

Application No: 14/1366N

Location: FIELDS BETWEEN THE A5020 WESTON ROAD AND THE A500, WITH AN ADDITIONAL AREA TO THE SOUTH OF THE A500 OFF WESTON LANE, CREWE

Proposal: Variation of condition 2 (plans) attached to planning application 12/4115N. Dual carriageway road, known as the Crewe Green Link Road (South) linking the the A500 with the A5020 and associated works.

Applicant: Kevin Melling, Cheshire East Council

Expiry Date: 06-Jun-2014

#### **SUMMARY RECOMMENDATION**

**Approve with conditions**

#### **MAIN ISSUES**

**Impact of the development on:-**

- **Principal of the development**
- **Highway implications**
- **Amenity**
- **Landscape**
- **Trees**
- **Ecology**
- **Flood Risk & Drainage**
- **Impact upon Listed Buildings and the Historic Park and Garden**
- **Archaeology**
- **The impact upon the Public Right of Way**
- **The impact upon the Hazardous Installation**

#### **REASON FOR REFERRAL**

This application has been referred to the Strategic Planning Board as it is a major development which includes an Environmental Impact Assessment.

#### **1. DESCRIPTION OF SITE AND CONTEXT**

The application site is located between the A500 and the Weston Gate Roundabout. The site is also known as Basford East and currently consists of an area of relatively flat agricultural land which is peppered with trees, hedgerows and ponds. To the north the Crewe – Stoke-on-Trent railway line

crosses the site with a band of woodland located between the railway line and the Weston Gate Roundabout. Gresty Brook and Basford Brook run to the west of the site.

## **2. DETAILS OF PROPOSAL**

This application relates to a variation of the approved plans condition for application 12/4115N. Application 12/4115N relates to the provision of a dual carriageway which would link the A500 and the Weston Gate Roundabout. The proposal would be approximately 1.1km in length and would be a standard two lane dual carriage way with a central reserve. A segregated footway/cycleway would run along both sides over the full length of the scheme and would be separated from the carriageway by a grass verge. A four arm roundabout (70m in diameter) would be constructed approximately half way along the road to provide spur roads into the Basford East development site (150m to the east and 185m to the west). At a point 20m south of the Weston Gate roundabout the road would descend approximately 2 metres into a cutting below the Crewe-Stoke Railway line. A bridge would be installed within the railway embankment which would allow the proposed road to cross beneath.

This application seeks the following amendments to the scheme:

- A reduction in the flood compensation area
- Deletion of the spur roads
- Deletion of the soil storage bunds alongside the main Crewe-London railway line
- Top soil storage area
- Relocated Great Crested Newt habitat mitigation areas

## **3. RELEVANT HISTORY**

12/4115N - Dual carriageway road, known as the Crewe Green Link Road (South) linking the A500 with the A5020 and associated works – Approved 18<sup>th</sup> January 2013

12/3805N - Change of use from agricultural land to an area of land specifically landscaped and engineered in order to provide a mitigation habitat for Great Crested Newts. This will include the creation of eight ponds – Approved 19<sup>th</sup> November 2012

12/3804N - Change of use of agricultural land to an area of land specifically landscaped and engineered in order to provide habitat for Great Crested Newts. This will include the creation of two ponds – Approved 18<sup>th</sup> January 2013

11/1982N - Construction of a Dual Carriageway All Purpose Road Known as Crewe Green Link South (CGLS) on Land Between Weston Gate Roundabout and the A500 – Approved 12<sup>th</sup> October 2011

P01/1199 – Construction of Crewe Green Link Road (Southern Phase) – Approved 5<sup>th</sup> February 2002

## **4. POLICIES**

### **National Planning Policy**

The National Planning Policy Framework

### **Local Plan policy**

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

BE.6 – Development on Potentially Contaminated Land

BE.14 – Development affecting Historic Parks and Gardens  
BE.16 – Development and Archaeology  
BE.21 – Hazardous Installations  
NE.2 – Open Countryside  
NE.5 – Nature Conservation and Habitats  
NE.8 – Sites of Local Importance for Nature Conservation  
NE.9 – Protected Species  
NE.10 – New Woodland Planting and Landscaping  
NE.11 – River and Canal Corridors  
NE.12 – Agricultural Land Quality  
NE.17 – Pollution Control  
NE.20 – Flood Prevention  
E.3 – Regional and Strategic Employment Allocations at Basford  
TRAN.3 – Pedestrians  
TRAN.5 – Provision for Cyclists  
TRAN.11 – Non Trunk Roads  
RT.9 – Footpaths and Bridleways

