely to pollute the waterways and drains.
- The Parish Council would ask –
 - How is pollution to be monitored?
 - What will be the frequency of monitoring?
 - Will monitoring be undertaken by an independent body?
- There is a potential for numerous HGVS to use the village and surrounding villages and this will cause disruption to residents' quiet enjoyment of their homes and the village in general.
- The Council would wish to know plans when the bridge is being demolished.
- The junction requires improvement prior to the start of the proposal to encourage traffic to use the bridge at Basford and then Meremoss Roundabout. There are fewer dwellings in this location and the impact will be less than that proposed.
- The Council would also ask for sufficient notice of the demolition of the bridge.

REPRESENTATIONS:

Neighbour notification letters were sent to neighbouring properties and site notices posted.

At the time of report writing 215 representations have been received which can be viewed in full on the Council website. The representations express several concerns including the following:

Principle of Development

- There is no need for the development as the fields have been farmed and horses stabled on the land for years
- Creation of an industrial site in a rural area
- Does not constitute land improvement
- Excessive level of development of all types in this area
- Creating an open cast mine

Scale of Development & Timescales

- Length of time the development will take
- Physical changes to the area such as topography and land use
- Adverse visual impact

Amenity/Pollution

- Excessive noise
- Air pollution
- Light pollution
- Dust generation
- Risk of ground contamination
- Pollution from harmful substances such as asbestos
- Adverse impact of pollution on children in the nearby primary school
- Wheel wash facilities and dust spraying could lead to the pollution of local water courses
- Particulates from HGV vehicles

Highways

- Highway safety
- Casey Lane is a narrow single track road
- Large numbers of HGV movements
- General increase in vehicle movements
- Danger to walkers, horse riders and cyclists
- Dangerous access
- Poor visibility on Casey Lane Bridge
- Weight limit on Casey Lane Bridge
- Tractors and HGVs will not be able to pass each other
- HGVs are too large to use Casey Lane
- Access alterations are unacceptable
- Should be accessed off Newcastle Road through Basford Creamery
- Back Lane/Newcastle Road is a pick up/drop off point for school children
- Casey Lane is part of the Cheshire Cycle Route
- Materials should be transported on the railway

Infrastructure

- Impact on already fragile drainage systems caused by HGVs using Casey Lane
- Possible impact on the railway line

- Impact from future HS2 development

Ecology

- Impact on local wildlife
- Impact on the Meres and Mosses Nature Improvement Area

Heritage

- Impact on nearby Listed Building (Basford Cottage)

Other Matters

- Should be a longer consultation period
- Concerns about housing development on the site in the future
- Casey Lane bridge is a landmark in the world of trainspotting
- Do not want to live next to a quarry
- Property values
- No economic benefit to the area, just to the developer
- Residents should be given compensation
- Loss of protected tree
- Creation of roundabout

One representation expressing support for the proposal has been submitted by a Middlewich block manufacturing company. They explain that they use ash in their production process and it provides an eco-friendly material for construction and will create local jobs.

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development

The proposal would enable the extraction of a significant volume of material which could be used as a secondary aggregate in the construction industry. In terms of national planning policy, the NPPF states that mineral planning authorities should give great weight to the benefits of mineral extraction including to the economy. Specifically with regards to the recovery of secondary aggregates it states that mineral planning authorities should *“so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously”*.

Need for the Extraction of Ash and Ballast

The proposed extraction of ash and ballast from the site would result in the production of a material from a recycled source, which could be used for manufacturing purposes. In this instance the submitted documentation cites the production of materials for construction and

manufacturing or as a secondary aggregate, and which would as a consequence reduce the requirement to use primary minerals. This accords with the approach of national and local planning policy in that it provides for a sustainable use of resources.

On this basis, it is considered that the proposal is in accordance with the overall objectives of CELPS, CRMLP, CRWLP and supports the approach of NPPW and NPPF.

Sustainability

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well being; and

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

These objectives should be delivered through the preparation of plans and application policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

ENVIRONMENTAL OBJECTIVE

Landscape/Restoration

The application site is located on relatively flat land and is mostly semi improved grassland that has been divided into a number of paddocks and also a stable block towards the north-western part of the site. The site is bound by timber rail and wire fencing, with some boundary vegetation and several groups of trees, the west coast rail line follows the western boundary. Casey Lane forms the northern boundary. Footpath 3 Basford follows the northern boundary of the site and Footpath 4 Basford follows part of the eastern boundary.

As part of the application a Landscape and Visual Impact Study has been submitted, this identifies the National, Regional and baseline landscape character as well as the visual baseline, and a Zone of Primary Visibility along with 6 viewpoints. The landscape assessment identifies that the landscape sensitivity of the site is low, but medium for the

wider landscape and that the magnitude of change will be large for the site, reducing to very small-small for the site post restoration and medium, and reducing to very small for the wider character area. The assessment identifies that the significance of effect on the application site will be moderate adverse on the site level during the operational phase, reducing to negligible to minor beneficial post restoration and moderate adverse, reducing to negligible beneficial on the wider landscape scale. The assessment indicates that the existing boundary vegetation will be retained and enhanced with infill planting, as shown on the Restoration Plan, Drawing No 2.3. The visual assessment identifies that the visual impact at the operational and post restoration phases will have a medium to very minor impact. Whilst the Council broadly agrees with the landscape assessment, it is considered that a number of the receptor locations are more sensitive than the assessment has identified, nevertheless the Council largely agrees with the post restoration impacts as identified.

The proposal is therefore considered to be acceptable in landscape terms and would accord with CELPS policy SE4, CMLP policy 15 and WBNP policy LC2.

Trees

There are trees and lengths of hedgerow on and adjoining the development site. Most of the vegetation is around the site boundaries although there are some trees close to the existing buildings. There are also trees and hedges bordering the length of Casey Lane.

The submission includes a tree protection plan which includes a tree survey schedule and details of proposed protective fencing. The plan indicates that subject to appropriate protection measures, it should be possible to retain trees around the periphery of the extraction area. It appears that most trees can be protected on Casey Lane although one Grade C tree (T36), may be impacted. The hedgerows around the site will be retained.

In order to ensure the protection of existing trees, conditions could be imposed requiring tree protection measures, submission of an arboricultural method statement, and service/drainage layout. In addition the detailed landscaping scheme could include replacement planting to mitigate for any losses.

Subject to the above mentioned conditions, the proposal is considered to be acceptable in terms of the impact on trees and hedgerows and would accord with CELP policy SE5, CNBLP policy NE10 and WBNP policy LC3.

Ecology

The application was registered in March 2017 and due to the lengthy negotiations with third parties required in the course of determining this application, many of the ecological surveys and reports are now out of date. This is addressed below:

Statutory Designated Sites

The proposed development is located within 3 kilometres of Wybunbury Moss SSSI which forms part of the Midland Meres and Mosses Phase 1 Ramsar and the West Midlands Mosses Special Area of Conservation. Natural England advise that the proposed development is not likely to have an adverse impact upon statutory designated sites.

Under Regulation 61 of the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant effects'.

