Application No:	15/2355W
Location:	IDEAL STANDARD, CLEDFORD LANE, MIDDLEWICH, MIDDLEWICH, CHESHIRE, CW10 0JW
Proposal:	The construction and operation of a waste transfer station and refuse derived fuel processing facility, the refurbishment of existing site buildings to provide offices, a vehicle maintenance workshop, an MOT Test Centre, environmental services accommodation and ancillary development including car parking.
Applicant:	Ralph Kemp, Cheshire East Council
Expiry Date:	27-Aug-2015

SUMMARY

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

The proposal would satisfy the economic and social sustainability role by providing a strategic site which provides a range of waste and environmental services. In terms of sustainable waste management it would contribute towards meeting national waste management targets and meets a proven waste management capacity gap. It also assists in providing a network of waste management facilities for the sustainable management of waste. It would provide a recycling facility which would ensure that any recyclable waste contained within the residual waste stream is separated and sent to a facility which is higher up the waste hierarchy; and through the production of RDF, facilitates the recovery of energy from the residual waste stream. The proposed facility therefore optimises the management of waste as high up in the waste hierarchy as practicable which accords with the objectives of the WMS and the broad approach of the NPPW.

It also provides other benefits in terms of re-using previously developed land and buildings; providing one central strategic site with improved service capability and efficiency, providing operational/logistical and environmental benefits, reduction in some vehicle mileage and allows for the remediation of a site with historical contamination.

This should be balanced against any potential harm to residential amenity, particularly in terms of noise and odour impacts to sensitive receptors; along with the potential for some waste not to be managed as close to source as possible, and resultant increase in vehicle mileage.

The benefits arising from the proposal are considered sufficient to outweigh any harm caused by the scheme, and the potential harm to residential amenity and the environment can be mitigated to some degree by a range of planning conditions and through the controls in other environmental legislation.

On the basis of the above, it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the long term social and economic planning benefits created in terms of waste management and environmental service provision. As such, the scheme is considered to accord with policies of CNBLP, and the approach of the NPPF and is recommended for approval subject to conditions.

SUMMARY RECOMMENDATION: Approved subject to conditions

DESCRIPTION OF SITE AND CONTEXT

The site is a 6.3ha parcel of land located on the corner of Cledford Lane and Faulkner Drive in Middlewich. It is located between the Trent and Mersey Canal and Faulkner Drive and is situated in the south of Middlewich approximately 5.5km from the M6 motorway. Access to the site is from Cledford Lane which connects to A533 Booth Lane via a bridge over the canal, and eastwards connects to a network of rural roads providing access to A54 and Sandbach.

The site comprises a collection of industrial buildings built in 1970 of various sizes, the majority of which are single storey and were previously used for the manufacturing of sanitary wear products.

On the north west corner of the site is a red brick built 1902 office building. A war memorial is situated on the northern façade of the building fronting onto Cledford Lane. The building incorporates more recent steel and masonry framed flat roof extensions to the south (circa 1917). To the east of this building is a fenced off area which was previously used for car parking, beyond which are buried tanks.

The central section of the site is taken up by a large collection of interconnecting one and two storey steel portal framed industrial buildings. On the western boundary is a portal framed single storey structure with brick elevation and profiled cladding which provides a frontage to the Trent and Mersey Canal. The boundary with Faulkner Drive has a similar frontage with a steel framed structure with brick walls and pitched metal truss roof. Two further stand-alone steel portal buildings of a similar design align the southern boundary. A concrete service road spans the western and southern site perimeter.

Land surrounding the east and south of the site is in industrial use with a biomass plant and logistics company off Faulkner Drive and the British Salt works to the south. Land immediately to the south of the site is scrubland. The railway lies to the east of Faulkner Drive, beyond which is open countryside and industrial buildings connected by Erf Way. To the north beyond Cledford Lane are the Cledford Lane Lime Beds whilst further north is the Brooks Lane industrial estate.

A small row of residential properties lie on Cledford Lane opposite the north west site boundary approximately 15m from the site, with further individual properties located opposite the north/north east boundary. A large number of residential properties lie on the western side of A533 Booth Lane approximately 30m form the site boundary. These are separated from the site by the road, the canal and an area of open space incorporating mature trees which aligns the western site boundary adjacent to the canal. There are no public footpaths within the site although footpath Middlewich FP21 is located directly to the north off Cledford Lane running up the eastern extent of Cledford Lane Lime beds.

The canal is designated as a Conservation Area in the Congleton Local Plan whilst the Cledford Lane Lime Beds are a Site of Biological Importance (SBI). Two parcels of land immediately to the south of the site are identified as owner specific employment sites, whilst land to the east of the railway line is identified as an employment allocation, area at risk of flooding and ‘new road’ (the Middlewich by-pass).

The site is located approximately 1.1km from Sandbach Flashes Site of Special Scientific Interest but separated by the Trent and Mersey Canal. Land immediately south of the site is identified as Deciduous Woodland BAP priority habitat area, with a further area located approximately 730m north/north west of the site.

RELEVANT HISTORY

The site has been historically in industrial use initially as a chemical plant and more recently for the manufacturing of china products including sanitary ware. The most relevant planning history is as follows:

- 3967/3 – Amenity Building approved 1976
- 7281/3 – Pump house and water tank approved 1978
- 10046/3 – Storage building approved 1979
- 10507/3 – Building to contain machinery approved 1979
- 12274/3 – Transport and service garage approved 1980
- 11738/3 – Effluent treatment plant house approved 1980
- 10834/3 – Warehouse, loading bay, loading dock and battery charging area approved 1980
- 15101/3 – Gas meter house approved 1983
- 15330/3 – raw material uncovered loading bay approved 1983
- 16079/3 – Modellers/mouldmakers complex approved 1984
- 15781/3 – building to cover vacuum plant approved 1984
- 16553/3 – beer store extension approved 1985
- 18206/3 – modellers shop approved 1986
- 29997/3 – new water treatment plant approved 1998
- 14/5918C – prior notification for site clearance. Approval required January 2015.
- 15/3607C - prior notification for site clearance. Approved September 2015

DETAILS OF PROPOSAL

The application is for the construction and operation of a waste transfer station and refuse derived fuel processing facility, the refurbishment of existing site buildings to provide offices, a vehicle maintenance workshop, an MOT Test Centre, environmental services accommodation and ancillary development including car parking.

As part of the works to be undertaken on site, a number of the buildings will be demolished however this does not form part of this planning application as this will be undertaken under Permitted Development rights. In the context of this application therefore, the existing site layout at the commencement of the development will largely be a clear site aside from the buildings being retained as set out below.

<u>Zone 1 – Waste Transfer Station/Refuse Derived Fuel Processing Facility</u>

Two waste transfer buildings are proposed in the centre of the site. Both are large single storey industrial steel portal framed buildings, with plastic coated profiled metal walls and roof and are sited on a concrete surface apron.

Waste Transfer and RDF –residual wastes
The larger building to the north is 90m by 45m with a ridge height of 16.8m, providing a floorspace of 3952m². Four 7.4m high roller shutter doors are proposed on the southern elevation for RCVs, with a further door on the eastern and western elevation for Artic vehicles and doors for pedestrian access. A vent stack is proposed on the eastern elevation at a height of 18m (would project beyond the roof by 1.5m).

The building would incorporate the waste transfer and refused derived fuel processes and is designed to accommodate up to 100,000 tonnes per annum of residual municipal solid waste (black bin waste). Waste would be delivered to the site by refuse collection vehicles (RCVs) which enter the building through doors on the southern elevation. The waste would then be fed through a shredder hopper and passed under a magnet to remove any ferrous metals and trommel screen to remove organic material. The remaining material from this process is classified as Refused Derived Fuel (RDF) and would either be stored in designated bays or wrapped, and stored inside the building prior to being exported off-site to a suitable facility for use as a fuel for the creation of energy. Screened waste would be stored in containers or bays inside the building until sufficient volumes are collected to export off site to a suitable facility for reprocessing/recycling; or else to landfill. Artic vehicles would enter through doors at the north end of the building to collect the waste being exported off site.

Waste Transfer – recyclates and green waste
A second smaller waste transfer building is proposed to the south. This would be 42m by 45m with a ridge height of 16.8m, providing a floorspace of 1812m². It would incorporate four 7.5m high roller shutter doors, two on the northern elevation for RCVs, and one each on the eastern and western elevation for Artics along with pedestrian access doors. A vent stack is proposed on the eastern elevation at a height of 18m (would project beyond the roof by 1.5m).

The building would be used for the temporary storage and bulking up of up to 50,000 tonnes per annum of organic garden waste and 50,000 tonnes per annum of co-mingled dry recyclable waste (silver bin collections) and waste from Council street cleansing operations. Waste would be delivered into the building by RCVs and deposited onto the floor within dedicated, segregated waste bays until sufficient quantities are available for export. Bulk haulage vehicles would enter the southern end of the building to collect the waste for export to an appropriate waste management facility.