### **Cheshire East Local Plan Strategy – Submission Version**

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 3 Biodiversity and Geodiversity  
SE 13 Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure

### **Other Considerations**

'All Change for Crewe'  
'Planning for Growth'  
'Presumption in Favour of Economic Development'  
The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Circular 02/99: Environmental Impact Assessment  
Town and Country Planning (Environmental Impact Assessment) Regulations 2011  
National Planning Practice Guidance

## **5. CONSULTATIONS (External to Planning)**

**English Heritage:** It is not necessary for Natural England to be consulted on this application. The Application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

**Environment Agency:** No objections in principle to the proposals, but would like to make the following comments:-

There are now additional proposals where the issue of flood risk needs to be addressed. In particular, it is now proposed to create security bunds along the length of the new road, some of which encroach within Flood Zone 3. This will lead to the loss of floodplain and compensatory flood storage will therefore be required. This can be provided by increasing the size of the compensatory flood storage area that is being provided for the new road.

Therefore we request that a condition is included on any approval for a scheme for the provision of compensatory flood storage.

Another matter is the proposed badger tunnel, located just to the north of the central roundabout. This is shown as a 600mm diameter pipe, which could convey floodwaters from Basford Brook during high flows.

This badger tunnel will require setting at an appropriate level such that it is above the relevant 1 in 100 years design flood level in Basford Brook. Again this should be included on any approval as a condition.

Natural England should be consulted regarding Great Crested Newts.

**Natural England:** Natural England can confirm that the plans as provided for this Variation of Condition application (14/1366N), are generally consistent with those submitted as part of the licence application which is currently being reviewed by Natural England

The ecological consultants working on this application have had several conversations and meetings with Natural England in respect of this application through 2013 and most recently this year. The acceptability of the proposals will ultimately be determined in the licence application. Natural England do not anticipate there being any problems with the current plans assuming that they (specifically the receptor site but not necessarily exclusively) are consistent with the advice Natural England have provided previously.

As part of the last application Natural England stated that:

Natura 2000 site (Ramsar)– No objection

*Natural England advise that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the Midland Mere's and Mosses and Oakhanger Moss has been classified.*

Special Sites of Scientific Interest (SSSI) - No objection

*This application site is in proximity to a number of SSSI's (all over 2 km from the proposed development). Given the nature and scale of this proposal, Natural England is satisfied that the proposal will not damage or destroy the features for which these sites have been notified as a result of the proposal being carried out in strict accordance with the details of the application as submitted.*

European Protected Species (EPS) – No objection

Natural England do not object to the proposed development. On the basis of the information available the advice is that the proposed development is likely to affect bats, great-crested newts, and otter through disturbance of EPS, damage, destruction of a breeding site or resting place. However, Natural England are satisfied however that the proposed mitigation would maintain the population status identified in the survey report.

Schedule 1 bird Species

Based on the information and proposed mitigation Natural England is satisfied that kingfisher and barn owl will not be significantly impacted upon by the proposal.

Domestic Protected Species

Reference should be made to the Natural England standing advice.

**United Utilities:** No comments received at the time of writing this report but as part of the last application they stated that:

*United Utilities have no objection to the development subject to the following concerns being met:*

- *A public sewer crosses the site and therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.*
- *If possible this site should be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.*
- *All surface water drains must have adequate oil interceptors*
- *The level of cover to the water mains and sewers must not be compromised either during or after construction.*

**PROW:** The development does not appear to affect a PROW.

**Network Rail:** No objection

**Health and Safety Executive:** No comments received at the time of writing this report but as part of the last application they stated that:

*'in this specific case, and after careful consideration of the risk reduction measures that have been employed, the HSE would not advise against the current proposal'*

**Cheshire Wildlife Trust:** No comments received at the time of writing this report.

**Highways Agency:** No objection.

**Strategic Highways Manager:** No objection to this application - it is consistent with the CPO inquiry and will not impact on the strategic benefits of the road

**Environmental Health:** No comments received. As part of the last application the Environmental Health Officer stated that:

### Noise and Vibration

*The Design Manual for Roads and Bridges (DMRB) is used as guidance in assessing the potential noise operational impacts of the proposed new road. Aided by computer noise modelling software noise levels have been predicted in accordance with guidance given in the Calculation of Road Traffic Noise, 1988 and is considered as an acceptable method. The noise levels have been predicted and noise monitoring undertaken at representative sensitive receptors agreed in advance.*