Cheshire East Council has considered the project under Regulation 61(1)(a) of the Conservation of Habitats and Species Regulations 2017 and has concluded that it is not likely to have a significant effect, either alone or in combination with other plans or projects, on the Midland Meres and Mosses (phase one) Ramsar or West Midlands Mosses Special Area of Conservation (SAC). Consequently as the project is unlikely to have significant effects (either alone or in combination with other plans or projects) no further assessment is considered necessary.

This is considered to still be the case.

Badgers

The submitted information relating to Badgers is now considered to be out of date and cannot be relied upon to support this proposal.

Habitats

The original Habitat Survey submitted with the application did not contain a botanical survey of the grassland habitats. An updated habitat survey was undertaken. This survey focused on the triangle of grassland in the southern extent of the application site. Whilst this grassland habitat is of some nature conservation value it does not amount to a priority habitat nor is it sufficiently diverse enough to be selected as a local wildlife site. This habitat therefore does not present a constraint on the proposed development.

This is considered to still be the case.

Small Heath

This priority butterfly species occurs within 2 kilometres of the site and may potentially be associated with the grassland habitats present on the application site.

This information is now considered to be out of date and cannot be relied upon to support this proposal.

Bats

The submitted information relating to bats is now considered to be out of date and cannot be relied upon to support this proposal.

Barn Owls

The submitted information relating to Barn Owls is now considered to be out of date and cannot be relied upon to support this proposal.

Restoration

The restoration of the site aims to deliver 'floristically enhanced' grassland restoration. This would be difficult to achieve for a site with an intended after use of agriculture and equestrian use as horse grazing pressure is likely to be too intense to allow a diverse grassland to develop.

If planning consent is granted it is recommended that a condition be attached which requires the submission of a detailed restoration scheme, including proposals for the creation of species rich grassland, and 10 a year habitat management plan to be submitted.

A new pond is proposed as part of the restoration scheme for the site. This proposal is welcomed by the Council's Nature Conservation Officer. If planning permission is granted a condition should be attached which requires the submission of a detailed design for the proposed pond.

Nesting Birds

If planning consent is granted standard conditions (protection and features for enhancements) would be required to safeguard nesting birds.

Nesting birds are protected by law and as such the conditions would be in accordance with Policy SE3 (Biodiversity & Geodiversity) of the CELPS and Policies NE.5 (Nature Conservation & Habitats) and NE.9 (Protected Species) of the CNRLP.

Ecology Conclusion

No further information is required in terms of the Conservation of Habitats and Species Regulations 2017 As such the proposal is in compliance with Policies NE.6 (Sites of International Importance for Nature Conservation), NE.7 (Sites of National Importance for Nature Conservation) and NE.8 (Sites of Local Importance for Nature Conservation).

Subject to conditions, nesting birds can be protected in accordance with Policy SE3 (Biodiversity & Geodiversity) of the CELPS and Policies NE.5 (Nature Conservation & Habitats) and NE.9 (Protected Species) of the CNRLP.

Subject to conditions relating to the restoration scheme and a 10 year management plan, it is considered that satisfactory restoration of the site can be secured. This is in accordance with Policy SE3 (Biodiversity & Geodiversity) of the CELPS.

The information relating to Badgers, Bats, Barn Owls and Small Heath is now to be out of date and therefore insufficient information is available to assess any impacts on these species and this should therefore form a reason for refusal of the application.

Highways

Site Access

The existing site access is approximately 80m east of the railway bridge on Casey Lane. The importing/exporting of materials would be carried out using rigid HGVs of around 10 metres in length. To accommodate these HGV movements the proposal would amend the existing access by making it wider and increasing the radii. A swept path of an HGV exiting the amended access is shown on the site access plan, demonstrating that it would take place safely.

Immediately west of the access, before reaching the bridge, an existing layby would be upgraded to a formal passing bay. At this point 2 articulated or rigid HGVs would be able to pass each other. This is also shown demonstrated on the submitted plans. The access

visibility splays would allow drivers to see westwards to the bridge and eastwards towards to the bend in the road.

Casey Lane

With regards to HGV routing, the most suited route is onto Casey Lane and over the bridge to Back Lane and then onto Newcastle Road.

It is noted that the bridge is narrow and also limits forward visibility. As is currently the case, drivers would have to approach the bridge at slow speeds and give-way to each other. Casey Lane is not a busy road and these types of bridges do exist on other roads within Cheshire East which are busier and which operate safely.

Casey Lane is narrow and consists of around 6 formal/informal passing bays that allow 2 cars to pass each other. They are too small for 2 HGVs to pass and an additional 3 large passing bays have also been proposed. These new passing bays would increase the road width to 7m for 20m lengths (60m in total). This is considered to be acceptable to allow two HGVs to pass each other. The provision of these passing bays should ensure that there is very limited impact on the verges and roadside trees and hedges.

In addition to these proposed passing bays, Casey Lane would be widened at its junction with Back Lane to allow for 2 HGVs to pass.

Casey Lane/Back Lane Junction

In addition to the carriageway widening of Casey Lane, Back Lane would also be widened to allow for the safe turning of HGVs onto Back Lane. This was a recommendation of the Road Safety Audit. From here HGVs would turn onto Newcastle Road which has an acceptable level of visibility. Speed surveys have been carried out on Back Lane, in the vicinity of the bend on approach to Casey Lane, and have indicated a design speed of just over 25mph. The existing visibility splay on exiting Casey Lane onto Back Lane is therefore acceptable. There have also been no recorded personal injury accidents at this junction over the last 5 years.

Some comments submitted in response to the proposal have suggested that a roundabout will replace the junction arrangement at this location. This is not the case. The only local highway improvements are those put forward with this application.

Traffic Volumes

The proposal is expected to require 16 HGV movements associated with the extraction of material and 28 movements per day associated with importation, totalling 44 two-way movements for 48 weeks per year over a 12 year period. This assumes that a HGV that imports material leaves empty (rather than also filling up and removing material from site) and it is therefore considered to be robust, and on occasion the daily flows are likely to be lower.

In addition there would be 6 to 8 light vehicle movements per day relating to staff movements. In total the proposal would generate, on average, 4 to 6 two-way movements per hour. Over a 24 hour period Casey Lane has a two-way flow of around 380 vehicles a few of which are HGVs. Proportionally this is an increase of around 15% but there will be sufficient proposed highway works to mitigate the impact.

Road Safety Audit

A Road Safety Audit (RSA) has been carried out which covers areas such as widening of the carriageway on Back Lane and Casey Lane, drainage impact on the highway once works are carried out and visibility onto Back Lane. These off-site works should be complete prior to first extraction/importation of materials.

Highways Conclusion

The traffic flows associated with the development would be low and would route along Casey Lane for which the flows are also low. Carriageway widening and junction improvements are proposed to mitigate the impact of the development.

No objection is raised by the Head of Strategic Infrastructure subject to conditions and a legal agreement relating to visibility splays, passing bays and routing of vehicles.

Given the issues set out above, it is considered that the development would be acceptable in highway safety terms and a refusal on these grounds could not be sustained. The proposal would accord with CMLP policy 34, CRWLP policy 28, CNRLP policy BE3 and WBNP policy T2.

ECONOMIC OBJECTIVE

The Framework includes supporting a prosperous rural economy.

Paragraph 83 states that:

‘Planning policies and decisions should enable:

- a) The sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings;
- b) The development and diversification of agricultural and other land-based rural businesses;
- c) Sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) The retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

The proposal would allow the development of a land based rural business and is therefore acceptable in principle.

