Application No: 13/1052W

Location: WARMINGHAM TO LOSTOCK VIA MIDDLEWICH

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

Applicant: John Melia, BRITISH SALT LTD

Expiry Date: 03-Jul-2013

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Impact on Highway Network
Public Rights of Way
Ground Contamination
Local Amenity
Need
Consistency with Local Plan
Cultural Heritage
Floor Risk and Water Resources
Ecology
Landscape and Visual
Forestry
Impact on Railway
Impact on greenspace
Impact on agricultural land
Other issues

REASON FOR REPORT

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

SITE DESCRIPTION

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

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

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

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

RELEVANT PLANNING HISTORY

The recent relevant site history is as follows;

- Application 7/2006/CCC/12 – variation of planning permission 4/36367; 7/P00/0550 and 8/31257 for installation of cross country mains from Warmingham brinefield to British Salt Limited factory at Middlewich. Granted consent December 2006;

- Application 7/2007/CCC/13 – Brine extraction and underground gas storage together with gas processing plant at Middlewich and pipeline connection plus other ancillary development. Granted consent October 2008;

- Application 7/2008/CCC/15 – conversion of 10 brine cavities to gas storage and associated activities. Granted consent March 2009;

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

DETAILS OF PROPOSAL

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

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

The application comprises:

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

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

The corridor between Warmingham brinefield and Middlewich salt factory

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

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

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

The corridor between Middlewich salt factory and Lostock Chemical works

- A 450mm pipe carrying purified brine (from Middlewich to Lostock) as explained above;

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

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

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

Above Ground Works

- A new pipe bridge parallel to the Ravenscroft road bridge which would be constructed of two I – shaped steel sections on which the pipes would sit. The concrete foundations of the I – shaped steel sections would be constructed on mini piles fixed to the banks of the River Dane.

- Two buffer tanks, one at Warmingham Brine field (8m diameter and 4m high) with capacity for 800m³ of DBO waste, and one at Middlewich Salt Factory (22m diameter and 8m high) with capacity for 3000m³ of brine solution. These would be located adjacent to other similar industrial infrastructure/plant on site and would be of steel construction, painted in a colour appropriate to their location.

- Four brine settling tanks at the Middlewich salt factory to provide for the increased volume of crude brine that would need to be purified to supply the chemical works at Lostock. Each would be 13.7m diameter and 4m high with a capacity for 590m³ of brine solution.

- A 3m by 3m brick built pumping station is required to ensure sufficient pressure is maintained to transfer purified and crude brine from Middlewich to Lostock. This would be located on the northern side of the Middlewich salt Factory adjacent to an existing lagoon and alongside the proposed buffer tank.

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

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

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

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

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

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

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

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

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

RELEVANT POLICIES

National Planning Policy:

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

Local Policies

Cheshire Replacement Waste Local Plan 2007 (CRWLP)

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

The Cheshire Replacement Minerals Local Plan 1999 (CRMLP)

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

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

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

Congleton Borough Local Plan First Review 2005 (CBLP)

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

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

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

Other material considerations

Cheshire East Local Plan – Development Strategy for Jobs and Sustainable Communities Consultation Document (2013)
Cheshire East Local Plan – Shaping our Future Policy Principles Consultation Document (2013)
Middlewich Town Strategy 2012
Middlewich Town Strategy Consultation Document 2012
Mid-point 18 Supplementary Planning Guidance

CONSULTATIONS (External to Planning)

The Strategic Highways and Transport Manager

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

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

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

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

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

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

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

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

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

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

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

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

The Council's Environmental Protection Officer:

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

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

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

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

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

<u>Demolition and construction phase of development</u>

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

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

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

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

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

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

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

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

Lighting

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

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

Noise Mitigation Scheme

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

Air Quality comments

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

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

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

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

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

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

1) Prior to the development commencing:

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

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

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

Informative

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

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

Landscape

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

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

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

Nature Conservation Officer:

1) Local Wildlife Sites (LWS)

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

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

1) Sites of Special Scientific Interest (SSSI)

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

2) Great Crested Newts

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

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

Important

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

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

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

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

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

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

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

3) Reptiles

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

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

4) Barn Owl and Brown Hare

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

5) Hedgerow

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

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

6) Water Vole and Otter

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

Conditions

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

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

The Council's Forestry Officer

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

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

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

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

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

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

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

Hedgerows

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

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

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

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

Conditions
In the event of approval the following conditions are recommended:

Submission/ approval/ implementation of:

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

Public Rights of Way Unit

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

Policy H2: Promotion of active travel and healthy activities

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

Policy H3: Public rights of way and green infrastructure

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

Policy S7: Walking

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

Policy S8: Cycling

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

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

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

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

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

Middlewich Footpath No. 15

Temporary

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

Permanent

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

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

Middlewich Footpath No. 16

Temporary

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

Permanent

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

Middlewich Footpath No. 19

Temporary

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

Permanent

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

Middlewich Footpath No. 20

Temporary

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

Permanent

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

Warmingham Footpath No. 13

Temporary

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

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

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

Permanent

a) The surface of the footpath would be reinstated to the existing (pasture field), on its existing line.

a) Where room is available, any stiles removed under the development will be replaced with kissing gates to an approved specification, in order to improve the accessibility of the routes.