*The modelled predictions show that slight increases in noise levels can be expected at some residential properties to the south of the proposal in Weston. The levels of increases are relatively small at most properties and the likelihood of annoyance at these locations is also small. Some residential properties are predicted to see a small improvement in noise levels as a result of the proposed road scheme. Only 1 property is predicted to be in excess of the long term criteria for consideration of noise mitigation and this exceedance is very marginal. The assessment of night noise predicts that this will be below the current DMRB criteria for significance for all properties. Based on these findings noise mitigation is not considered feasible or necessary for this scheme. The Environmental Health Officer would not expect the vibration impacts from the operational phase of this development to be significant.*

### Construction

*The assessment considers the dust, noise and vibration impacts of the construction phase of the proposed development and gives worst case predictions for noise from the expected associated works. Impacts from this phase can generally be considered as transient and controllable through nuisance legislation and by following best practice given in BS5228 (2009). However, the Environmental Health Officer would expect the hours of construction to be agreed with Cheshire East Council prior to works commencing.*

*Specifically, piling and foundation works at the railway are predicted to potentially give rise to significant noise and vibration impacts particularly at night at nearby properties. Concerns have also been raised by local residents regarding the formation and use of the borrow pit. As a result the Environmental Health Officer would expect details of methods, timescales and potential impacts and mitigation to be agreed with Cheshire East Council prior to any such works commencing. In addition those properties that may be affected should be informed prior to works commencing*

*Two conditions are suggested in relation to the construction phase of the development.*

### Air Quality

*An up dated Air Quality Impact Assessment has been submitted with the application and the methodology and conclusions are accepted. A condition is suggested in relation to dust control.*

### Contaminated Land

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

- *The application area has a history of agricultural and railway use including some in-filled ponds, and therefore the land may be contaminated.*

*A condition is suggested in relation to contaminated land.*

**Historic Gardens Society:** No comments received at the time of writing this report.

**Ramblers Association:** No comments received at the time of writing this report.

**Archaeology:** The application is supported by an archaeological desk-based assessment which was originally prepared by Castlery Archaeology in connection with an earlier version of this scheme. The baseline information contained in this study, however, remains appropriate and its results have been summarised in Section 7 (Cultural Heritage) of the Environmental Statement.

Section 7.8 of this study contains a summary of the archaeological mitigation that will be required prior to the start of the construction process. Briefly, this will involve works in areas that have already been identified as requiring investigation (mill race of the former Croatia mill, deposits in the valley of the Basford Brook etc) and further investigations (trial trenching, excavation, watching brief) in areas identified as of interest following the extensive geophysical survey that is currently being carried out as part of the site evaluation process. Unfortunately, access difficulties have prevented the completion of the geophysical work prior to the submission of the planning application, which would have allowed the specification of the targeted mitigation in more detail. Field walking may also be used in certain areas to aid the recovery of artefacts from the plough soil.

The archaeologist advises that the staged programme of work outlined in Section 7.8 of the Cultural Heritage study is appropriate and that this mitigation may be secured by condition.

## **6. VIEWS OF THE PARISH COUNCIL**

**Barthomley Parish Council:** No comments received at the time of writing this report

**Crewe Green Parish Council:** No comments received at the time of writing this report

**Crewe Town Council:** No comments received at the time of writing this report

**Haslington Parish Council:** No comments received at the time of writing this report

**Hough & Chorlton Parish Council:** No objection

**Shavington Parish Council:** No objection

**Weston & Basford Parish Council:** The Parish Council strongly requests that an alternative access to the Borrow Pit be used rather than using Weston Lane which is extremely narrow, dangerous and tortuous. Access can be gained from the Basford East side of the A500 Shavington bypass under the A500 and adjacent to the West Coast Main Line. The Parish Council wishes to be fully consulted regarding the proposed access arrangements.

## **7. OTHER REPRESENTATIONS**

No representations received

## **8. APPLICANT'S SUPPORTING INFORMATION**

To support this application the application includes the following documents:

- Environmental Statement
- Planning Design and Access Statement

These documents are available to view on the application file.