External areas
To the south east of this building, a small number of material and waste storage bays are proposed for selected raw material and non-biodegradable waste streams collected from households or recovered from fly-tipping. This would include waste electrical and electronic equipment, waste aggregates and soils, bulky goods and tyres. Skip storage area is also proposed in this area along with a covered secure compound for the storage of any wastes classified as hazardous waste (e.g. monitors, fluorescent tubes etc) to accord with Hazardous Waste Regulations. All waste storage areas would be located on an impermeable surface with sealed drainage. The external area of zone 1 would comprise a concrete surface apron and include two weighbridges either side of the larger waste transfer building, and a portakabin weighbridge office of 4.8m by 3m by 2.5m high.

The waste transfer stations are served by an internal one way access road with waiting layby for RCV/HGVs, and a designated separate entrance and exit point off Cledford Lane, 90m from the main site access. Zone 1 would be segregated from the remainder of the site by a 3m high close wire security fence with automatic sliding gates.

<u>Zones 2, 3 and 6 – Office and Parking</u>

The existing office on the north west corner of the site would be refurbished and reconfigured to provide a reception area, training and meeting rooms, welfare facilities and office. The building would be designed to provide accommodation for up to approximately 400 staff. The proposals include for demolition of small outbuildings and extensions to rationalise the layout of building, replacing/refurbishing windows, and addition of new door entrance, linking corridor, canopies, and ambulant stairs. The historic brickwork elevations fronting Cledford Lane would be retained along with the war memorial plaque which would be restored.

To the east and south of the building a 220 space staff car park is proposed along with 5 spaces designated for disabled parking, parking for 60 cycles and three electronic vehicle charging points. A separate entrance off Cledford Lane would serve the western extent of the site; whilst fencing is proposed to segregate the different zones on the site to contain the waste management, environmental services and office uses. The existing car parking bay currently used by residents along the frontage of the office on Cledford Lane would be removed and replaced by a new residents parking layby and pedestrian/cycle path between the two site entrances.

Zone 4 – Southern Area

The existing industrial shed on the southern boundary would be refurbished to be used for the environmental works storage facility. The works proposed include removing asbestos cladding, replacing doors and roofing materials, installation of roof mounted photo voltaic panels, and installation of a new roller shutter door on the western elevation.

In addition a small number of ground maintenance storage bays are proposed, along with a plant propagation unit (framed structure with plastic covering) and 45 parking space for grounds maintenance vehicles and equipment.

Zone 5 – Central and Western Area

The existing portal framed building fronting the western site boundary is proposed to be refurbished to form Fleet Management and a VOSA (public MOT) facility. This would comprise:

- an environmental workshop and storage;
- storage area for materials, plant and machinery,
- a vehicle maintenance and repair workshop for HGVs and light fleet,
- VOSA MOT test centre,
- Parts store
- Biomass boiler to provide heart to the building
- Office and reception.

A new elevation to the eastern side of the building is proposed which would replace that lost as part of the demolition works. Lower level brickwork is proposed with steel cladding on the upper wall section to match the existing building, and the installation of steel roller shutter doors and pedestrian doors. The eaves height of the central section of the building would be raised to match the current ridge height to allow for large vehicles being raised during repairs. On the western elevation the cladding would also be replaced and a new door fitted.

In addition, the industrial shed on the south west boundary would be refurbished to be used for storage of mechanical plant and vehicles. The asbestos cladding would be removed and replaced with lower level brickwork and steel cladding, along with new doors and kingspan profiled sheet roofing material.

Within this zone parking is proposed for RCVs, vehicles awaiting maintenance, repair and MOT, and minibuses; with 64 bays proposed for use by operator licenced vehicles including RCVs; 5 MOT parking bays, 11 bays for fleet parking and 22 car parking spaces.

Fuel pumps and fuel stores are proposed as well as vehicle wash bays and an area for bin storage. External lighting is proposed across the site with floodlights on 8m high columns and each building fitted with 6-8m high wall mounted floodlights.

Parking and access

In total, the scheme proposes a total of 372 parking spaces comprising 225 employee and visitor parking spaces (including 5 disabled spaces), 72 for light vehicles, and 75 for other (e.g. RCVs). 60 cycle spaces are also proposed.

Three site access points would be provided from Cledford Lane to ensure that waste vehicles are separated from other vehicles. The waste vehicles would access the site via dedicated entrance and exit gates off Cledford Lane. Lay-by areas are provided within the site to avoiding queuing or parking on Cledford Lane. Vehicular access to the offices, parking areas and fleet maintenance workshop would utilise an improved access adjacent to the retained office building.

Pedestrian and cycle access would be provided into the site adjacent to the main site entrance, avoiding the need to cross the access to the WTS, where larger vehicles would be turning.

In order to secure two way traffic movements along Cledford Lane, the existing car parking bay along the frontage of the office building currently used by residents living opposite the site would be removed and replaced by a lay-by located between the two new access points. Appropriate parking restrictions would be implemented along Cledford Lane to ensure that two-way access is available during the typical operating hours of the facility. In order to provide a safe off-carriageway cycle route, the existing footway would be widened along the entire frontage of the application site onto Cledford Lane. Dropped kerbs and tactile paving would be provided at the site entrances.

Operating hours

A range of operating hours are proposed for the different services. The office and Environmental Services/street cleaning facilities would operate 24 hours over 7 days a week (including Bank Holidays). The fleet management/workshop would operate between 0600 to 2200 hours over 7 days a week (including bank holidays). The waste transfer would operate 0600 to 2200 hours every day (including bank holidays) apart from Sundays. The proposed external lighting times are 0600 to 0630 and 2100 to 2200 in summer periods; and 0600 to 0830 and 1630 to 2200 in winter.

POLICIES

The Development Plan comprises the Cheshire Replacement Waste Local Plan 2007 (CRWLP) and The Borough of Crewe and Nantwich Adopted Local Plan (CNBLP).

The relevant development policies are;

Cheshire Replacement Waste Local Plan (2007) (CRWLP)

Policy 1: Sustainable Waste Management
Policy 2: The Need for Waste Management Facilities
Policy 5: Other Sites for Waste Management Facilities
Policy 12: Impact of Development Proposals
Policy 14: Landscape
Policy 15: Green Belt
Policy 17: Natural Environment
Policy 18: Water Resource Protection and Flood Risk
Policy 22: Aircraft Safety
Policy 23: Noise
Policy 24: Air Pollution; Air Emissions Including Dust
Policy 25: Litter
Policy 26: Odour
Policy 27: Sustainable Transportation of waste
Policy 28: Highways
Policy 29: Hours of Operation
Policy 32: Reclamation
Policy 36: Design

Crewe and Nantwich Borough Council Local Plan (2005)(CNBLP)

Policy NE.2: Open Countryside
Policy NE.7: Sites of National Importance for Nature Conservation
Policy NE.9: Protected Species
Policy NE.17: Pollution Control
Policy NE.20: Flood Prevention
Policy NE.21: New Development and Landfill Sites
Policy BE.1: Amenity
Policy BE.2: Design Standards
Policy BE.3: Access and Parking
Policy BE.4: Drainage, Utilities and Resources
Policy BE.6: Development on Potentially Contaminated Land

National Planning Policy and Guidance

National Planning Policy Framework
National Planning Policy for Waste

Other Material Considerations

Waste Management Plan for England
The revised EU Waste Framework Directive 2008 (rWFD)
Government Review of Waste Policy in England 2011 (WPR)
Waste Management Plan for England 2013
Cheshire East Waste Management Strategy
Cheshire East Waste Needs Assessment 2014
Cheshire East Local Plan Strategy Submission Version

CONSULTATIONS (External to Planning)

The Strategic Highways and Transport Manager:
The proposed development is located on the south side of Cledford Lane a 'C' class road which runs east west intersecting with the A533 towards the west after traversing the Trent and Mersey canal by way of a crossroads arrangement. A footway is provided on the southern side of the road with a narrow footway along the frontage of residential properties on the north side. Part time parking restrictions (Monday to Saturday 8am to 6pm) are in force along Cledford Lane combined with a provision for on road parking primarily to serve nearby residential properties not benefitting from on-site parking. At the eastern edge of the site Faulkner Drive meets Cledford Lane at a priority junction. Faulkner Drive serves a salt works owned by Tata Chemicals. East of this junction, Cledford Lane passes under a railway bridge (height restricted to 4.3m) and turns into a rural lane serving a small number of properties.

A533 Booth Lane is a single carriageway road running in a north-south direction through the southern portion of Middlewich, leading southwards to Elworth and Sandbach. Booth Lane is approximately 6.5m wide and is subject to a 30mph speed limit through the built-up area of Middlewich, changing to 50mph as it enters the rural area. A footway is provided along the western side of Booth Lane only.

Three access/egress points onto Cledford Lane are envisaged to serve the development; one for car traffic and a second and third point for HGV vehicles. Cledford Lane serves a number of commercial uses included British Salt operations which generate a significant number of HCV movements. The proposal consists of the construction and operation of a waste transfer station and refuse derived fuel processing facility, the refurbishment of existing site buildings to provide offices, a vehicle maintenance workshop, an MOT Test Centre, environmental services accommodation and ancillary development including car parking.