HS2

HS2 Ltd did not originally object to the proposal, due to the site not falling within the initial designated safeguarding zone.

As a result of design changes to the HS2 proposed scheme, additional land has been now been safeguarded as the land is required in order to construct and/or operate the railway. As a result HS2 Ltd have confirmed that significant areas of land within the application site now lies within the limits of land subject to the revised Safeguarding Directions issued to Local Planning Authorities on 27 September 2017 under articles 18(4), 31(1) and 34(8) of the Town and Country Planning (Development Management

Procedure)(England) Order 20154. Safeguarding Directions have been issued in order to protect the preferred Phase 2a route of HS2 from conflicting development. HS2 explain that safeguarding is an established tool of the planning system designed for this purpose and aims to ensure that new developments along the route do not impact on the ability to build or operate HS2 or lead to excessive additional costs.

The overlaps and potential conflicts between the HS2 works and the proposed scheme are identified by HS2 as follows:

- Casey Lane Diversion – construction traffic route between Newcastle Road and Casey Lane crosses directly through the application site.
- Basford Footpath 4 Temporary Diversion – runs directly through the site between Casey Lane and Newcastle Road.
- Casey Lane East Satellite Compound and adjoining land potentially required for construction– overlaps with area shown by developer as potential utilities diversion corridor, Phases 1 and 4a of proposed extraction, areas for temporary soil storage and the site and vehicle reception area.
- Newcastle Road Overbridge and associated landscape and engineering earthworks – directly clashes with Phase 2 of proposed extraction area.
- Landscape mitigation planting (scrub / woodland) – northern and southern areas of the proposed development clash with proposed HS2 planting to mitigate for local losses of hedgerow and woodland.
- Balancing pond – feature south of Casey Lane clashes with the developer’s proposed Phase 1 extraction area and potential utilities diversion corridor.

Lengthy negotiations have taken place over a long period with HS2 and the applicant to try to address these issues however it is apparent that no solution is possible at the current time.

The guidance accompanying the HS2 Direction advises that where HS2 Ltd has responded and provided a recommendation, the LPA will not be bound by that recommendation. However, if the LPA does not accept the recommendation, it will be required to notify the Secretary of State for Transport under paragraph 6 of the Safeguarding Directions.

In respect of this application, it is considered that the proposed development in its current form would prejudice the ability to build and operate the HS2 Proposed Scheme and this would conflict with CELPS Strategic Priority 1 which seeks to maximise opportunities that may be offered by HS2; and Policy SD1 ‘Sustainable Development’ which requires development to contribute to creating a strong, responsive and competitive economy’ and Policy CO1 ‘Sustainable Travel and Transport’ which seeks to improve public transport including rail infrastructure.

The operations on the site, including restoration, would provide employment for a period of time. This would be a positive benefit of the scheme.

SOCIAL OBJECTIVE

Residential Amenity

Policies 12, 23, 24 of the CRWLP require that the impacts of noise and dust emissions are suitably assessed and controlled in accordance with Government guidelines. Policy S12 of the CELPS requires that *“In most cases, development will only be deemed acceptable where it can be demonstrated that any contamination or land instability issues can be appropriately mitigated against and remediated if necessary.”*

The application has been assessed by Environmental Protection and Public Health Officers, who are satisfied that the development would be acceptable and that any adverse impacts could be mitigated. Such mitigation measures could include the use of dust suppression equipment, screening mounds to limit noise impacts, restrictions on the use of reversing alarms, controls over hours of operation; all of which could be secured by planning condition.

It is considered that the scheme will not generate any significant detrimental noise or dust impacts that would impact on human health or the natural environment. There would be additional HGV movements past residential properties, however this is not considered to be so significant as to warrant refusal of the application on these grounds. As such, it accords with Policies 12, 23 and 24 of the CRWLP.

Public Health

The Public Health Department has been consulted on this application and has no objection in principle.

They consider that as a general statement coal ash does typically contain heavy metals including arsenic, lead, mercury or cadmium. These toxicants can cause cancer and nervous system impacts such as cognitive deficits, developmental delays and behavioural problems if they are consumed (inhaled, eaten or drunk). They can also cause heart damage, lung disease, respiratory distress, kidney disease, reproductive problems, gastrointestinal illness, birth defects, and impaired bone growth in children.

It is also the case that coal ash recycling can constitute a risk to public health, this is particularly the case when the ash is exposed to water (e.g. leaching). The need to safeguard against leaching and protect against the pollution of controlled water has already been noted by the Environment Agency.

Given both of these issues it is necessary to ensure industry standard mitigation is in place on the site and throughout the development period to safeguard public health. This will minimise any potential contamination and pollution risk and impact. The activities would be regulated by an Environmental Permit which is controlled by the Environment Agency who are the pollution regulator in this instance and necessary controls would be imposed on the permit to ensure these issues are mitigated to an acceptable level.

Other Matters

Several objectors have referred to the removal of the ‘triangle’ and tree at the junction of Casey Lane, Back Lane and Newcastle Road. This is not proposed as part of the application.

Conclusion

Significant areas of land within the application site lie within the limits of the Phase 2a HS2 Safeguarding Zone. The proposed development in its current form would therefore prejudice the ability to build and operate the HS2 Proposed Scheme

Reports relating to ecology are now considered to be out of date and therefore cannot be relied upon to support the application.

The proposals are considered to be acceptable in terms of noise and vibration, air quality and contaminated land subject to conditions.

Having regard to highway safety, the traffic flows associated with the development will be low and will route along Casey Lane for which the flows are also low. Carriageway widening and junction improvements are proposed to mitigate the impact of the development. As such the proposal is considered to be acceptable in highway safety terms.

The impact of the proposal on landscape character is considered to be acceptable.