Warmingham Footpath No. 7

Temporary

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

Permanent

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

Temporary closures

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

Developer's responsibilities regarding Public Rights of way

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

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

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

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

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

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

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

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

Archaeology

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

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

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

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

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

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

Built Heritage

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

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

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

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

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

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

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

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

Flood Risk Management

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

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

The Environment Agency:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The timing of the works

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

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

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

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

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

Condition

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

Reason
To prevent pollution to the water environment.

Contaminated Land

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

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

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

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

1. A preliminary risk assessment which has identified:
   - all previous uses
   - potential contaminants associated with those uses
   - a conceptual model of the site indicating sources, pathways and receptors
   - potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

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

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

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

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

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

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

Groundwater

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

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

Reason
To prevent pollution of the water environment.

Response to Regulation 22 submission
Depending on the duration of time between the water vole surveys and the work, pre-construction surveys may still be needed, especially were the pipe will cross watercourses using the open cut method.

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

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

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

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

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

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

We recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

2. Refer to the for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

3. Refer to our website at for more information.

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

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

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

We recommends that developers should refer to the our:

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

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

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

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

clear.

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

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

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

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

Natural England:

No objection – no conditions requested
This application is in close proximity to Sandbach Flashes Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

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

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

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

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

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

Other advice

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

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

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

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

Biodiversity enhancements

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

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

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

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

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

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

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

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

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

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

English Heritage:

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

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

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

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

Canal and Rivers Trust

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

1. *Directional Drilling under Canal adjacent to A533*

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

2. *Middlewich section adjacent to River Croco*

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

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

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

3. Lostock

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

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

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

Health and Safety Executive

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

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

Scottish Power Energy

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

National Grid

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

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

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

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

Cheshire Wildlife Trust

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

VIEWS OF THE PARISH / TOWN COUNCIL

Moston Parish Council: Make no comments on the application

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

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

a) The Town Council playing a full role in a project liaison group, using local knowledge to find solutions and inform the local public. The Town Council being prepared to host and facilitate meetings in its own buildings which will involve Highways Officers, Archaeologist, English Heritage; an offer be extended to Cheshire West and Chester (CWAC) officers and Ward Councillors to attend relevant meetings of the group so that it is mindful of any major events in CWAC that may be impacted by the pipeline works;

a) An Archaeological Watching Brief with involvement from the Town Council;
b) Both the above issues have a precedent with the Town Council Members, staff and volunteers working positively to make the process as smooth and informative as possible;
c) Any relevant Section 106 provision with discussions with the Town Council to provide relevant and appropriate facilities and reinstatement according to the current vision and previous heritage of the town. "

OTHER REPRESENTATIONS

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

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

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

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

OFFICER APPRAISAL

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

Impact on Highway Network

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

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

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

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

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

Temporary access arrangements and temporary compounds

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

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

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

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

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

Temporary Closures

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

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

The remainder of open trench works are proposed as follows:

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

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

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

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

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

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

On the basis of:

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

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

Additional vehicle movements

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

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

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

Construction Traffic Management Plan

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

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

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

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

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

Ground conditions/land contamination

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

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

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

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

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

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

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

Ground movements

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

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

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

Mitigation

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

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

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

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

Sustainable waste management

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Construction Environmental Management Plan (CEMP)

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

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

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

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

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

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

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

Air Quality

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

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

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

Lighting

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

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

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

Public Rights of Way and Cycle Routes

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

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

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

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

- Footpath 15: Temporary closure and diversion of a small section adajcent to River Croco bridge to accommodate a construction compound. This would have a 2m wide temporary surface installed (suitable for the heritage status of the site) and the use of banksmen would ensure vehicles give priority to pedestrians during the works. It would then be reinstated to a tarmac surface on its existing line. Given this footpath would carry additional footfall whilst FR16 is diverted, the PROW officer recommends a full condition survey of Footpath No. 15 prior to any diversion is required by planning condition to establish its condition and any damage to the footpath be remediated on completion of the diversion.

- Footpath 20: Temporary closure and diversion with the use of fencing along the eastern boundary. The provision of banksmen will be used to ensure priority of pedestrians is given throughout the works. The surface of the footpath would be reinstated on its existing line. Where room is available, any stiles removed under the development will be replaced with kissing gates to improve the accessibility of the routes.

- Footpath 13: Temporary closure and diversion where the pipeline crosses the footpath. Construction will be phased to minimise disruption and a banksmen will be used to warden pedestrian and vehicle movements. Pedestrians would be segregated from construction traffic, the details of which will be secured in the CEMP. The footpath would be reinstated to its current condition on the existing line. Where room is available, any stiles removed under the development will be replaced with kissing gates to improve the accessibility of the routes.