## **9. OFFICER APPRAISAL**

### **Principal of Development**

The proposed development relates to a new dual carriageway (Crewe Green Link South – CGLS) which would be 1.1km in length and would link the A500 and the Weston Gate Roundabout. The CGLS would provide access to the Regional and Strategic Development Site at Basford East while alleviating the congested A534 Nantwich Road. A link road between the A534 and A500 was approved by Crewe and Nantwich Borough Council in 2002, a second planning permission was approved by Cheshire East Borough Council under application reference 11/1982N with a third revised scheme approved under application 12/4115N. This application seeks to vary the approved plans condition attached to application 12/4115N to secure the following amendments:

- A reduction in the flood compensation area
- Deletion of the spur roads
- Deletion of the soil storage bunds alongside the main Crewe-London railway line
- Top soil storage area
- Relocated Great Crested Newt habitat mitigation areas

The principle of this development has already been accepted and it is not considered that the Cheshire East Local Plan Strategy – Submission Version or the National Planning Practice Guidance would change this view.

### **Highway Implications**

The road network in Crewe is constrained by the existing rail infrastructure in the town with congestion forming on a number of routes within the town. The Crewe Green Link Road would remove the barrier effect, transferring traffic from currently congested routes. The following areas currently experience congestion:

- A500/A530 Middlewich Road roundabout
- A5020/A534 Crewe Green Roundabout
- A534/A532 Roundabout
- A534 along Nantwich Road from B5078 Edleston Road to A5020/A534 Crewe Green Roundabout

This congestion occurs mainly at peak times, apart from the A534 along Nantwich Road which occurs in the inter-peak period.

In terms of the impact of the development on the highway network, an assessment of driver stress has been carried out. This shows that with the Crewe Green Link Road traffic flows on some of the smaller roads including Weston Lane, Main Road, Cemetery Road, Narrow Lane and Slaughter Lane would be reduced. There would be some increases on the roads that connect to the Crewe Green Link Road (University Way, Weston Road and A500). These changes in traffic flows are only relatively small and as a result there would be no changes in the levels of stress.

The Environmental Statement has been assessed by the Councils Highways section and also by the Highways Agency. Both have not raised any objection to the development and as a result the development is considered to be acceptable in terms of its highway implications.

## **Amenity**

The current application seeks a number of relatively minor amendments to the approved scheme. It is not considered that any of these amendments would affect the amenity of residents in any way. For the avoidance of doubt the impact of the development upon noise and vibration, air quality, contaminated land and construction issues from the last application is repeated below:

### Noise and vibration

*The noise assessment states that there would be negligible impacts upon the majority of the receptor sites. In 2015 there is predicted to be a minor adverse impact for the south façade of Nestfield Hose and Crotia Mill Farm whilst there would be minor beneficial impacts for the receptors on Casey Lane and Weston Lane. In 2030 negligible impacts are predicted at all receptors except Crotia Mill Farm.*

*The results show that only Crotia Mill Farm is the only residential property predicted to experience an increase in noise levels greater than 3dB. In response to this issue the Environmental Health Officer states that:*

*‘Only 1 property is predicted to be in excess of the long term criteria for consideration of noise mitigation and this exceedance is very marginal. The assessment of night noise predicts that this will be below the current DMRB criteria for significance for all properties. Based on these findings noise mitigation is not considered feasible or necessary for this scheme’*

*As a result the impact is considered to be acceptable.*

*In terms of vibration, the separation distances mean that there will be minimal impact if well maintained. In terms of the construction of the road the impact would be short term and temporary and therefore would not warrant the refusal of this planning application.*

### Air Quality

*The pollutants of concern are Nitrogen Dioxide and Particulate Matter. A baseline study of existing air quality has been undertaken and the potential impact during construction and operational phases has been considered within the ES.*

*The concentrations of Nitrogen Dioxide predicted at 6 chosen sensitive receptors shows that there would be a detrimental increase in Nitrogen Oxide at Weston Road House (this receptor is adjacent to the roundabout between Weston Road and University Way) and Croatia Mill Farm with more general detrimental impacts along parts of the A500, Weston Road and University Way. However all concentrations at the receptor sites are well below the Air Quality Objectives and as a result negligible impacts are predicted.*

*Beneficial impacts are predicted upon Main Road House, White Lane Farm and Gresty Road and more generally along parts of the A5020 and Nantwich Road.*

*In relation to Particulate Matter, the construction of the CGLS would result in an increase at Weston Road House only with improvements at Main Road House and Gresty Road. However all impacts are considered to be negligible.*

*The Environmental Health Officer has accepted and the development would not cause any significant air quality issues.*

### Contaminated Land

*The application site has a history of agricultural use, railway development and in-filled ponds. As a result, the Environmental Health Officer has requested a condition to require a risk assessment to be carried out to assess the potential risks caused by land contamination.*

### Construction

*Construction of the road including the borrow pit could raise some temporary amenity concerns to local residents through noise, dust and vibration. Such issues are controllable through nuisance legislation and by following best practice given in BS5228 (2009). However, in this instance given the scale of the development, it is considered necessary to attach conditions relating to pile driving, hours of operation and dust mitigation.*

### **Landscape**

The landscape impact of the development would be reduced as part of this application as the spur roads and soil storage bunds along the Crewe-London line would be removed. Whilst the top soil strip store area would be reduced in size.