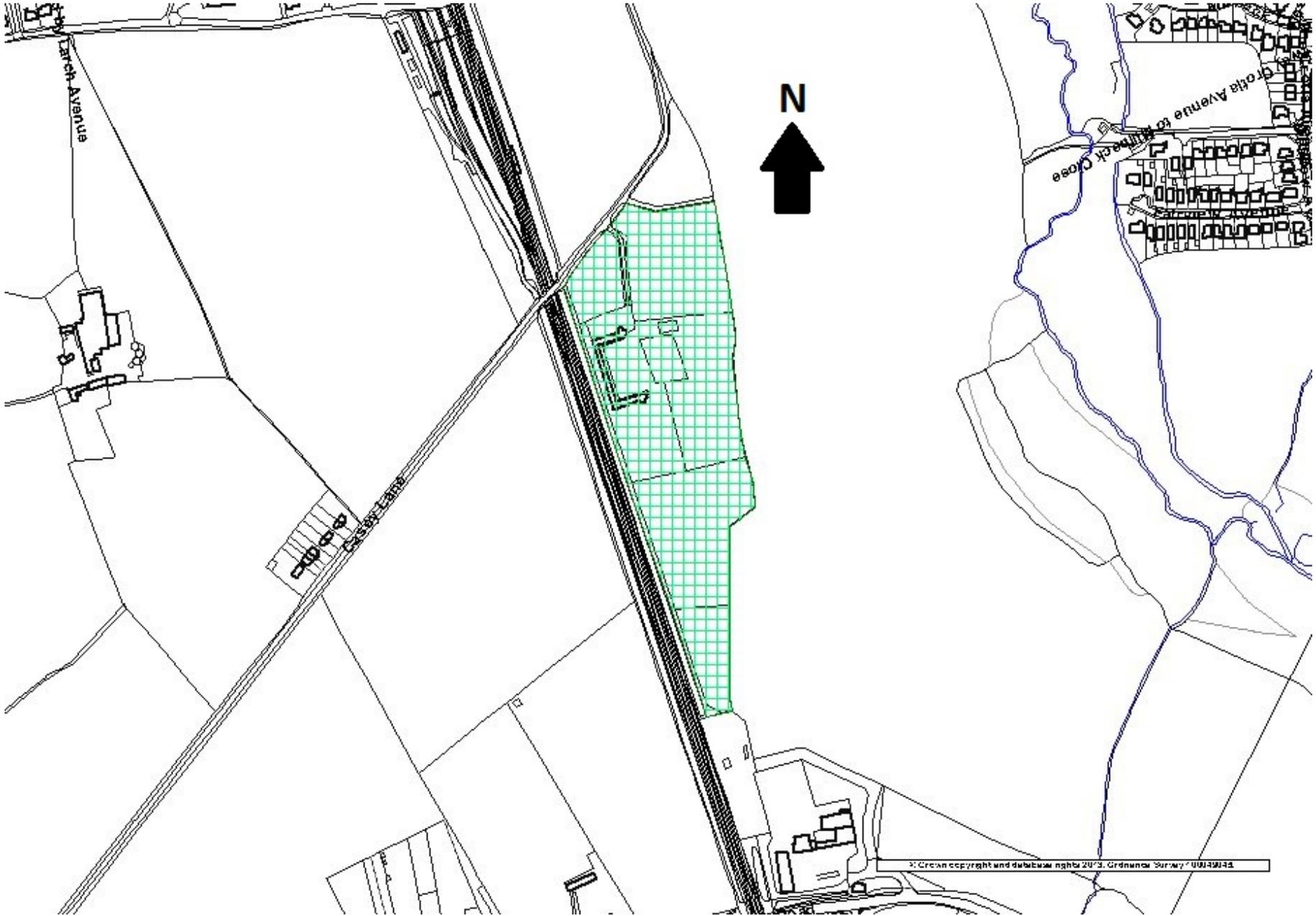
RECOMMENDATION

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 Chair (or in their absence the Vice Chair) 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 Chair (or in their absence Vice Chair) 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.



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Application No: 20/0901C

Location: Phase 4B and 1B Magnitude, OFF ERF WAY, MIDDLEWICH

Proposal: 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

Applicant: MAGNITUDE LAND LLP & SWIZZELS MATLOW LTD

Expiry Date: 05-Jun-2020

SUMMARY

The proposed development of this site for B2/B8 uses accords with the allocations in Local Plan policy Site LPS 44 Midpoint 18, Middlewich which allocates the site for employment uses.

Highways have raised no objections, subject to a contribution to the Middlewich Eastern Bypass to mitigate any impacts on traffic in Middlewich.

Whilst there will be impacts on ecology, trees and the landscape these can be mitigated by measures set out in the application. An update on outstanding ecology matters will be provided prior to the meeting.

The Environment Agency originally had concerns about the impact of the proposals on the water course within the site, and subsequently ecology, however following negotiations it is understood an agreed way forward has been reached and this will be confirmed in a subsequent update report.

Impacts on Environmental Matters, including amenity, noise, air quality and contaminated land are all capable of being mitigated by measures that can be conditioned.

Finally impacts on the public right of way can be managed by use of an appropriate condition.

Whilst at the time of writing this report there remain a number of outstanding matters regarding the water course through the site, and ecology, however discussions with the

Environment Agency and the Council's Ecologist have indicated these matters should all be resolved in advance of the Committee meeting.

Recommendation

Approve subject to a Section 106 Agreement and conditions.

DESCRIPTION OF SITE AND CONTEXT

This application relates to a series of land parcels on the eastern edge of Middlewich, accessed off ERF Way an industrial estate road which links back to the A54 at the Salt Cellar roundabout. The site falls entirely within Cheshire East, but is close to the Cheshire West boundary.

The site consists of part of 3 fields which appear to be used for grazing, and an area of rough unused land on the road frontage. A unnamed water course runs south to north through the site, and there are two small ponds within the site on the southern boundary, and several others just outside the site boundary. The land is largely flat.

Three hedgerows cross the site roughly east -west, and there are some trees, mainly around the ponds, and along the water course.

A public footpath runs along the southern boundary of the site (Middlewich FP19), and a further footpath runs roughly north-south to the east following the Cheshire East/West boundary.

The Midpoint 18 industrial estate lies to the east accessed off ERF Way, and there are three sizable industrial/warehousing units close to the site.

The site, as referenced above, does not include all the fields to the east, as this land is proposed to form part of the Middlewich Eastern Bypass.

A main underground gas pipeline is known to run to the east of the site, but this would be located to the far (eastern) side of the bypass.

DETAILS OF PROPOSAL

The proposal is in two parts, taken from the application form:

“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.”

This part of the application is the major element of the development, that extends to the eastern boundary which will be formed by the Middlewich Eastern Bypass, which will be on an embankment at this point. The development consists of a B2/B8 building amounting to some 42,675 sqm (internal floor area) together with first floor offices of 465 sqm (internal floor area). The building would measure 252m x 170m x 17m high, and the rectangular structure would have a series of four curved sections of roof running long-ways down the building. The building would be metal clad in contrasting light and dark grey panels. A total of 263 parking spaces are proposed, together with sizable vehicle turning/loading areas.

The application indicates that the building could be constructed in 3 phases.

The second part of the application consists of:

“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.”

This part of the site consists of a small area of the site on the western boundary adjacent to the access off ERF Way. The proposal is for a maximum of 4,181 sqm (internal floor area) of B2/B8 with a maximum height of 16m above finished floor levels. The submitted plan indicates this could be provided in two smaller buildings, but would be subject to a further reserved matters application.

RELEVANT HISTORY

18/5833C Proposed two-way single carriageway road scheme to bypass Middlewich and referred to as the ‘Middlewich Eastern Bypass’, together with associated highway and landscaping works. Land At, POCHIN WAY, MIDDLEWICH – APPROVED 19-Jul-2019

Close to the site is a recently approved similar development:

17/5116C Erection of 2 no. employment buildings (Use Classes B2 and B8) including a security gatehouse, vehicle access off Pochin Way and ERF Way and associated car parking, trailer parking and landscaping. Plot 1A, Ma6nitude 160, Midpoint 18, Pochin Way, Middlewich. Approved 18-Sep-2018

POLICIES

Cheshire East Local Plan Strategy – 2010-2030

PG6 – Open Countryside
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE 1 - Design
SE 2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 13 - Flood Risk and Water Management

SE 6 – Green Infrastructure

IN1 – Infrastructure

CO1 – Sustainable Travel and Transport

CO2 – Enabling Business Growth Through Transport Infrastructure

LPS44 – Midpoint 18, Middlewich. The policy reads as follows:

The development at Midpoint 18 over the Local Plan Strategy period will be achieved through a masterplan led approach with:

1. Phased delivery of up to 70 hectares of employment land, including the development of the existing undeveloped sites: Midpoint 18 (Phases 1 to 3), with provision expected to continue for the remaining site beyond the plan period; and
2. Provision of and where appropriate, contributions to the completion of the Middlewich Eastern Bypass.
3. Provision of land set aside to enable the future construction of a new station – in terms of lineside infrastructure, parking and access.