<u>Transport Assessment analysis</u>

Safe and Suitable access

In order to ensure safe and suitable access to the development consideration has been given to the type and number of vehicle movements generated by the proposal and the junctions that will experience an intensification of movement. It is important to note that as part of the analysis the existing extant traffic generation from the Ideal Standard site has been taken into account and deducted from the proposed traffic generation. On establishment of where increases will take place an assessment of the current suitability of such junctions to accommodate additional traffic has been undertaken. The most notable impact is at the A533 Booth Lane/Cledford Lane junction with other junctions notably the A54/A533 Leadsmithy junction experiencing a marginal increase. Given that the existing road geometry at the latter

junction is considered safe and suitable for current operations attention has been focused on the former junction where turning movements to/from Cledford Lane are impeded by the existing access geometry compounded by the presence of a bridge structure over the canal. It is acknowledged by the applicant that intensification of this access by HCV traffic will take place therefore mitigation to ensure safe and suitable operation is required.

Signalisation option

It was agreed with the applicant following discussion of possible mitigation proposals the option of signalising the current crossroads junction incorporating a stop line on Cledford Lane that is positioned to the east of the canal bridge is preferable. This would allow articulated HGVs to turn into Cledford Lane without conflicting with exiting vehicles, thereby eliminating this conflict. The scheme would also allow the introduction of formal pedestrian crossing facilities, which will assist in securing a safe walk route between the development and nearby bus stops. There are already parking restrictions along the approaches to the junction and therefore on-street parking should not be affected by these proposals save for the relocation of parking along Cledford Lane. From a junction capacity perspective, the proposed layout has been tested utilising LINSIG software illustrating it operates satisfactorily during peak periods at the 2021 future assessment year. In order to minimise delays to through traffic travelling along Booth Lane, it is proposed to operate the junction using 'vehicle actuation' which detects vehicles on a specific arm and only stops traffic on the A533 when demand is detected on the side roads. Accordingly the option of signalising the Cledford Lane/A533 junction has been proposed and accepted by the Highway Authority which has been subject to a Road Safety Audit.

As part of the access mitigation waiting restrictions will be introduced along Cledford Lane to prevent on street parking with a lay-by created to the East to accommodate parking associated with adjacent residential properties. A sum of money of £5,000 will need to be received from the applicant to enable an essential TRO to be progressed and implemented.

Capacity Analysis

With regard to traffic impact of the proposal, the location of the site to the south of Middlewich adjacent to the strategic road network will result in an increase in traffic utilising the A54/Leadsmithy junction which currently suffers from capacity constraints at peak times. An improvement scheme at this junction has been funded as part of previously consented development, currently under construction, which will provide a degree of additional capacity. The impact of development traffic at this junction has been quantified by traffic analysis undertaken by applicant including appropriate committed development to ensure a robust analysis. The additional vehicular impact is deemed acceptable given the predicted effect on the operation of the junction at peak times when judged against the NPPF policy of resisting development only on the basis of resulting serve residual harm.

The Highway Authority has been mindful of an appeal decision (ref: APP/R0660/A/10/2129865 & 2142388) into a proposed Energy from Waste development on Pochin Way and the comments of the Inspector on the highway implications of the proposal. The Inspector raised concerns regarding the assumptions made within the accompanying Transport Assessment which, in his opinion, resulted in a flawed assessment of the impact of

the development on the operation of the A54/A533 junction being made. The Highway Authority believes that the circumstances surrounding the current application are quite different as the context has changed namely the robustness of the supporting transport information, the mitigation secured by previous applications and the policy framework changes in the intervening period material to assessing the application. The impact of development traffic has been quantified at other key junctions within the vicinity of the site and along the likely links development traffic would utilise but given the relatively low impact and when judged against paragraph 32 of the NPPF the impacts are deemed acceptable.

Sustainability

The accessibility of the site by alternative modes has been considered. Public transport provision is located close by along Booth Lane/Cross Lane with relatively frequent bus services. As part of the mitigation strategy the installation of a signal controlled junction at Cledford lane/Booth Lane will provide enhanced pedestrian connectivity within improved footways and the combination of formal pedestrian crossing facilities within its operation. Overall, the site is reasonably accessible and it is concluded that it is acceptable from a sustainability perspective.

Conclusion and recommended conditions

The signalisation of the Cledford Lane/A533 junction will enable a safe and suitable access to be provided for this development proposal accommodating the existing and proposed development traffic.

The A54/Leadsmithy junction suffers from capacity constraint at certain times of the day however following analysis the proposed development traffic will not result in a severe residual impact warranting refusal on this basis. Improvements are planned at this junction secured from application 12/2584 & 12/2685 by way of a Section 106.

Conditions

1. To secure the off-site highway works at the Cledford Lane/A533 junction of signalisation and associated works (including the relocation of parking along Cledford Lane by way of a lay – by provision and successful implementation of a TRO) prior to the operation of the waste transfer station;
2. Construction of new accesses along Cledford Lane providing visibility splays of 2.4m x 43m prior to occupation of the development;
3. Implementation of the internal parking and servicing arrangements prior to occupation;
4. Submission of a construction management plan and routeing agreement prior to commencement of works.
5. Implementation of the submitted Travel Plan.

Informative

The required off site highway works/monies will need to be secured by an appropriate agreement between the applicant and the Highway Authority.

The Council's Environmental Health Officer:
The proposed development would introduce a number of potential additional environmental impacts at residential properties. These potential impacts are considered in turn below.

Noise
A revised noise assessment and detailed noise impact predictions have been submitted with this proposal to give an indication of the likely impacts and requirements for mitigations measures. The main sources of noise can be summarised as:

- Refuse collection vehicles (RCVs) entering and leaving the site
- Depositing and processing of waste in the waste transfer station (WTS) buildings
- Outdoor activities associated with street cleaning and environmental services
- Workshop activities
- Construction noise

The assessment for HGVs associated with waste collections were predicted to cause noticeable impacts at properties on Cledford Lane particularly between 6am and 7am and after 7pm and this was not considered acceptable due to lower background levels and increased sensitivity at these times. Following discussions with the applicant, it was agreed that other than in exceptional circumstances all RCV deliveries and collections could take place between the hours of 7am and 7pm to reduce these impacts and to ensure that the waste transfer building door would normally remain closed outside of these hours. Should planning permission be granted it would be considered important to establish circumstances that would be considered as exceptional and that a record of such events to be kept and available for inspection.

Activities within the waste transfer building such as depositing, bulking, sorting and loading waste are known to typically cause high noise levels. The structure of the building has been designed so as to significantly attenuation the noise levels breaking out from the building. The integrity of the acoustic properties of the structure should not be compromised by the design of any outlets, vents and doorways. The latter should contain fast acting, acoustic roller shutters to keep noise breakout to a minimum. If the above criteria are met then the noise impacts from the waste operations within the buildings could be considered acceptable for the hours proposed.

The proposed street cleaning and environmental services activities include the departing of cleaning vehicles from 6 am. This could particularly have an adverse noise impact on those properties on Cledford Lane at this early time and when multiple vehicles are leaving. The applicant has considered the possibility of staggering and delaying where possible the early morning fleet vehicles. A fleet management plan should be submitted to optimise any opportunities for implementing such measures. However there remains some uncertainty in the ability to effectively mitigate these impacts.

In terms of on-site street cleaning and environmental services activities, the proposal is for 24 hour use although it states that weekend and night time activities would be limited and would primarily include responding to "environmental incidents". The main noise concerns associated with such activities are likely to be from impulsive noise from loading and unloading. Noise of this nature is typically difficult to mitigate and the frequency and magnitude of such events are not easy to quantify. In addition there is some uncertainty in the frequency of such incidents and this could effect the likelihood of complaints. The noise

report predicts that the maximum noise levels at night time would not exceed the World Health Organisation guideline values for sleep disturbance. Noise management becomes a highly important aspect of such night time activities and a robust and detailed plan would be expected to make these activities potentially acceptable. Should planning permission be granted then noise limit values stating maximum permitted noise levels and a noise management plan should be agreed as planning conditions.

The workshop is proposed to be operated from 6am to 10pm. The effective mitigation of noise should require the avoidance of noisy activities such as angle grinding during weekends and between 7am and 7pm. Similarly to the waste transfer station building, acoustic doors should be incorporated into the design and kept shut whenever possible to ensure that noise impacts from these activities are controlled if planning permission is granted.
In addition to controls to the above noise sources, any vents and / or fans included in the detailed design should be controlled as such as to not introduce any new noise sources at sensitive receptors.

The construction noise (and vibration) from a development of this scale has the potential to cause annoyance and it would be expected that a robust Construction Environmental Management Plan is agreed.

This section has residual concerns over the noise impacts relating to the nature and indefinite frequency of outdoor activities particularly during weekends and night times. Complete and effective control is reliant on noise management and it is not always feasible to contain sporadic impulsive noises.

The noise assessment proposes that double glazing is offered to the most affected properties on Cledford Lane. This would significantly attenuate noise inside living areas when windows were closed and whilst this cannot be stipulated as a planning condition it would be recommended that a commitment is made to this offer. It has to be remembered though that the glazing does not attenuate noise levels in outdoor areas or when the windows are opened.

Odour

The control of odour emissions from Environmental Permitted processes will fall under the authorisation of the Environment Agency. However, the planning process is required to consider whether the proposal is an acceptable use of the land from an odour perspective.