- Footpath 7: footpath users would be segregated from construction traffic for the section of the footpath through the farmyard area where adequate widths and visibility are available to ensure the use of the footpath is not inhibited. Details of segregation arrangements would be secured in the CEMP.

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

The need for the development

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

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

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

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

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

Cultural Heritage

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

Impact on the setting and fabric of cultural heritage assets

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

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

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

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

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

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

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

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

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

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

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

Impact on Archaeology

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

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

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

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

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

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

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

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

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

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

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

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

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

Flood Risk and Water Resources

Flood risk

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

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

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

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

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

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

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

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

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

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

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

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

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

Ecology

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

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

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

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

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

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

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

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

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

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

Watercourses

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

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

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

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

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

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

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

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

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

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

Reptiles

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

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

Barn owls and Brown Hare

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

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

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

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

Great crested newts

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Test 2: "that there is no satisfactory alternative"

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

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

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

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

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

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

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

Breeding Birds

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

White clawed crayfish & Lesser Silver Beetle

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

Japanese Knotweed

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

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

Landscape and Visual Impact

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

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

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

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

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

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

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

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

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

Impact on agricultural land

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

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

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

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

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

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

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

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

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

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

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

Consideration of alternative options

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

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

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

Local Plan Allocation

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

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

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

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

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

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

Impact upon the Railway

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

Impacts on greenspace

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

Impact on HS2.

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

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Other matters

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

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

CONCLUSION

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

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

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

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

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

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

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

RECOMMENDATION

That the application be APPROVED subject to the following:

1) Standard conditions;

2) Submission of detailed construction phasing plan;

3) Seven days written notification of commencement of development;

4) Tree protection details;

5) Arboricultural method statement including details of all trees/hedgerows to be removed prior to commencement of each phase of development;

6) Reinstatement of hedgerow and compensatory tree/hedgerow planting.

7) No removal of trees or shrubs during bird breeding season;

8) Submission of wildlife protection plan;

9) Detail of the great crested newts mitigation measures prior to the commencement of development.

10) Method statement for barn owl protection during construction phase.

11) Preconstruction surveys for badgers informing the need for mitigation

12) Preconstruction surveys for otters and water voles informing the need for mitigation;

13) Detailed mitigation strategy for any works affecting otters/water voles or their habitat;

14) Preconstruction surveys for reptiles informing the need for mitigation and provision of reptile method statement;

15) Bat survey;

16)Scheme for replacement planting of vegetation lost at river crossings and method statement for reinstating grassland habitat;

17)Further otter/water vole survey should development not commence within 2 years;

18)Ecological method statement for directional drilling over River Wheelock SBI;

19)Method statement for managing Japanese Knotweed;

20)Submission of detailed Construction Environmental Management Plan;

21)Submission of detailed Decommission Environment Management Plan;

22)Scheme of ecological mitigation submitted prior to development of each phase;

23)Submission of highway method statement;

24)Hours of operation;

25)Programme of archaeological work and mitigation;

26)Method statement for engineering works to prevent harm to heritage assets;

27)Scheme for protection of Kinderton Mill from construction vehicle damage;

28)Method statement for protecting watercourses;

29)Provision of containment for storage of oils, fuels or chemicals;

30)Full lighting details;

31)Full noise and vibration details for each phase;

32)Noise mitigation scheme for the pump house;

33)Silencing of all plant equipment and vehicles;

34)Provision of contaminated land investigations and remediation measures;

35)Provision for detailing with unexpected contamination;

36)Soil management measures;

37) Full restoration and landscape enhancement details including planting details, specifications, plans, gapping up details of hedgerow planting;

38)Landscaping maintenance and management condition;

39)Decommissioning plan;

40)A scheme to prevent contamination of surface waters by 'silty' run-off during construction.

41)Method statement for crossing watercourses;

42)Bund details for the buffer tanks;

43)All tanks to remain sealed at all times;

44) Prior approval of details of pipeline crossing under or over or located in the public highway.

45) Prior approval of temporary vehicular accesses.

46) Closure of temporary new accesses & reinstatement within a set time period;

47) Directional Drilling or percussive equipment - Full development details required before any works commence on any one phase of development along with details of predicted noise and vibration levels and appropriate noise mitigation measures & all plant, equipment and vehicles used on site would be properly silenced;

48) Construction Method Statement incorporating Site Waste Management Plan;

49) Details of colour and materials of above ground pipework;

50) Details for construction and material specification for the pipe bridge;

51) Condition to secure appropriate pipe line decommissioning;

52) An agricultural land classification survey and soil characteristics profile condition;

53) Full condition survey of Footpath 16;

54) Provision of a community liaison group.

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

LOSTOCK
MIDDLEWICH
WARMINGHAM
Application Boundary
Working Corridor
Council Boundary
Pipeline
BRITISH SALT
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