Site Specific Principles of Development

- a. Maximising connectivity to new and existing areas of Middlewich.
- b. Contributions towards public transport and highways improvements.
- c. Contributions to education and health infrastructure.
- d. Provision of floorspace to accommodate B1, B2 and B8 uses.
- e. Future development should safeguard the River Croco and other watercourses and deliver significant ecological mitigation areas for protected and priority species and habitats on site.
- f. A pre-determination desk based archaeological assessment will be required, with targeted evaluation as appropriate.

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27 July 2017. There are however policies with the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Congleton Local Plan (Saved policies)

The saved Local Policies are consistent with the NPPF and should be given full weight.

PS8 - Open Countryside

PS12 - Strategic transport corridors

GR6 – Amenity and health

GR7 & GR8 – Amenity and Health

GR13, GR14, GR 15 & GR 16 – Public transport/cycling/footpaths

GR18 – Traffic Generation

NR2, NR3, NR4 & NR5 - Nature Conservation

BH4 – Heritage Assets

Neighbourhood Plan

The local referendum for Middlewich Neighbourhood Plan was held on the 14 March 2019 and returned a 'no vote'. As such policies within the plan cannot be given any weight as part of this application.

Other Material Considerations

The National Planning Policy Framework
National Planning Practice Guidance
Cheshire East Infrastructure Delivery Plan
EC Habitats Directive
Conservation of Habitats and Species Regulations 2017

VIEWS OF THE PARISH / TOWN COUNCIL

Middlewich Town Council: The Parish Council objects to the application being approved at this stage on the following grounds;

1. There has been no impact study carried out on the rerouting of the Croco river, both with respect to the potential flooding such changes could cause and the potential environment and ecological impact;
2. There has been no impact study carried out with respect to the increase in traffic an expansion of the site will create. The route to the site is already heavily congested and as such permission should not be permitted for the work to take place on these expansion phases of the site until the bypass has been built in order to avoid compounding the traffic problems in Middlewich.
3. Additionally, we need to be supporting smaller storage units to allow new businesses to start up move to the town or indeed move from elsewhere in the town.
4. The Council is concerned about the developments effect on Air Quality and does not consider the air quality assessment is accurate or detailed enough and should be revised.
5. This is further confused by the predictive modelling in the application submission, and there is a concern about who will monitor these impacts and how.

The full details of their concerns regarding air quality are set out on the application file on the Council's website.

CONSULTATION RESPONSES – External to Planning

Environment Agency: Their original comments read:

“Based on the information submitted with this application there is:

- Insufficient evidence with regard to the brook realignment has been provided to assess risks to hydromorphology and biological Water Framework Directive (WFD) quality elements; and
- A significant risk that there is an impact on the wildlife corridor of the watercourse River Croco Tributary, which is designated “main river”.

We therefore object to the proposed development, due to its impacts on nature conservation and physical habitats. We recommend that planning permission is refused.”

Subsequently there have been extensive discussions between the Environment Agency (EA) and the applicant, and it is now understood an agreement has been reached on how these matters can be addressed. Amended drawings have been submitted to the EA and their comments will be reported in an update report before the meeting.

Natural England: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

The proposed development is within 1.8km of Sandbach Flashes SSSI. Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Cheshire West and Cheshire Council: The Authority would like to highlight the potential interaction that the development could have with the Kinderton Lodge waste allocation under Cheshire West and Chester Local Plan (Part One) Policy ENV8.

The Plan safeguards consented facilities including Kinderton Lodge near Middlewich to meet the borough's capacity for waste facilities. The land around Kinderton Lodge Farm has planning permission for both mineral extraction and landfilling. The compatibility of food manufacturing in close proximity to mineral extraction and landfilling, open windrow composting and CDE waste processing should be considered. We would recommend consultation with the mineral owner/operator and landfill operator to ensure that any potential effects are considered as part of the application.

United Utilities: No objections are raised, but 2 conditions are recommended, relating to surface water drainage and requiring foul and surface water to be drained on separate systems.

Cadent & National Grid: No objections are raised, but wanted to draw attention to the High-Pressure Gas Pipeline – Feeder, running to the east of the site, and if there was to be any works in the vicinity of that asset then works would need to be agreed in advance.

Health & Safety Executive: Do not advise against but highlight location of pipeline referred to above.

Highways: No objections subject to a financial contribution towards the Middlewich Eastern Bypass.

Environmental Protection: No objections subject to conditions. They recommend a series of conditions relating to noise, air quality and contaminated land. Informatives relating to construction hours, pile foundations, dust management, floor floating the Environmental Protection Act are also recommended.

Flood Risk: Whilst they raise no significant issues, some additional information has been requested from the applicant, which has now been provided. Their updated comments are awaited and will be reported in an update report before the meeting.

Public Rights of Way: Any comments received will be reported in any update report.

OTHER REPRESENTATIONS

A resident of Briery Pool Farmhouse Cledford Lane Middlewich has written to express concern about the flood risk to their property with the re-alignment of the River Croco tributary.

Another resident of Kinderton Park raised a non-planning matter.

OFFICER APPRAISAL

Principle of Development

The whole site falls within site LPS 44 Midpoint 18, and the policy section above sets out the Local Plan Strategy policy and the criteria any development needs to address. In principle the proposed development of employment uses in Classes B2 (General Industrial) and B8 (Warehousing) are in accordance with this policy.

Highway Safety / Parking

Under policy LPS 44 it states that development shall make:

“2. Provision of and where appropriate, contributions to the completion of the Middlewich Eastern Bypass.”

In addition under the Site Specific Principles of Development under the policy:

- “a. Maximising connectivity to new and existing areas of Middlewich.
- b. Contributions towards public transport and highways improvements.”

Access

Both Phase 1 and Phase 2 is served from a single access road off ERF Way, the access is to an industrial standard with adequate visibility provided at the access point. The access to Phase 2 is taken from the internal site access road and also provides sufficient visibility. It is proposed that the access is constructed to an adoptable standard and has footway provision on both sides of the access.

Car Parking

The car parking provision for the Phase 1 detailed application is 263 spaces that includes 5 disabled spaces. There are HGV parking areas within the site with 124 trailer parking spaces indicated. As the end user of this site is known, the car parking numbers have been based on the 150 staff to be employed on the site once complete. The car parking provision is below current CEC standards for B2/B8, although the applicant has submitted a parking accumulation assessments based upon the employment numbers on the site, and this indicates that 263 spaces would be sufficient. The operation of the site will use a shift pattern with 2 shifts 06.00 -18.00 and 18.00 – 06.00. It is considered that the level of car parking is sufficient as the likely number of employees once fully built out would be a maximum 150 at any one time, and 263 spaces is proposed. As such it is unlikely to cause any overspill parking problems onto the public highway.