The depositing, processing and loading of waste in the main WTS building is the primary source of odours in this proposal. The air quality assessment considers the odour emissions and their dispersion in the local area. Concerns were raised by this section about the odour source concentrations used and it was considered that they were an underestimate of the levels that would be likely to occur. A revision of the odour emissions (considered by this section as a realistic rather than an “extreme” estimate) and the ground level concentrations has been made and confirmed that an effective and fully maintained bio filter would be required at the discharge stack to ensure that concentrations at sensitive receptors are acceptable.

The other potential emission point for odours would be via fugitive emissions from any other vents and opening such as the doors. It is understood that the assessment has assumed that there would be no such emissions. This would require that a negative pressure would be maintained within the WTS building. To ensure that this is the case, the design of the fans should be such as to allow this. Additionally the building design is required to allow an air exchange rate of 2.9 times per hour. Confirmation of this detailed design should form part of a planning condition to ensure that this is the case and that the predicted odour concentrations in the building can be achieved.

Therefore from an odour perspective there are some remaining concerns regarding detailed design and if planning permission is granted it is again vital that there should be planning conditions in place to ensure that effective bio filter and ventilation systems are included in the design.

Air Quality

The air quality assessment estimates the impacts of the emissions from the road traffic generation associated with this proposal. Computer models estimate the ground level concentrations at the most sensitive of receptors in the centre of Middlewich where existing levels are the highest in the area. Other areas have not been specifically focussed upon however it is known that background levels are not as high in the areas surrounding the proposed site for example.

It is considered that the predicted concentrations at properties on Lewin Street in Middlewich may be slightly underestimated due to the selection of the model adjustment factor in this location. The impacts will remain relatively small from this development, however monitoring by Cheshire East Council in this location indicates that the national health based standard for nitrogen dioxide may be exceeded. Therefore it is considered that the impacts could be moderate in this area and in the context of the cumulative effect of other developments in Middlewich, some significance should be associated with the effect of these impacts.

It such circumstances it is recommended that effective and robust mitigation measures are included in the proposal. The plans indicate that 3 electric charging points will be included in the staff car park. Details of these should be agreed in the form of a planning condition. At our request, a revised transport plan has been submitted. This sets out a sustainable strategy for the proposal's staff journey to work and requires targets to be set and review to be carried. The implementation of the submitted plan should be a requirement of any planning permission. In addition to be above recommendations, it is considered necessary that a strategy for the standard and modernisation of the vehicle fleet associated with this proposal should be submitted and accepted.

Operations in the WTS buildings have the potential to generate dust. A negative pressure system and the closing of doors to the buildings as described for odour control should be sufficient as to alleviate any impacts beyond the site boundary. An operational dust management plan should be agreed to ensure that the whole site does not give rise to wind blown or tracked out dust issues.

The air quality assessment also considers the impacts on air quality from the construction phase of the development. The predominant issues for a development of this size relate to

the potential annoyance that may occur from dust soiling impacts. Any development of this size would be required to contain an appropriate construction dust management plan as indicated in the assessment.

Further information has been supplied on the specifications of a biomass plant. Given the relatively small size of the plant (205kW) it would not contribute significantly to ambient nitrogen dioxide and particulate matter concentrations. However, to avoid black smoke nuisance there would be a requirement for controls on the fuel quality and storage, maintenance and the stack height.

Lighting

A lighting plan has been submitted and indicates that the proposal should cause no light trespass onto adjacent properties. I would recommend that should planning permission be granted a lighting survey should be carried to verify the predicted lighting levels and that no residential properties are adversely affected by light glare or trespass. Any lighting not required during night time periods should be turned off at the appropriate times.

Pests and litter

These potential impacts would be controlled by good site management and the confinement of all waste to the WTS buildings.

Bio-aerosols

Bio-aerosols can become airborne when green waste that has begun to decompose is disturbed. A composting facility has not been proposed at this site and therefore there are not expected to be any issues beyond the site boundary. HSE good practice guidance should be followed for workers in the WTS recycling building and a maximum period for green waste storage should be agreed.

In summary, this section has considered all the information submitted and the potential impacts. Revisions have been put forward that would reduce the potential impacts to noise and odour. Reviewing the data and proposals for operational limits it is considered that if effectively maintained, managed and enforced, this proposal would be considered acceptable from an Environmental Protection perspective.

However, whilst this section would not make a recommendation of refusal based on the data submitted, we have residual and genuine concerns relating to the ability to constantly and effectively maintain the required levels of noise management and contain odour emissions given the nature and relative close proximity of the activities to residential properties. As stated above there are uncertainties relating to the frequency of incidents that would require a response, the ability to control impulsive noises and the ability of the WTS building to contain fugitive odour emissions.

It is understood that a planning balance has to be made and we would request that this view forms part of this decision.

Should planning permission be granted it is strongly recommended that the following issues as a minimum are covered by planning conditions (full wording to be confirmed).

Noise

- Agreement of acoustic design of the structures to achieve the attenuation levels stated (including no loss of attenuation from fast acting doors, vents / fans, other openings).
- A 7am to 7pm limit on RCV vehicles movements and WTS door opening under normal circumstances (definition to be agreed),
- Agreement of a noise management plan for all on-site areas and should include:
    - Phasing of street cleaning vehicles departures
    - Best practice measures for all operations and staff
    - Avoidance of high impact noise activities during evening and night time operations
    - No tonal reverse alarms to be used on site
    - Strategic plan of outdoor activities and consideration of further acoustic screening if necessary
    - Policies on enclosed areas and door use
    - Record of incidents and exceptional circumstances
    - Response and management of complaints
- Noise limits for LAeq (45 dB) and LAmax (60 dB) at noise sensitive properties based on the noise assessment predictions
- Noise monitoring programme to assess noise impacts against noise levels
- Construction Environmental Management Plan (to cover noise, vibration and dust)

Odour

- Ventillation design to achieve minimum air exchange rate in WTS building of 2.9 per hour and maintain negative pressure
- Installation and maintenance of effective stack biofilter

Air Quality

- Agreed details and maintenance of electric charging points for staff car park
- Implementation of the submitted Travel Plan
- Agreed plan on fleet management and replacement strategy
- Dust and litter management plan

Biomass

- The stack height shall not be less than 1 above the highest point of the workshop building, The boiler shall be installed and operated in accordance with the manufacturer's recommendations.
- The boiler shall only be operated using G30 woodchip with a moisture content not greater than 20%.
- The operator shall notify the Local Authority Regulatory Services and Health department of any changes in the fuel type / quality and if required to do so submit a declaration that the new fuel complies with a recognised fuel quality standard (such as

CEN/TS 14961:2005, or ONAD) and that emission values (as specified on the Biomass Boiler Information Form) will not be raised.

- Prior to coming into first use, the operator shall agree with the Local Authority Regulatory Services and Health department a written maintenance schedule to include removal of ash, inspection, maintenance of particulate arrestment plant, and servicing schedule.
- The boiler shall be operated in accordance with the above agreements at all times.
- Any changes / alterations to the maintenance schedule shall be notified to the Local Authority Regulatory Services and Health department
- There shall be no visible smoke emissions from the boiler flue during normal operation of the plant except during start up procedures, unless otherwise agreed in writing by the LPA.

Lighting

- The lighting shall thereafter be installed and operated in accordance with the approved details. Following completion of lighting installations a confirmation of lighting levels in comparison to the predicted levels and their impact on residential receptors shall be carried out.

Contaminated Land Officer:

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

- The application area has a history of industrial use and therefore the land may be contaminated.

- This site is within 250m of a known landfill site or area of ground that has the potential to create gas.

- We have already been working closely with the consultant regarding the assessment of this site with regards contaminated land and are satisfied with the assessment to date.

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:

CONDITION CLC3

- Prior to the development commencing, a Remediation Strategy shall be submitted to, and approved in writing by, the Local Planning Authority (LPA). The remedial scheme in the approved Remediation Strategy shall then be carried out.
- A Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.

REASON RCLC8

- The Phase II contaminated land report recommends that a Remediation is required to address the 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 BE.6 of the Crewe & Nantwich Borough Council Local Plan.

INFORMATIVE NCLC1
- The applicant is advised that they have a duty to adhere to the regulations of Part 2A 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.

Nature Conservation Officer:
The Cledford Lane site supports quite limited areas of semi-natural habitat, however in it located in a part of the Borough known to support a number of protected and priority species. The potential for these species to be present on site and subsequently the risk of them being affected by the proposed development is however low.

Cledford Lime Beds Local wildlife Site
The proposed development is located adjacent to the application site. The potential impacts of the proposed development are likely to be limited to a potential increase in disturbance during the construction phase.

Woodland
The submitted phase one habitat survey identifies a small area of woodland in the south western corner of the application site. This small area of habitat would be lost as a result of the proposed development with a corresponding loss of biodiversity.

This loss would be at least in part compensated for through the proposed native species planting.

Grassland Habitats
The botanical survey has recorded a significant number of plant species being present on site particularly considering the relatively limited extent of semi-natural habitat on site. However the diversity of all of the habitats on site falls below that which would warrant their designation as non-statutory Local Wildlife Sites. There will inevitable be some loss of habitat associated with the development however the retention of habitat along the site of the canal would ensure the site maintains some value for wildlife.

Badgers
No evidence of badgers was recorded on the application site. However, this species is known to occur within the general locality of the application site. As the status of badgers on a site can change in a short timescale it is advised that if planning consent is granted a condition should be attached requiring an updated badger survey to be undertaken prior to the commencement of works on site.