### **Trees**

There would be no greater impact upon the trees on this site as part of this application.

In relation to tree mitigation, conditions will be attached regarding tree protection and mitigation.

### **Ecology**

The application site includes a number of habitats and has the potential to support the following protected species: Great Crested Newts, Lesser Silver Water Beetle, White Clawed Crayfish, Water Vole, Otter, Reptiles, Bats, Badgers, Barn Owl, Kingfisher and Birds. Of these species Bats, Otters and Great Crested Newts are European Protected Species.

### Designated sites

The ES is incorrect in stating that Basford Brook Local Wildlife Site (LWS) is managed by Cheshire Wildlife Trust. LWS are non-statutory sites designated for their nature conservation value within Cheshire and are similar in status to Sites of Biological Importance (SBI).

The proposed development has been assessed as having a significant negative impact on Basford Brook Local Wildlife Site due to the impacts of the proposed crossing of the brook by the western spur road and the installation of a number of inlet and outfalls associated with surface water management.

Any pollution of the brook during the construction phase is likely to affect both the Local Wildlife Site and an additional SBI further downstream.

The potential impact of the development will be mitigated by means of an 8m buffer zone along the brook and the provision of a wide span bridge for the spur road crossing. The design of the bridge will be finalised at a later stage.

### Habitats

A block of broad leaved woodland is present to the north of the Stoke-Crewe railway. Grassland habitats which make up the largest proportion of the site have all been subject to agricultural improvement which limits their nature conservation value. There are however smaller areas of marshy grassland of higher value located to the west of the proposed development.

There are a number of hedgerows on site. None of these has been identified as being Important under the Habitat Regulations. However Hedgerows are a BAP priority habitat and all the hedgerows on site are likely to have some level of value for wildlife and some of the hedgerows on site have previously been identified as being species rich.

The Council's Ecologist advises that for the most part, notwithstanding their potential to support protected species, most of the habitat lost to the proposed development is of relatively low ecological value. Habitats lost towards the northern end of the proposed link road are however of higher value. The impact of the loss of woodland, semi improved/marshy grassland and hedgerows is likely to be significant at the local scale. Additionally, changes to the site's hydrology have also been identified as being likely to affect marshy grassland habitats adjacent to the road corridor. These impacts are all highly likely to be significant at the local scale.

Woodland planting and hedgerow creation along the road verges is proposed to compensate for the loss of broad leaved woodland. The ES acknowledges however that newly planted trees would take a considerable time to mature to the level of those lost. The two newt receptor areas proposed include an element of wildflower grassland which would help to compensate for the loss of marshy grassland associated with the proposed development.

### Great Crested Newts

There is well documented presence of Great Crested Newts at this site. Whilst the species breeds at a number of ponds the number of animals recorded at each pond is relatively small. The latest

assessment identifies the Great Crested Newt population on site as being of local nature conservation importance.

It is not anticipated that any ponds will be lost to the proposed development however the proposed road scheme will result in the loss of Great Crested Newt terrestrial habitat and pose a significant risk of killing/injuring any animals present when the proposed works are undertaken.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is:

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and
- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements.

The NPPF advises that LPA’s should contribute to *‘protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy’*.

The NPPF also states that the planning system should contribute to and enhance the natural and local environment by *‘minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures’*.

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In terms of the 3 tests, it is considered that:

- There are no satisfactory alternatives as the proposed link road would need to cross the development site known as Basford East
- The derogation is not detrimental to the maintenance of GCN as the site supports relatively small numbers of GCN and no breeding ponds would be lost. Furthermore, a scheme of mitigation which includes habitat creation and enhancement will be provided as part of the development.
- There are imperative social reasons of overriding public interest as the development would improve transport links across Crewe and ease congestion along Nantwich Road.