Accessibility

The site is linked to the footpath network, there are footways on both side of ERF Way and also Pochin Way has two footways. There are pedestrian facilities to the town centre from Pochin Way and the site can be accessed by pedestrians from Middlewich. The nearest available public transport is in Middlewich which is some 2.6km distance from the site and there is no rail station in Middlewich. It is expected that the majority of trips to this employment site will be vehicle based although trips can be made by walking and cycling and there are cycling parking facilities provided within the site.

Development Traffic Impact

The predicted traffic generation arising from the development has been derived using the Trics database for both all vehicles and HGV vehicles in both am and pm peak hours 08.00 - 09.00 and 16.00 – 17.00. The peak traffic demand is in the am peak with 148 movements and there are 127 movements in the pm peak.

The distribution of the trips submitted has indicated the majority of HGV vehicles will route to the east on the A54 to and from the M6. In regard to light vehicle trips, the majority of these trips 49% will travel through Middlewich on the A54 West with 36.5% on the A54E and the remainder on Centurion Way.

The applicant has undertaken only one capacity assessment on the local highway network and this has been undertaken at the roundabout junction at the A54/Pochin Way/ B5309 Centurion Way. The assessment has been undertaken in the future year 2025 with the development flows and growth added. However, the committed developments on Midpoint 18 have not been included.

The results of the capacity assessment shows that the roundabout junction will operate within capacity in 2025 with some spare capacity. The operation of this roundabout as standalone junction is not the major concern of the Highway Authority, it is existing congestion in Middlewich especially at the Leadsmithy Street/Kinderton St signal junction that has long traffic queues that needs to be addressed.

The results of the capacity assessment of the A34/Leadsmithy Street junction undertaken as part of the Cheshire Fresh planning application has been submitted in this Transport Assessment to indicate that this junction would operate within capacity. However, this does rely upon the CEC improvement scheme at this junction being in place, there are a number of issues regarding the deliverability of this scheme and it is by no means certain that this scheme will be in place at the time of occupation. It therefore, cannot be concluded that there would no impact arising from the development at this junction.

It is applicant's view that the additional development trips would not have a material impact on the operation of the local highway network. However, it is CEC's view that congestion and queue lengths are already at significant levels and it is clear that to support further major developments such as this application that have a direct impact on the centre of Middlewich, mitigation measures are required either to improve the operation of the existing Leadsmithy/A54 signal junction or to remove traffic from the junction by means of the Middlewich Eastern Bypass (MEB).

The MEB would link Pochin Way with the A533 and will provide much improved access to Midpoint 18 and also will reduce traffic congestion levels in Middlewich. Policy LPS 44 of the CEC Local Plan has indicated that contributions to the MEB will be required as part of development on the Midpoint 18 site. The level of contributions have been calculated from the likely amount of developable floorspace within the Midpoint 18 site allocations and in regard to this particular application a contribution is required of £30 per sqm is applicable. This equates to £1,276,980 Phase 1 and £125,430 Phase 2 based upon the floor area.

In summary, this is an allocated employment site with its main access taken from ERF Way, the site will generate significant levels of traffic throughout the day and would add to existing congestion problems in Middlewich. Therefore, a contribution to the either the A34/Leadsmythy Street or MEB is warranted as an improvement is required to at the signal junction at A34/Leadsmythy Street and also that the by-pass will provide mitigation for the Midpoint 18 site.

There are no objections subject to the financial contribution as detailed above, being secured in a S106 Agreement.

Ecology:

Under the Site Specific Principles of Development of policy LPS 44 it states:

“e. Future development should safeguard the River Croco and other watercourses and deliver significant ecological mitigation areas for protected and priority species and habitats on site.”

Statutory Designated Sites

The site of this application falls within Natural England’s SSSI impact risk zones.

It is noted that Natural England have been consulted on this application and raised no objections in respect of statutory designated sites.

Watercourse re-alignment

The development proposals include the realignment of a tributary of the river Croco. Site specific policies in the Cheshire East Core Strategy requires development proposals for LPS 44 requires development to safeguard the River Croco and other watercourses.

The submitted ecological assessment states that the realigned water course will be enhanced for reptiles, invertebrates and birds. The water course corridor affected by this application is however proposed for enhancement for reptiles as part of the environmental works associated with the Middlewich bypass consent.

Details of how the watercourse is to be re-aligned, and how its nature conservation value will be enhanced need to be submitted and agreed. As referenced elsewhere in this report details of the re-aligned water course are being agreed with the EA and the ecological enhancements will need to flow from this and be reported to Members in any update report.

Reptiles

Grass snake is known to occur in this locality. 18% of the total area of the application site is considered to be suitable for this species. It is advised that the proposed development will result in an adverse impact on reptiles as a result of the temporary and permanent loss of loss of suitable terrestrial habitat and the risk of grass snake being killed or injured during the construction phase.

No detailed mitigation or compensation proposals have been submitted in respect of reptiles. The submitted ecological assessment does however make reference to one having been produced. It is advised that a reptile mitigation and compensation method statement must be submitted prior to the determination of this application. An update on this outstanding matter will be reported to Members in an update report.

Great Crested Newts

This protected species is known to occur at numerous ponds in the vicinity of the application site. In the absence of mitigation the proposed development would have a Low-Medium scale adverse impact as a result of the destruction of terrestrial habitat and the risk posed to any animals on site when the works were undertaken.

As a requirement of the Habitat Regulations the three tests are outlined below:

EC Habitats Directive

Conservation of Habitats and Species Regulations 2017

ODPM Circular 06/2005

The UK implemented the EC Directive in the Conservation (natural habitats etc.) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities (“lplas”) to have regard to the directive’s requirements.

The Habitat Regulations 2017 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding Public Interest

The provision of mitigation would assist with the continued presence of Great Crested Newts.

Alternatives

There is an alternative scenario that needs to be assessed, this is:

- No Development on the Site

Without any development, specialist mitigation for Great Crested Newts would not be provided which would be of benefit to the species. Other wider benefits of the scheme need to be considered.

Detriment to the maintenance of the species

The applicant's ecological consultant has indicated an intention to enter the proposed scheme into Natural England's district licencing scheme.

It is advised that in the event that planning consent was granted entry into the district licencing scheme would be sufficient to maintain the favourable conservation status of the species.

To confirm that the proposed development has been accepted onto the district licencing scheme the applicant must submit a copy of the Impact Assessment and Conservation Payment Certificate signed by Natural England.

Common Toad

This priority species is present at the on-site pond. The pond would be retained as part of the proposed development, however the proposals would result in the loss of an area of terrestrial habitat for this species. It is advised that this would have an localised adverse impact upon this species.

Lesser Silver Diving Beetle

This protected and priority species has been recorded at two ponds adjacent to the application site. Whilst the proposed development would not result in a direct impact upon these ponds. The proposed development in-combination with the consented bypass would have an adverse impact upon this species due to changes in land use affecting the long term viability of the adjacent breeding ponds. This impact is likely to be compensated for as part of the bypass development.

Badger

There is extensive badger activity in the vicinity of the application site. There are no conventional setts within the boundary of the current application boundary however an above ground 'nest' (sett) was recorded within a hollow tree on the banks of the stream. It is advised that this structure receives the same level of legal protection as any other sett. It is therefore advised that the application must be supported by a revised outline mitigation method statement to address the impacts of the proposed development upon this sett. This should include a commitment to the undertaking of the works under the terms of a Natural England license.