Great Crested Newts

This species is known to occur in the broad locality of the application site and a number of waterbodies have been identified within 250m of the application site that have potential to support this species. Survey efforts for this species have however been thwarted due to lack of access permission to assess nearby ponds.

It is advised that the application site supports only relatively small areas of suitable habitat for great crested newts. In addition the higher quality ponds are isolated from the development site by roads and/or the railway line. On balance it can be concluded that the proposed development is unlikely to have a significant adverse impact upon this species.

The submitted ecological report recommends the implementation of Reasonable Avoidance Measures to minimise the risk posed to great crested newts. It is advised that whilst sensible these should be regarded as a purely precautionary measure.

Reptiles

Grass snakes have also been recorded in the broad locality of the application. I advise that the application site supports relatively small areas of habitat for grass snake. The potential impacts of the development of grass snakes could also be satisfactorily dealt with through the implementation of a method statement of 'Reasonable Avoidance Measures' as has been included with the submitted habitat survey.

Bats

The majority of buildings on site have low potential to support roosting bats. The exception to this is 'Office G1' which is the oldest building on site, has a complex roof void and is located adjacent to the canal and linear tree planting. A detailed bat survey of this building has been undertaken. No evidence of roosting bats was recorded and it is advised that roosting bats are unlikely to be present or affected by the proposed works to this building.

As the two trees with bat roost potential, did not show any evidence of being used by bats and are proposed to be retained, it is advised that no impacts associated with bats roosting within the trees on site are likely.

Otters and water voles

No evidence of either of these species has been recorded. I advise that these species are not reasonable likely to be present or affected by the proposed development.

The submitted habitat survey however includes precautionary recommendations to further minimise the potential risk posed to these two species.

Polecat, hedgehog, common toad

These priority species have been recorded in the broad locality of the application site. However, it is advised that the application site is unlikely to offer significantly important habitat for these three species.

Breeding birds

If planning consent is granted the following conditions would be required to safeguard nesting birds and to ensure some provision is made for nesting birds and roosting bats as part of the proposed development.

Prior to the removal of any vegetation or the demolition or conversion of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.

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

Prior to the commencement of development detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds and roosting bats shall be submitted to and approved in writing by the Local Planning Authority. The approved features shall be permanently installed prior to the first occupation of the development hereby permitted and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

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

Conditions

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

- Updated badger survey prior to the commencement of the proposed development.
- The propose development to proceed in accordance with the amphibian, aquatic mammal and reptile 'Reasonable Avoidance Measures detailed in paragraph 4.2.1, 4.2.2, 4.2.6 of the submitted Extended Phase 1 habitat survey dated May 2015 prepared by WYG.
- Safeguarding of nesting birds
- Submission of details for the provision of bird and bat boxes.

The Council's Landscape Officer:

As part of the application a Landscape and Visual Appraisal has been submitted, this has been undertaken using the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA 3). As part of the Landscape and Visual Impact Assessment the baseline landscape character is identified at both the national and regional level. The application site lies within the National NCA 61 Shropshire, Cheshire and Staffordshire Plain. At the regional level the application site is located the area identified in the Cheshire Landscape Character Assessment (2009) as Landscape Character Type 7: East Lowland plain, Wimboldsley Character Area (ELP5).

The proposal is for the development of an Environmental Services Hub comprising the construction and operation of 2 no. waste transfer stations, identified as waste transfer station and waste transfer station for recycling, and the refurbishment of existing on-site buildings including site offices, a vehicle workshop and store buildings.

The appraisal identifies adverse landscape amenity effects as a result of the changes in the context of the public access route passing alongside the north of development site, along Cledford Lane. These are considered to be short to long term during the construction and

operational periods due to potential increased traffic flows entering and leaving the site. The appraisal indicates that a minor adverse effect will occur.

The visual appraisal identifies effects ranging from no effect to moderate adverse and slight beneficial at varying stages of development. Adverse visual effects have been identified from the five representative viewpoint locations as a result of the development. These result from the anticipated visual change experienced from the public access routes passing close to the site and residential properties located within close proximity to the development site.

The appraisal concludes that the proposed development would result in some moderate adverse visual effects from representative viewpoint locations during construction and operation, in close proximity to the site, but that these are likely to be reduce over the medium to long term. I would agree with this conclusion.

Heritage officer:
This site lies adjacent to the Trent and Mersey Canal Conservation Area and there is a Grade II lock and a Grade II mile post located much further away from the site to the south.

Although the western edge of the proposed site runs alongside a stretch of the Trent and Mersey canal conservation area the proposed works should have little impact upon its existing character and appearance, given that it is an existing industrial site and provided the existing vegetation on the canal boundary of the site is retained and supplemented with native tree and shrub species.

It will also be important that any proposed external lighting is suitably shielded to prevent an increase in light levels on the canal.

Similarly any security fencing **t**o the northern end of the canal should be in black metal, to assist its assimilated into its historic setting.

It is noted that the proposals will involve the retention of a brick built 1902 building on Cledford Lane and a war memorial which is welcome, as these are heritage assets.

Conclusions: Are the proposals acceptable and justified?
Yes, provided the issues highlighted above in bold are conditioned.

Archaeology:
The application is not supported by any submission which considers the archaeological implications of the development but I have completed a rapid check of the historic mapping and place name evidence and there does not seem to be any particular archaeological potential with regard to this site prior to its industrial development in the last years of the 19th century.

This industrial archaeological interest is best illustrated on the Ordnance Survey third edition 25” map of the area which shows a complex of buildings, railway sidings, reservoirs, and other structures, which are described as an electrolytic alkali works. These works would have processed brine for use in the chemical industry.

The 1946 aerial photographs show that this complex of buildings had been largely demolished by this time (with the exception of the offices in the north-west corner which are to be retained) and widespread ground disturbance across the site is evident on the photographs. Aerial imagery from the 1970s show the site as it remained until the recent clearance and it is clear that further significant earth moving occurred at this time, in order to accommodate the new factory buildings.

In these circumstances, it is considered to be very unlikely that features associated with the earliest industrial use of the site and of potential archaeological interest will have survived to the present day. In order to check this conclusion, a further examination of the most modern aerial imagery from 2010 has been undertaken and compared this with the various ancillary features depicted on the third edition mapping noted above. It has not been possible to identify any surviving features which relate to this map which confirms my conclusion concerning the extent of previous ground disturbance.

In these circumstances, it is advised that archaeological work would be difficult to justify and no further mitigation is advised.

Flood risk manager:
The Flood Risk Assessment (FRA) which discusses surface water discharge rates is based largely on assumptions, including an assumption of the capacity of the canal overflow system through the site (please note the canal overflow is classified as an ordinary watercourse). In line with the Defra technical standards, for previously developed sites, the peak runoff rate from the development must be as close as reasonably practicable to the existing runoff rate. The developer will therefore need to demonstrate that the existing site does indeed discharge into the canal overflow system and that it does so at the assumed rate. This is to ensure there will be no increase in flood risk as a result of the development.

We would suggest the following conditions are attached to any planning permission for the site.

1. The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by Cheshire East Council both as Planning Authority and Lead Local Flood Authority (LLFA). Those details shall include:

a) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for Climate Change)), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharge from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface water
b) Any works required off site to ensure adequate discharge of surface water without causing flooding or pollution (Which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant
c) Flood water exceedance routes, both on and off site

Reason:- To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed development.

2. No development should commence on site until such time as detailed proposals for disposal of surface water (including a scheme for the on-site storage and regulated discharge) have been submitted to and agreed in writing by Cheshire East Council both as Planning Authority and Lead Local Flood Authority (LLFA). The development shall be carried out in strict accordance with the approved scheme.

Reason:- In the interests of managing surface water flood risk impacts both on and off site, potentially resulting from the development proposals.

The Environment Agency:

The Water Framework Directive requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the site *could cause deterioration of a quality element to a lower status class.*

We have reviewed the submission of a Desk Study report (dated October 2014) and a Geo-Environmental Ground Investigation Report (dated May 2015) by WYG ltd for the proposed redevelopment of land off Cledford Road, Middlewich for a council environmental centre.

We have reviewed these documents to assess possible risks to controlled waters and the environment from the current and future conditions of the land. Our records indicate that the site is located above a Secondary Aquifer and within close proximity to Sanderson Brook. We consider these to be Controlled Waters.

The site has had a history of industrial uses which may have led to adverse levels of contamination in the ground which could pose a risk to the environment now and in the future.

The site investigation which has been carried out across the site appears to confirm this scenario. The information which has been presented indicates that the shallow groundwaters beneath the site rather than being a receptor in their own right are more likely to be a mechanism (pathway) by which mobile contamination in the shallow soils could adversely impact the nearby Sanderson Brook if the site were to undergo re-development.

The ground investigation has identified very shallow groundwaters in the ground (which we are interpreting to be evidence of the Secondary Aquifer) as well as hydrocarbon sheen(s) (table 6.3), ‘red’ product (table 6.4) and strong chemical odours (table 6.3 & 6.4).

Overall, based on the information which has been provided we would recommend that a more detailed assessment of the site conditions is undertaken and where that risk is shown to potentially, adversely, impact the environment a suitable remediation scheme should be developed.