The proposed variations include an amended Great Crested Newt strategy to take account of advice from Natural England to ensure the favourable conservation status of this species is maintained as a result of the consented development.

The Councils Ecologist advises that as the amended mitigation strategy has been developed to meet the requirements of Natural England in respect of a future license application the strategy should be considered as being likely to maintain the favourable conservation status of the species concerned as required by the Habitat Regulations.

### Common Toad

Common toad was recorded on site during the Great Crested Newt surveys. This species is a Biodiversity Action Plan priority species and hence a material consideration. The Councils Ecologist advises that the implementation of the proposed Great Crested Newt mitigation scheme is also likely to be adequate to mitigate the potential adverse impact of the development upon common toad.

### Otter

Evidence of Otter activity was recorded on both Gresty and Basford Brook. However, no confirmed holts or lying up places were recorded.

The isolation of Otter habitats associated with the western spur road and link road and the risk of direct mortality occurring as a result of collisions with construction vehicles have been assessed as having a significant adverse impact at the local level.

To mitigate the impacts of the proposed development upon Otters the loss of bank side habitat will be minimised through the provision of a wide span bridge crossing the Basford Brook. The bridge will allow a minimum of 2m clearance on each bank to allow free movement of animals under it. The proposed Badger proof fencing would also deter otters from crossing the road and so mitigate the risk of road casualties occurring.

The Councils Ecologist advises that based on the survey information, impact assessment and mitigation proposals currently available it does not appear likely that the proposed development would result in an offence under the Habitats Regulations occurring in respect of Otters.

### Bats

No trees on site were identified as having high potential to support roosting bats and there are no confirmed roosts on site. Bats do however forage extensively across the wider site area.

The proposed development would result in the loss of trees with lower potential to support roosting bats. There is also likely to be a loss and fragmentation of bat foraging/ commuting habitat on site and the adverse impacts of additional lighting associated with the development. These impacts are assessed as being significant at the site level.

The loss of bat foraging habitat will be compensated for by means of the tree planting and the habitats associated with the Great Crested Newt receptor areas will also be of value to bats.

To address the potential impacts of the development on bats resulting from the removal of trees with roosting potential the provision of bat boxes is being proposed. The Councils Ecologist advises that this approach is acceptable. A condition would also be required to ensure that the lighting scheme for the link road is agreed with the LPA. This is to ensure that the adverse impacts of additional lighting are minimised.

The Councils Ecologist advises that based on the survey information, impact assessment and mitigation proposals currently available it does not appear likely that an offence under the Habitats Regulations would occur in respect of Bats.

#### Water Vole

This species has previously been recorded on Gresty Brook. No evidence of this rapidly declining species was however recorded during the latest survey and so the Councils Ecologist advises that it is likely that water voles are now absent from the study area.

#### Reptiles

A good population of Slow Worm is present on site using the south facing embankment of the Crewe – Stoke railway line. This population has been identified as being of nature conservation value within the context of Cheshire East.

The impact of habitat loss and isolation in respect of Slow Worms has been assessed as being significant at the local scale. Slow Worm mortality associated with the construction phase of the development has been assessed as being significant with the context of Cheshire East.

The loss of Slow Worm habitat will be compensated for by means of habitat enhancement on the railway embankment to the west of the site. The risk of killing or injuring Slow Worms during the construction phase would be mitigated by means of the removal and exclusion of animals from the development footprint prior to the start of works.

The fragmentary effect of the road/rail crossing which would prevent animals moving along the rail embankment to the east of the proposed link road would however remain as a residual unmitigated adverse impact of the proposed development.

#### White Clawed Crayfish

This UK and Local BAP species is present in Basford Brook. This is one of only three remaining known sites for this species in Cheshire.

If pollution or silt contamination of Basford Brook occurs during the construction or operational phases of the road this is likely to have an adverse impact upon White Clawed Crayfish. The impact of this would be significant at the regional scale. The risk of killing or injuring White Clawed Crayfish during the construction phase or any disturbance to White Clawed Crayfish at the inappropriate time of the year is likely to have a significant impact on the species at the local scale.

It is proposed that the loss of habitat for White Clawed Crayfish associated with the scheme would be compensated for by means of the creation of refuges within the brook and the brook corridor would be enhanced by tree planting which on this site appears to be a factor in determining White Clawed Crayfish presence. The risk of pollution would be reduced by means of standard prevention methods and the allowance of an 8m buffer zone between any development and the brook. The risk of killing animals would be addressed by means of a rescue programme appropriately timed to avoid the most sensitive time of year.