The proposed development would also result in the loss of badger foraging habitat which would result in a localised adverse impact upon this species. It is unclear at present as to

whether badgers would continue to have access to the available habitat located to the south of the application site. The revised badger mitigation strategy should include further details of how connectivity for badgers would be maintained as part of the proposals. An update on this outstanding matter will be reported to Members in an update report.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. In addition hedgerows H3, H9 and H8 have been found to be Important under the Hedgerow Regulations.

Important hedgerows H3 and H9 would be retained part of the proposed development. The proposed development would however result in the loss of a 40m section of Important Hedgerow H8 and all of Hedgerow H7 within the application boundary would be lost. .

The submitted ecological assessment states that the Biodiversity metric calculations show that the scheme would deliver an overall gain of 23% in respect of hedgerows. The results of the metric must however be formally submitted in support of the application to confirm that this is the case. An update on this outstanding matter will be reported to Members in an update report

Bats

Two trees have been identified as having moderate bat roost potential. The submitted ecological assessment advises that these trees would be retained as part of the proposed development. This does appear to be the case based on the submitted landscaping drawings.

A number of trees with low bat roost potential would be lost as a result of the proposed development. The submitted ecological assessment recommends that these be felled under a precautionary method statement. It is advised that If planning consent is should be conditioned.

Lighting

To avoid any adverse impacts on bats resulting from any lighting associated with the development it is recommend that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

This condition can be avoided if lighting proposals are submitted prior to determination. At the time of writing this report has not been submitted.

Water vole and otter

No evidence of water vole was recorded during the submitted surveys, therefore this species was not reasonable likely to be affected by the proposed development.

Whilst no evidence of otters was recorded during this latest survey, evidence of otter presence was recorded on the stream affected by this development during surveys undertaken to inform the Middlewich By pass application. Otters are therefore likely to occur on the water course affected by the proposed development on at least an occasional basis.

It is advised that whilst the proposed development is not likely to result in an offence in respect of otters a condition should be attached which requires to completion and submission of an updated otter survey prior to the commencement of development.

Nesting birds interest

The application site supports a number of breeding bird species including two widespread priority species which are a material consideration for planning. It is advised that provided sufficient habitat is delivered to achieve an overall net gain for biodiversity this would be sufficient to address the potential impacts of loss of habitat upon birds.

If planning consent is granted a condition is required to safeguard nesting birds:

Biodiversity net gain

Any development proposals must seek to lead to an overall enhancement for biodiversity in accordance with Local Plan policy SE3(5). In order to assess the overall loss/gains of biodiversity an assessment undertaken in accordance with the Defra Biodiversity 'Metric'.

The submitted ecological assessment advises that this assessment has been completed and the scheme has been found not to deliver the required net gain for biodiversity. Whilst the council has discussed the results of the assessment with the application the pre-application stage the results of the metric do not appear to have been submitted in support of the application. A copy of the assessment must be submitted as part of the application.

The applicant has proposed offsite habitat creation as a means of delivering additional habitat creation to achieve net gain, however a suitable site or a level of commuted sum required has yet to be agreed. An update on this outstanding matter will be reported to Members in an update report

This planning application also provides an opportunity to incorporate features to increase the biodiversity value of the final development.

It is therefore recommended that the applicant submits an ecological enhancement strategy prior to the determination of the application or if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

This condition can be avoided if proposals are submitted prior to the determination of the application. At the time of writing this report has not been submitted.

Habitat Management Plan

If planning consent is granted a condition is required to ensure the submission and implementation of a 25 year habitat management plan. All of the areas of habitat requiring management are within the area of the detailed application so management should commence at the time of implementation of the first phase of the development.

The management plan should include proposals for the control of non-native invasive plant species and a time table for implementation.

Conclusion

Whilst there are a number of outstanding ecological matters at the time of writing this report, discussions have been positive, and all these matters are likely to be resolved by the Committee meeting.

Water course and hydrology/flooding

Protecting the River Croco and other watercourses and is a significant issue with this application as a water course flows through the site, as a designated “Main River”. The EA originally objected to the application as they were concerned about the proposals to alter the brook alignment and subsequent impacts on its ecological value. This matter as discussed above has been discussed with the applicant, and the EA have recently written:

“We have received an alternative watercourse location plan and indicative cross-sections from the consultants, which removes the need for a channel crossing and demonstrates that an 8m buffer can be achieved with bank slopes of 1:1.5. However we still need to see the engineering drawings for the cross-section design and how these fit within the location plan.”

It is now understood these drawings have been submitted to the EA and it is hoped that this will now address their concerns. This will need to be confirmed in an update report to Members.

The Flood Risk Team have requested the model details to be included within the Flood Risk Assessment ensuring all greenfield run-off rates are correctly calculated. This information has been provided and their updated comments are awaited. They also note that the EA are responsible for the water course as it is a Main River.

Whilst there are outstanding matters to finalise with regards to impacts on the watercourse, flooding and drainage the applicant, following discussions, has submitted the information required and as such it is considered that this matter should be resolved shortly and will be reported to Members accordingly.

Impact on Trees

The application is submitted with an Arboricultural Impact Assessment dated February 2020. This sets out the trees and hedgerows to be removed retained and protection measures for those to be retained.

The trees essentially are located in three areas, firstly and most significantly along the water course. All the trees on this northern section (approximately 20) – closest to where the site entrance and building frontage will be will be removed. These mainly consist of smaller shrub species, or smaller trees in Class C (Trees of low value), but does include 2 Class B trees (Trees of Moderate Value) an Ash tree (T18) and an Oak (T20). A significant length (298 linear metres) of hedgerow would be removed in the centre of the site.

Along the southern section of the water course, and in the other two locations, essentially around two water features off site to the north and south of the proposed main building, all the trees would be retained. This includes a veteran oak tree (T4).

Whilst the loss of trees, and in particular the loss of T18 & T20 referenced above, and hedgerows is regrettable, it needs to be balanced against the proposed re-planting which is dealt with in more detail below, but in absolute terms the replacement planting consists of 78

specimen (larger) trees and 2700 whips (smaller trees) and 912 linear metres of hedgerow planting,

Landscaping

The proposed building is clearly substantial, and will have a significant visual impact. This matter was discussed with the applicant at the pre application stage and full landscaping proposals have been submitted to go some way to mitigate this impact. It needs to be remembered that the building will be seen in the context of the adjacent, equally large industrial units and the eastern site boundary – that with the open countryside, will be formed by the Middlewich Eastern Bypass, with its associated landscaping.

The Council's Landscape Architect was keen to ensure that the buildings visual impact was minimised from two important visual receptors.

Firstly the field footpath that runs to the east of the site (and bypass) which is actually located in Cheshire West, and Kinderton Lodge Farm beyond. This impact is largely mitigated for by landscaping associated with the bypass.

Secondly there was a concern for users of the bypass itself. Whilst there is not sufficient space within the site itself to have significant landscaping all along the site boundary, landscaped blocks have been proposed to the north and south of the building to help soften its impact from views approach the site – the main views users will experience. These proposals (in their slightly revised form), the Council's Landscape Architect now considers are acceptable.