We do not think that sufficient assessment has been undertaken for us to agree that the risk to controlled waters is low or moderate. We feel that positive pollutant linkages may well be present on site which requires further consideration. We feel this is an ideal opportunity to improve the conditions of the land (where needed) and safeguard the protection of the environment.

We have no overall objection to the proposed redevelopment and believe that the parcel of land can be brought back into beneficial use but we need to be satisfied that the requirements of the National Planning Policy Framework (NPPF) document can be met.

NPPF paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.

We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Condition
No development approved by this planning permission 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. Where necessary, additional site investigation scheme, (based on the ground investigation already undertaken) to provide added information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2. The results of the site investigation and the detailed risk assessment referred to in (1) 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.

3. 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 (2) 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 pollution of controlled waters from potential contamination on site.

Condition
No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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

Condition
No infiltration of surface water drainage into the ground where land contamination is present, is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

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

Condition
Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

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

Condition
The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The foul drainage from the development must be directed to the main sewer network. The scheme shall be implemented as approved.

Reason
To protect the water environment

Cheshire Fire and Rescue Service: no comments received.

Canal and Rivers Trust:
The Trent & Mersey Canal is designated as a conservation area and has significant wildlife, amenity and heritage value. The Trust is therefore pleased to note that the majority of the

existing vegetation on the canal boundary of the site will be retained, and supplemented with native tree and shrub species as part of the proposed re-development of the site.

The boundary treatments on the canal boundary of the site should be given careful consideration to ensure that they are appropriate to the conservation area and the character of the retained office building. With this in mind, we would advise that the use of wrought iron railings may be more appropriate than close wire security fencing at the northern end of the canal boundary.

We are satisfied that the Flood Risk Assessment has adequately investigated the existing surface water drainage arrangements relating to the site, including the presence of the canal overflow weir and culvert. The Trust's water management team is keen to ensure that there will be no adverse impact on the capacity of the overflow and would welcome the opportunity to work with the developer in respect of this. Also request a copy of the CCTV survey report, as they have not previously been able to establish the route and condition of the culvert.

Request full details of the arrangements for the disposal of surface water from the site, to clarify whether any water will discharge directly to the canal. If not, it is important that any existing discharge pipes are stopped up or removed prior to any works commencing on site.

The Geo-Environmental Ground Investigation included canal water sampling, and the results suggest that pollution from the site may be impacting on canal water. However, there does not appear to be any suggestion that there will be any further investigation of this issue or that remedial measures are required to address the impact. The Trust therefore requests that the applicant considers further the potential impact that the site is having on the canal water quality and ensures that the canal is considered as a receptor when the remedial measures to address the identified contamination are developed.

The proposed external lighting scheme has the potential to adversely affect the use of the canal corridor. We would recommend the use of cowling or other directional coverings to ensure there is no increase in light levels on the canal.

Overall no objections are raised subject to conditions in respect of details of hard and soft landscape treatment to be submitted and approved prior to the commencement of development in consultation with the Trust; details of appropriate mitigation to prevent pollution of the canal or damage to canal infrastructure or its users during construction works to be submitted prior to the commencement of development and approved in consultation with the Trust; scheme for disposal of surface water to be approved in consultation with the Trust; and full details of the proposed lighting across the site to be approved prior to the commencement of development in consultation with the Trust.

Health and Safety Executive:

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Network Rail: none received

United Utilities

No objection subject to conditions in respect of site being drained on a total separate system and demonstration of the site's surface water run-off regime and application of a reduction of 30% thus catering for future climate change parameters.

Inland Waterways Association

No objection to the proposals but make the following observations:

The treatment of the site boundary to the canal should be given careful consideration to ensure that they are appropriate to the conservation area and the character of the retained office building. With this in mind, we feel that close wire security fencing at the northern end of the canal boundary is inappropriate. Wrought iron railings would be more in keeping with the character of the site.

Lighting and landscaping should be carefully considered to ensure that the development is appropriate to the character and wildlife requirements of the Trent & Mersey Canal corridor and accords with Policies NR4 and BH9 of the Congleton Local Plan and the NPPF.

VIEWS OF THE PARISH / TOWN COUNCIL

Middlewich Town Council:
Object on the following grounds:

Transport and infrastructure – there has not been a proper assessment of the access to the site; Cledford Lane bridge is not wide enough or fit for purpose, and the junction with Booth Lane is too tight meaning that some vehicles will have to swing wide to access or exit Cledford Lane which will stop traffic on Cledford Lane and Booth Lane. The additional traffic generated by the site's operation will have too great an impact on the existing road network and will be detrimental to local residential properties. The application does not provide for sustainable travel to work options - there are inadequate public transport options and the canal towpath is not suitable due to access and surface issues for pedestrians or cyclists, Cycle Route 71 goes through a very dangerous junction. This means the proposal is not in accordance with National Planning Policy Framework. The site is not sustainable until a bypass is in place;
Location – the site is not a preferred site within the Cheshire Replacement Waste Local Plan. The site does not comply with the "proximity principle" which states that waste should be treated as close to its source as possible in order to minimise the environmental impacts which arise from the transportation of waste. The option of a single depot located in Middlewich to deal with all the waste from Cheshire East would mean waste travelling great distances; if a single site option was seen as the preferred option it would be better located nearer a more densely populated area and a bigger conurbation;
Environment – the increase in traffic will have a detrimental impact on the local environment generating nuisance through noise, fumes and odour. Additional noise nuisance will be generated by the site's operation, particularly if the applicant's request for unlimited operating hours is granted. The Town Council objects to unlimited hours of operation bearing in mind the proximity to a residential area. Lighting – the application states lighting of the depot will be through 8m tall lamp posts so again hours of operation must be limited to minimise light pollution to local residents. Odour nuisance will also occur as odours from the site are to be vented through a chimney stack without any filtering of smells from the building. The

proposed odour abatement equipment requires a vent stack to be included in the building design and this stack would rise to approximately 1.5 m about the roof ridge height of 16.8 m leading to negative visual impact. The proposal will have a wider detrimental impact on air quality by the additional traffic generated around the Town Bridge traffic lights, in an area where air quality is already poor due to traffic issues;
Ecology - the site is close to a site of significant biological importance and the application makes no reference to this and there are no stated protection measures;
Drainage - there is no reference to a sustainable drainage system or flood risk strategy;
Emergencies - there are no contingency or emergency plans for dealing with a major disaster at the site; the Council notes that fires have occurred at waste transfer centres on average of 1 per day;
Covanta - the refusal of the application for the Covanta Energy from Waste site has set a precedent against similar operations in Middlewich; and

Public consultation - the Town Council has concerns about the consultation event carried out in March which was inadequate with very little prior publicity. During the consultation event itself there was minimal information available about the highways issues arising from the proposal. The application details have changed since the consultation with additional elements included such as an MOT facility.

Comments in relation to additional information submitted

Transport - the junction capacity assessment suggests that this proposal will generate less traffic on Cledford Lane as previously. How do the assessors judge previous and future use? Where did the figures come from and is the assessment all desktop based?
Environmental Protection - The report quotes that the proposals will not have a material impact on the local transport network. However, there will be an obvious and severe detrimental effect upon the quality of life for residents of Cledford Lane. The report proposes the fitting of double glazing to neighbouring properties. There is a garden adjacent to the site entrance and the houses do have external amenities. The Town Council suggests that there is a need for double doors to the Waste Plant to limit emissions and to restrict the quantity of waste on site. Why have the plans for the receptor been revised?
Assessment of alternative sites - a review of preferred sites discounted a number of other sites from consideration, why were the other sites revisited, given that a one site strategy was adopted.
Operational issues – the timescale for storage of RDF is subject to contract. A review of transport costs and gate fees means at this stage accurate information cannot be provided at this time, we need to know where the RDF sites are situated to address cost implications and environmental footprint ie carbon emissions. External lighting – the hours stated for the external lighting are 6.00am – 6.30am and 21.00-22.00pm, summer and 6.00 – 8.30 am and 16.30 – 22.00pm, winter and it is stated that this may be subject to change, however, this is a 24 hour operation so what about illumination of the plant between 22.00pm and 6.00am and the noise of vehicle movements through the night. The Town Council will seek advice from Environmental health on this matter.
Signalisation of junction - the plan aims to set back where vehicles leaving the site will stop in the morning. Wwill these vehicles not just stream out, turning left towards Sandbach. People attempting to turn right out of Cross Lane will suffer as well residents of Cledford Lane due to noise and pollution early each morning. There are already problems for vehicles turning at this junction. The report notes a slight decrease in the number of HGVs travelling to the site.