The Councils Ecologist advises that the above measures are likely to be adequate to safeguard the population of White Clawed Crayfish at Basford Brook.

### Barn Owl

This species is well recorded from the general area of the proposed development. A roost and potential nest site were recorded near to the proposed link road during the 2012 surveys.

It is not anticipated that there would be any adverse impacts on the identified roosts/perches however there will be a loss of barn owl foraging habitat which is likely to be significant at the site level. Mortality resulting from road traffic collisions is likely to be significant at the local scale.

The loss of foraging habitat for barn owls will at least partly be compensated for by means of the grassland habitats created as part of the great crested newt receptor areas.

The risk of road traffic collisions can be mitigated through the avoidance of rough grassland habitats which may attract barn owls and the establishment of tall tree lines to encourage barn owls to fly high above the road. These measures are however unlikely to totally remove the risks posed to barn owls.

Barn owl nest boxes are also proposed in the southern newt mitigation area.

### Kingfisher

This species has previously been recorded on the Basford East site. Breeding has however not been confirmed with the study area. The direct impact of the proposed development on kingfisher is not thought to be significant. However any pollution or disturbance of Basford Brook would have a significant impact on Kingfishers at the local level.

To compensate for the loss of potential Kingfisher nesting habitat the provision of Kingfisher nest tunnels is proposed. Noise disturbance of the brook corridor which may have an adverse impact on Kingfisher is however unavoidable and remains as a residual impact of the proposed development.

### Other Protected Species

Two setts for other protected species have been recorded within the survey area. The setts are not anticipated to be affected by the proposed development. There will be a loss of foraging habitat associated with the proposed development. This loss of habitat is not however anticipated to be significant. Construction activities may however pose the risk of killing or injuring individual animals that venture onto the site. Additionally, road casualties associated with the operation of the road are likely to have a significant impact on the local population.

The provision of badger fencing and access tunnels are proposed as a means of reducing potential mortality associated with the proposed development. Potential impacts during the construction phase will be reduced by means of careful site management detailed within an environmental management plan. The Councils Ecologist advises that these proposals are in accordance with current best practise.

### Breeding Birds

The proposed development is likely to have an adverse impact on birds in general including some species which are Biodiversity Action Plan priority species. Such impacts are likely to be local in scale. The use of the standard timing condition would be used to ensure that there would be no impact upon breeding birds.

### Summary

The proposed development is anticipated to have an overall slight adverse impact upon nature conservation interests due to the unmitigated impacts associated with the proposed development upon broad leaved woodland, trees, slow worm, barn owl and kingfisher. The residual impact of the development on woodland would reduce as the proposed tree planting matures.

Whilst outline mitigation proposals have been provided to address the ecological impacts of the proposed development the effectiveness of these will depend upon the finalised designs for the bridge crossings and inlet outlets associated with the brook and so must be regarded as indicative only at this stage. The Councils Ecologist therefore recommends that a condition be attached that detailed mitigation proposals be submitted to the LPA once designs have been finalised and prior to the commencement of works on site.

### **Flood Risk**

The proposed road runs alongside Basford Brook and crosses several other unnamed watercourses. The Environment Agency Flood Maps indicate that there is potential for fluvial flooding to effect the development where the 1 in 100 year flood event outline extends beyond the river channel.

In terms of the construction phase, there is the potential for a temporary adverse impact due to the restriction of flow due to debris blocking the watercourse, increased water runoff or flooding from a temporary loss in flood plan storage. However it is suggested the good practice is followed and mitigation measures are implemented to reduce the impact to neutral.

In terms of the operational phase, there is the potential for adverse impacts due to the increased in paved areas, loss of floodplain storage, the culverting of the watercourse and the failure of pumping stations. In relation to this issue surface water run-off will be discharged into the watercourse at a rate no greater than the existing run off with detention basins or other temporary attenuation structures to

store additional surface water during the construction phase. A Flood Compensation Area would also be provided as part of this development.

This information has been sent to the Environment Agency who have raised no objection to the imposition of an additional condition.

### **Surface Water Quality**

The amendments to the scheme as part of this application will have no greater impact upon surface water quality.

### **Impact upon Listed Buildings and the Historic Park and Garden**

Given the separation distances and the existing landscape buffers it is not considered that the proposal would have a detrimental impact upon the setting of any listed building or the Crewe Hall Historic Park and Garden.