Building design

As set out above the application is in two parts. The first, and major element is in full and proposes a sizable manufacturing/warehousing facility totalling some 42,675sq m (excluding the 1st floor offices), the second being the outline for smaller elements totalling some 4,181 sqm. The indicative layout shows this consisting of two buildings.

In addition to these two elements other structures applied for include a security gatehouse, boiler house and water treatment plant.

The main building is designed to be built in phases with Phase 1 being approximately a third of the overall building size. The building would be metal clad with a series of panels breaking up the elevations, with a dark grey finish on the lower elements, with a lighter grey for the upper sections and roof. An area of glazing is proposed on the front elevations facing the access road to the site giving the building a more interesting frontage. The building height at its maximum would be 17m high which is typical of other similar buildings nearby for example the recently approved development referenced above (17/5116C) is some 14m tall. It is therefore considered acceptable.

The building(s) sought in outline are likely to be of a similar design but these matters would be determined at the reserved matters stage. The ancillary buildings are small – relative to the size of the main building, but are again considered acceptable.

Amenity

The proposed site is in a relatively isolated location, with the nearest residential property Briary Pool Farm off Cledford Lane, being in excess of 350m away from the site boundary. The other occupiers in the vicinity of the site are all commercial in nature being manufacturing or warehousing uses. Environmental Protection recommend a series of Informatives to cover the construction phase of the development.

Noise

The proposal is for an employment development with associated infrastructure and is located in close proximity to existing residential and commercial properties.

In support of the application, the applicant has submitted an acoustic report dated February 2020.

The impact of the noise from key work associated with the development has been assessed in accordance with:

- BS4142:2014 Methods for rating and assessing industrial and commercial sound

An agreed methodology for the assessment of the noise source has been submitted and the conclusion and recommendations are accepted, with no noise mitigation measures required.

Lighting

Impacts in relation to ecology are set out above, but in relation to amenity it is recommended that the level/location of lighting is controlled by condition to avoid any possible impacts.

Air Quality

This is a full/outline application proposal for an industrial development. Air quality impacts have been considered within the air quality assessment submitted in support of the application by Redmore Environmental Ltd. dated the 20th February 2020. The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The assessment uses ADMS Roads to model NO₂ and PM₁₀ impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

A number of modelled scenarios have been considered within the assessment. These were:

- Scenario 1: 2018 Model Verification;
- Scenario 2: 2022 Completion Year 'without development'; and
- Scenario 3: 2022 Completion Year 'with development'.

The assessment concludes that the impact of the future development on the chosen receptors will be not significant with regards to NO₂ and PM₁₀ concentrations. Only two of the receptors are predicted to experience greater than a 1% increase relative to the AQAL, these being 2 – 5% and they are also classed as having a negligible impact experienced. However, some of these receptors are located within the two nearby AQMAs and it is

Environmental Protection's opinion that any increase in concentrations within an AQMA, no matter how small, is considered significant as it is directly converse to our local air quality management objectives, the NPPF and the Council's Air Quality Action Plan.

There is also a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Taking into account the uncertainties with modelling, the impacts of the development could be worse than predicted.

Middlewich has two Air Quality Management Areas, and as such the cumulative impact of developments in the area is likely to make the situation worse, unless managed.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact.

A development of this scale and duration would be expected to have an adequate demolition, construction and track-out dust control plan implemented to protect sensitive receptors from impacts during this stage of the proposal and this is mentioned within the assessment as a form of mitigation. Conditions in relation to electric vehicle charging and low emission boilers are recommended.

Contaminated Land

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

- This site is within 250m of a known landfill site or area of ground that has the potential to create gas.
- A Phase I Preliminary Risk Assessment for land contamination has been submitted in support of the planning application (Shepherd Gilmour Infrastructure Ltd., February 2020):
 - o With regards to Section 5.1, upon checking our records, we are not aware of an environmental search being requested for this site. We should be contacted at landquality@cheshireeast.gov.uk if this is still required.
 - o It is unclear why consumption of homegrown produce is a potential pathway within the Initial Conceptual Site Model in Section 6.1, given the proposal for the site. Further clarification should be provided.
 - o A Phase II ground investigation has been recommended for the site in order to assess risks posed by possible ground gases. There is an agreement with this recommendation and would add that best practice guidance should be adhered to in designing the ground investigation and monitoring wells, undertaking the monitoring and the risk assessment.

As such, and in accordance with the NPPF, Environmental Protection recommends that conditions, reasons and notes be attached should planning permission be granted.

Public Right of Way

Middlewich Field Footpath 19 runs along the western and southern boundaries of the site, utilizing ERF Way for a short stretch before crossing fields to the south. Whilst the footpath would not be directly impacted by the development, the proposed site access would cut across the footpath (where it runs along the highway) and as such in the absence of the Public Rights of Way Teams comments, a condition is considered necessary to ensure the works are managed to ensure minimum impact on the PROW.

Kinderton Lodge Farm

Cheshire West have raised the possible issue on this consented scheme for mineral extraction and subsequent landfilling. No representations have been received on this matter and as the site is some distance from the application site, and will be separated by the Middlewich bypass it is not considered there are any significant issues in this regard.

Conclusions

The proposed development of this site for B2/B8 uses accords with the allocations in Local Plan policy Site LPS 44 Midpoint 18, Middlewich which allocates the site for employment uses.

Highways have raised no objections, subject to a contribution to the Middlewich Eastern Bypass to mitigate any impacts on traffic in Middlewich.

Whilst there will be impacts on ecology, trees and the landscape these can be mitigated by measures set out in the application. An update on outstanding ecology matters will be provided prior to the meeting.

The Environment Agency originally had concerns about the impact of the proposals on the water course within the site, and subsequently ecology, however following negotiations it is understood an agreed way forward has been reached and this will be confirmed in a subsequent update report.

Impacts on Environmental Matters, including amenity, noise, air quality and contaminated land are all capable of being mitigated by measures that can be conditioned.

Finally impacts on the public right of way can be managed by use of an appropriate condition.

Whilst at the time of writing this report there remain a number of outstanding matters regarding the water course through the site, and ecology, however discussions with the Environment Agency and the Council's Ecologist have indicated these matters should all be resolved in advance of the Committee meeting.

SECTION 106

In line with other recent approvals on Midpoint 18, and in line with policy LPS 44 the development shall:

“2. Provision of and where appropriate, contributions to the completion of the Middlewich Eastern Bypass.”

Highways have calculated a figure of £30 Sq.m is applicable. This equates to £1,276,980 Phase 1 and £125,430 Phase 2 based upon the floor area, and as such the development should contribute this figure by way of a Section 106 Agreement.

The applicant is agreeable in principle to a contribution of 30 per sqm as part of the planning application subject to working with Cheshire East Council to undertake a review of the contribution for each phase of the development prior to the occupation of the first phase of the development.

CIL REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following: a) Necessary to make the development acceptable in planning terms; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified meet the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

RECOMMENDATION

Approve subject to a Section 106 Agreement 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

Informatives

- NPPF
- Hours of working
- Pile foundations
- Dust management
- Floor floating
- EPA
- Land drainage Act
- PROW

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 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 Committee's decision.



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