How can numbers decrease or become easier if the problem is already there? It is stated that the cost of providing the footbridge is prohibitive – what are the figures? Will the no waiting yellow lines in this area be extended? It is stated that priority will be given to Cledford Lane and Cross Lane if the demand is greater than on Booth Lane, this will mean maximum queue length on Booth Lane of 19 vehicles this represents a lot of delay on a major road. The Town Council requests that site visits are made to address this matter, one at peak time, and one off peak.
Dust impact to British Salt - . There are 4 stages: demolition, earth works, track out and construction. Are these assessments conducted via desktop surveys. How can it be known how much dust will be created by demolition. Why is it that in the table the figure for demolition dust is described as N/A? Noise - "significant observed adverse effect". People will have their quality of life diminished if they reside on the properties on Cledford Lane adjacent to the site. Night time operations will have high decibel levels. Will jack hammers be used to remove HGV wheel nuts? These are not mentioned in the report. There is also an issue regarding noise of emission testing and MOTs. Further regarding noise a rise of 3 decibels is predicted and up to 5 decibels on a Saturday. What will be done to safeguard workers on site from excessive noise?
Biomass - the information states that the stacks will be 7.5m high and therefore another source of pollutant to the local area.
Road safety audit - suggests that waiting buses could restrict visibility and suggests relocating the bus stop to a point yet to be agreed. Where? Will it have a shelter? There is potential for conflict re on street parking on the south side of Cledford Lane. It is proposed to extend double yellow lines to prohibit parking near to the stop lines. This will provide further inconvenience of residents of Cledford Lane.

Sproston Parish Council
Object on the grounds that most of the traffic bringing the waste and returning after processing would be additional traffic on the A54 Holmes Chapel Road. This road already carries traffic in excess of 20,000 vehicle movements a day, living alongside this road is intolerable with the noise of HGVs and the air pollution, more traffic would only compound the situation.

OTHER REPRESENTATIONS

In excess of 700 letters of objection have been received, copies of which are available on the website. Issues raised include:

- Increase in volume of traffic will be detrimental to local highway network
- Adequacy of the highway network and the Cledford Lane junction, especially given existing problems; will create hazardous conditions for existing road users
- Impact on local residential roads and junctions especially due to parked cars; impacts when M6 is blocked
- Ability of emergency services to be able to reach the site with traffic problems
- Consider the technical assessments are flawed, do not contain correct data, inaccurate and conclusions are not justified; does nto reflect actual traffic generated by former use.
- Impacts on vulnerable road users
- Impacts on footway users due to HGV increase, particularly Lewin Street; associated fear and intimidation

- Local roads are too narrow
- Covanta Inspectors Report findings are still applicable
- Dangerous transport mitigation for properties adjacent to junction; mitigation is insufficient and looks at junction in isolation
- Scheme will cause greater problems on main roads around Middlewich, and more queuing at the junction
- Cumulative problems of traffic with other committed developments
- Mitigation relating to bus/cycle use is not quantified so cannot be properly assessed
- Moving the bus stop is not sustainable
- Footpath made
- Impacts to natural habitats and species, especially those using the canal
- Hours of operation are excessive, not justified and conflict with planning policy
- Visual impacts especially from vent stacks
- Fire risks from waste facilities
- Canal bridge is hazardous in winter
- Insufficient parking provision
- Site has poor sustainable transport connections
- Footpath narrowing breaches disability legislation
- Scheme breached human right act
- Need the by-pass before the development
- Loss of protected trees
- Impact on conservation area
- Structural impacts on neighbouring buildings
- Out of character with historic town
- Should be located on industrial site in Midpoint 18
- Impact on tourism, leisure and recreation especially along the canal
- Insufficient consultation and consultation did not reflect proposals
- Need for an EIA
- Conflict of interest with council being applicant
- Impact on viability of local business
- Light pollution to receptors
- Odour, noise and dust impacts to sensitive receptors and ecology
- Increased vehicle emissions with transport mitigation
- Cumulative pollution levels due to air quality in Middlewich
- Impact on health
- Impact from bioaerosols
- Its not cost effective and no economic benefits
- No real employment generation
- Prejudicial to wider regeneration of the town
- Intrusion in open space
- Impacts to highway east of railway not properly assessed
- Potential for toxic gas
- Middlewich should not deal with other people’s waste
- Not in line with proximity principle and waste framework directive
- Does not accord with planning policy
- Not sustainable waste management

- Not a preferred site and not justified
- Alternative site assessment is flawed
- Contamination of canal and watercourses; potential impacts to receptors including ecological
- Impacts on ability to use residential outdoor space which breaches UK legislation
- Impact on property values
- Goes against council policy of duty of care to local residents
- Northwich have identified waterside area for social and domestic builds, Middlewich should consider doing the same.
- Would destroy local character of Middlewich
- The council is using Middlewich as a dumping ground
- There is no support for this application among the local residents.

A petition has been submitted with 972 signatures and an electronic petition has also been submitted with 338 signatures which raises the following issues:

- Health risk as development is too close to existing housing
- Decrease in property values
- Vermin risk (especially given proximity to canal)
- Insufficient access or infrastructure for vehicles
- Risk to human health associated with removal of contamination
- This is unwanted development and people of Middlewich have suffered enough

A letter of objection has been submitted on behalf of British Salt; raising objections regarding the following issues:

- Development conflicts with development plan policy
- Development should be supported by an ES compliant with EIA Regulations and conflicts with EIA Regulations and prevailing EAI Directive
- Proper, accountable and appropriate consultation was not carried out
- Do not believe that correct and proper planning assessment has been carried out to fully evaluate the potential impacts of the proposal
- Site is not allocated and applicant has not met requirements of planning policy to demonstrate policy compliance; and no material considerations have been demonstrated to outweigh policy presumption against the development
- Direct and indirect impacts on British Salt operations, and potential for contamination of external stockpiles of salt should be assessed in the air quality assessment.
- Concern over scope and findings of Transport Assessment, particularly the adequacy of junction assessments and assessment of committed improvement schemes, need for and scope of mitigation, car parking provision.
- Alternative site assessment methodology is flawed, inadequate and not justified;
- Does not provide sufficient information to demonstrate need for the facility, especially given consented provision.

South East Cheshire Cycling Action Group object on the basis that the development is unsustainable, and lacks the necessary road infrastructure to deal with the estimated vehicle movements. Concerns is also raised over the scope of the TA in respect of assessing

impacts to, and provision for cyclists, impacts of existing traffic (including HGVs) using the local road network which is unsuitable for cyclists and potential for increased danger to cyclists. Improvements to the canal towpath, route 71 between Middlewich and Winsford are considered necessary, along with traffic lights at the Cledford/Booth Lane crossroads, a weight restriction on the canal bridge, completion of the by-pass and a single lane operation on Cledford Lane bridge.

OFFICER APPRAISAL

Development on Unallocated Site

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan consists of the Cheshire Replacement Waste Local Plan (2007) and the Crewe and Nantwich Borough Local Plan (2005). Material considerations include national policy and guidance contained within the National Planning Policy for Waste (NPPW) and the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

The Cheshire Replacement Waste Local Plan (CRWLP) identifies a range of sites throughout Cheshire in order to provide an adequate choice of waste management facilities for managing the quantities and types of waste to be generated within the Plan period. On these 'Preferred sites' applications for specified waste uses will be permitted subject to compliance with other policies of the Plan (Policy 4).

Three preferred sites are identified in the Middlewich area; WM4 Brook Lane Industrial Estate (approximately 680m to the north) is identified for a material recycling facility, bulking facility and scrap yard; WM5 Cledford Lane (approximately 240m to the south east) is identified for thermal treatment, mechanical biological treatment, in-vessel composting and anaerobic digestion, and WM11 Kinderton Lodge (approximately 1.2km to the north east) for non-hazardous landfill and open windrow composting. The proposed development would therefore in principle be appropriate for WM4, the Brooks Lane site.

Provision is given in Policy 5 for waste management development on other sites in order to provide flexibility for technological and legislative changes; subject to the applicant demonstrating that:

I. the preferred sites are either no longer available or are less suitable than the site proposed; or
II. would meet a requirement not provided for by the preferred sites; and
III. the proposed site is located sequentially to meet the development needs within the Regional Spatial Strategy

In this respect of i and ii of Policy 5, an alternative site assessment has been submitted which considers all preferred sites within the Cheshire East administrative boundary, reflecting the geographical spread of waste arisings that would be managed by this facility. Preferred sites within Cheshire West and Chester (CWAC) were not included in order to ensure compliance with the principle of self sufficiency in waste management identified in planning policy.

Any available plots of land within the 12 preferred sites were identified through desk study exercise, consultation with commercial property agents and estates gazette search. These were then assessed against a range of selection criteria and followed up with site visits. The sites were considered in terms of their suitability, deliverability and availability and were subsequently discounted on the following basis:

- **WM4 Brooks Lane**: currently occupied by multiple tenants and identified in Cheshire East Local Plan Strategy (submission version) as Strategic Location SL9 'Brooks Lane' for residential, leisure, retail, green infrastructure and potential marina. Site not considered deliverable or available.
- **WM5 Cledford Lane**: site lies in open countryside and has topographical and physical constraints. Site forms part of MidPoint 18 with permission for B1/B2/B8 uses. Access currently unsuitable but site is bisected by proposed Middlewich Eastern By-pass; however construction unlikely until 2018. Site considered not suitable or deliverable.
- **WM11 Kinderton Lodge**: agricultural land largely within CWAC boundary which benefits from permission for landfilling. Proposed site is considered more suitable due to being previously developed land offering buildings for re-use, and meets a requirement not met by the allocated site.
- **WM17 Radnor Park**: occupied by multiple tenants. Units are small and would require demolition. Site not considered available or deliverable.
- **WM22 Congleton Sewage Works**: site too small and adjacent land has topographical constraints and ecological designation/potential.
- **WM15 Parkgate Industrial Estate**: no units available and site location in north not sustainable.
- **WM8 Clayhangar Hall Farm:** Agricultural land. Proposed site is considered more suitable due to being previously developed land offering buildings for re-use, and meets a requirement not met by the allocated site.
- **WM16 Pyms Lane:** both plots occupied and whilst WM16B is currently in waste management use, it has been purchased by Bentley Motors and is being vacated. Both plots discounted as unavailable.
- **WM10 Hurdsfield Industrial Estate:** occupied by multiple tenants and landowners. Only one unit available but owner does not consider waste facility to be appropriate in that location. Site discounted as unavailable and undeliverable.
- **WM13 Lyme Green:** site forms part of Site CS8 'South Macclesfield Development Area' identified in Cheshire East Local Plan Strategy (submission version) for mixed use development including residential, employment, retail, community and recreation/sport uses. The site and wider area subject to application for mixed use and residential development. Site also designated in Macclesfield Local Plan for employment and special industry (open storage/bad neighbour uses) and part of distributor road. Site location in north not sustainable. Site considered unsuitable and potentially unavailable.
- **WM23 Chelford Depot:** occupied by transport depot. Site is considered to be unsuitable and therefore unsuitable.
- **WM1 Adlington**: located in north and not sustainable. Site is too small and considered unsuitable.