### **Archaeology**

The ES assesses the archaeological potential of the site. The Councils Archaeologist has assessed the application and has suggested a condition to secure a report on archaeological mitigation.

### **Impact upon the Public Right of Way (PROW)**

There would be no impact upon the PROW which crosses the site due to the removal of the spur road.

### **Impact upon the Hazardous Installation**

A TRANSCO gas pipe crosses the application site and this is classified as a hazardous installation. There would be no greater impact upon the hazardous installation.

## **11. CONCLUSIONS**

This application seeks to vary the approved plans condition attached to the Crewe Green Link Road.

The amendments relates to the following:

- A reduction in the flood compensation area
- Deletion of the spur roads
- Deletion of the soil storage bunds alongside the main Crewe-London railway line
- Top soil storage area
- Relocated Great Crested Newt habitat mitigation areas

It is not considered that these amendments would raise any highway, amenity, landscape, trees, ecology, flood risk/drainage, archaeology, PROW issues or impact upon the hazardous installation or Listed Buildings/Historic Park and Garden.

## **12. RECOMMENDATIONS**

**Approve subject to the following conditions;**

1. Standard time 3 years
2. Development to proceed in accordance with the approved plans
3. No development shall take place within the area indicated 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.
4. Prior to the commencement of development a detailed tree felling/pruning specification shall be submitted to the LPA for approval in writing
5. Prior to the commencement of development a detailed Arboricultural Method Statement shall be submitted and approved by the LPA
6. Prior to the commencement of development a detailed Tree Protection Scheme shall be submitted and approved by the LPA
7. Prior to the commencement of development a detailed Landscaping Scheme (including native species only) shall be submitted and approved by the LPA
8. Implementation of the approved landscaping scheme
9. Prior to any development commencing a scheme stating the hours of construction shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.
10. Prior to any such works taking place a scheme detailing method, timing and duration of any pile driving, bridge foundation and borrow pit operations connected with the construction of the development shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details. The details should include provisions for mitigation and liaison with residences that may be affected by noise or vibration.
11. Prior to the development commencing:
  - (a) An investigation and Risk Assessment shall be carried out to assess the potential risks from land contamination as defined in the supplied geo-environmental risk assessment.
  - (b) If such investigation and Risk Assessment identifies that remedial/protective measures are required, then a remedial/protection scheme shall be submitted to, and approved by, the Local Planning Authority (LPA) and shall be implemented.
  - (c) If remedial/protective measures are required, a Site Completion Statement detailing the remedial/protective measures incorporated shall be submitted to, and approved in writing by, the LPA in full prior to use of the development.
12. The duct mitigation measures outlined in the updated Air Quality section of the Environmental Impact Statement (Chapter 8) shall be implemented, monitored and enforced throughout the construction phase of the development.
13. Prior to undertaking any works between 1<sup>st</sup> March and 31<sup>st</sup> August in any year, a detailed survey is required to check for nesting birds
14. Badger and Barn owl mitigation details in accordance with details approved as part of application 13/5223D
15. Submission of environment management plan for the construction phase of the development
16. Submission of ecological monitoring and reporting schedule.
17. Submission of a 10 year Habitat Management Plan
18. Details of all external lighting to be submitted and agreed in writing with the LPA

19. The development permitted shall only be carried out in accordance with the approved FRA
20. The development shall not be commenced until a scheme for compensatory flood drainage scheme has been submitted to the LPA for approval.
21. A surface water regulation scheme shall be submitted to the LPA for approval in writing
22. A detailed design for the provision of flood defence structures shall be submitted to the LPA
23. No development shall take place until a scheme for the provision and management of a 8 metres wide undeveloped buffer zone around the main rivers and a 5 metres wide undeveloped buffer zone around none main water courses and ponds shall be submitted to and agreed in writing by the local planning authority.
24. Prior to the commencement of development, details of all bridges proposed on site shall be submitted to and approved in writing by the local planning authority
25. No development shall take place until a plan detailing the protection and mitigation of damage to populations of white-clawed crayfish and sand martins and their associated habitat during construction works and once the development is complete
26. Prior to commencement of development details of all outfalls proposed on site shall be submitted to and approved in writing by the local planning authority
27. No development shall take place until a scheme for the provision and management of compensatory habitat shall be submitted to and approved in writing by the local planning authority
28. 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 LPA.
29. Should the borrow pit to the south of the A500 Shavington By Pass be required full details including access arrangements and wheel washing facilities etc. be submitted to and approved by the Local Planning Authority'.

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