Criteria iii of policy 5 also requires that a sequential approach is followed:

- First using existing buildings (including conversions) within settlements, and previously developed land within settlements;
- Second, using other suitable infill opportunities within settlements where compatible with other RSS policies;
- Third, the development of other land where this is well located in relation to housing, jobs, other services and infrastructure. This will normally be on the fringes of settlements.

In this case, the application site being a former manufacturing operation in the settlement zone line of Middlewich is taken to be within the top tier when applying the sequential approach, occupying a brownfield site with opportunities to reuse much of the infrastructure and buildings already in place. This complies with criteria iii of the policy.

It is also noted that the application site was included within a parcel of land identified in the 'search for potential waste management sites' (Entec 2003) used by Cheshire County Council for the initial selection of sites for the Waste Local Plan. This land was identified as being potentially suitable for 'major and/or minor waste management facility'. The land was subsequently omitted from further assessment on the basis of its limited availability as it was occupied at the time by an established manufacturing plant. As such the applicant contends that the 2003 assessment and subsequent conclusions drawn established the acceptability of the site as a waste management facility.

Concern has been raised by objectors over the scope of the assessment and conclusions drawn; and the need for development to be on an allocated site as identified in an up to date Local Plan. In considering the compliance of the scheme with Policy 5, it is necessary to bear in mind the evolution of waste planning policy since the CRWLP was adopted; and give due regard to the NPPW (published October 2014) and the Inspectors Report for Covanta Energy from Waste appeal (July 2012). The Inspectors Report questions the degree of conformity of Policy 5 with national planning policy; as its restrictive approach of identifying preferred sites and resisting development on others, does not fully reflect national planning policy which seeks to provide a framework in which waste development is encouraged. The NPPW identifies that there is a need for a mix of types and scale of facilities. In considering when unallocated sites should be used, the NPPG states that '*there may be significant changes in, for example, technological impact and land ownership that occur over a short period of time and provide opportunities that were not anticipated'.* Equally the Inspectors Report states 'Nor is *the identification of sites through the plan-led system to be treated as a disavowal of planning applications or planning appeals and inquiry processes as a means for reaching decisions on individual proposals'*.

The Inspectors Report states that an unallocated site should meet the locational criteria of CRWLP, which was based on national planning policy (now contained in the NPPW). The locational criteria contained in the CRWLP and NPPF have been applied, where relevant, to the assessment of each environmental impact as detailed below. The Inspectors Report makes it clear that ultimately government policy does not seek to dictate the choice of location for waste management facilities and the fact that the scheme has come forward on an unallocated site is no reason to withhold planning permission. It is for the Council to demonstrate the harm that the purported conflict with Policy 5 would bring about; mere conflict with policy, even if it exists, which gives rise to no demonstrable harm is not a

sufficient reason to refuse permission. As such, subject to the relevant considerations of NPPW being acceptable in the remainder of this report, the scheme is considered to comply with the NPPF and policy 5 of the CRWLP.

Congleton Borough Local Plan

The site is unallocated in the Congleton Local Plan proposals map but lies within the settlement zone line of Middlewich. Within the settlement zone there is a presumption in favour of development (Policy PS4) provided it is in keeping with the town's scale and character and does not conflict with the other policies of the Local Plan. Any development within the settlement zone lines on land which is not otherwise allocated for a particular use must also be appropriate to the character of its locality in terms of intensity, scale and appearance.

Policy E3 states that proposals for employment development on land not allocated for such purposes within the settlement zone line will be permitted provided that:

- the proposal does not utilise a site which is allocated/committed for another purpose in the Local Plan;
- the proposal is appropriate to the local character in term of its use, intensity, scale and appearance;
- the proposals complies with policy GR1;
- accords with other relevant Local Plan policies.

In respect of this application the development is to be located on previously developed land, with built development largely located on the existing footprint and includes for the partial re-use of existing buildings on the site. The scale and character of the development is considered appropriate to the site and locality given its industrial nature and the historical landuses on the site. As such the proposal is considered to accord with policies PS4 and E3.

Sustainability

The proposed development should be considered against the National Planning Policy Framework (NPPF) which identifies that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

an environmental role – contributing 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

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

Economic Sustainability

Need

Objectors have commented that there is no demonstrable need for the waste transfer station which is considered to conflict with the requirements of planning policy, particularly policy 2 of CRWLP. The policy states that waste planning authorities will '*consider the planning objections and planning benefits of all applications for waste management facilities and where the material planning objections outweigh the benefits need will be considered and if there is no overriding need for the development, the planning application will not be permitted'*.

With regards to this policy the comments of the Inspectors Report of the Covanta appeal (in 2012) must be noted. The Inspector considered that the CRWLP is in some material respects out of step with up to date national waste management policies and the Waste Framework Directive because it seeks to plan for the maximum amount of MSW that can be landfilled in each year; rather than seeking to maximise landfill diversion and recycling rates which is advocated in national planning policy. The Inspectors Report therefore concluded that in regards to this policy, the extent to which there is found to be conflict with the CRWLP, that conflict is deserving of little or no weight given the failure of the CRWLP to address continued landfilling; and where the scheme accords with clear and up to date national planning policy this is an important material planning consideration.

The NPPW only requires a demonstration of quantitative or market need where proposals are not consistent with an up-to-date Local Plan; and in such cases the extent to which the capacity of existing operational facilities would satisfy any identified need should be considered.

In this instance whilst the scheme is not on an allocated site; this matter has been adequately addressed by the applicant. In addition the benefits brought by this scheme outweigh any policy conflict, in terms of provision of range of sustainable waste management benefits and the contribution to meeting national waste management targets. The assessments in support of this planning application demonstrate that having regard to the design and nature of the development satisfactory mitigation measures can be implemented to safeguard environmental resources. Accordingly a 'need' is not required to be demonstrated to outweigh harm caused by the development. Nonetheless the conclusions of the 2014 Cheshire East Waste Needs Assessment (WNA) are noted.

Waste Needs Assessment

The WNA identifies that between 129,000tpa and 205,000tpa of LACW arisings would be generated when forecast up to 2030; with up to 62,000tpa being recycled/reused and up to 96,000 being sent to recovery/landfill/treatment.

Forecast capacity for waste transfer remains steady at 386,000 tonnes between 2015 and 2030. However this capacity would provide for both household waste and waste from other sources (e.g. commercial and industrial waste (C&I)). When considered against the LACW and C&I forecast arisings up to 2030 (205,000tpa and 534,000tpa respectively) this indicates a capacity gap for waste transfer.

In terms of recycling, the WNA identifies that current material recycling facility (MRF) capacity amounts to 125,000 tonnes per annum. This takes into account the Pyms Lane facility and the permitted facility at Maw Green which is not yet operational. However there is a requirement from LACW and C&I waste to re-use and recycle up to 420,000 tonnes per annum by 2030. As such, a capacity gap of between 262,000tpa and 295,000tpa exists for collecting and sorting recyclable materials, both from households and businesses.

In terms of residual waste, the forecast arisings to 2030 are between 130,000tpa and 232,000tpa. However, with the expected closure of Maw Green landfill to waste importation in 2017, the forecast capacity after this date is zero. While there is significant non-hazardous landfill capacity in the Plan area this is time limited and there are no recovery facilities for residual non-hazardous waste.

In respect of permitted waste transfer facilities with capacity identified in the WNA the applicant notes the following:

- **Pyms Lane** (capacity 75,000tpa) – due to close following sale of the land. The waste management capacity needs to be found elsewhere;
- **Danes Moss Landfill** WTS (capacity 74,999tpa) – this site is discussed below;
- **Commercial Road** (capacity 4999tpa) – constrained and is not suitable for expansion;
- **Henshaws Waste Management** (capacity 74,999tpa) – permitted capacity at this site is insufficient to enable all of the authority's waste to be managed within a single facility. The location of the site within Macclesfield means that this is not a suitable location for a single waste management hub. Furthermore Ansa aims to reduce its current reliance on the private waste management sector for the reasons set out earlier in this letter.

While Danes Moss and Maw Green have planning permission for waste transfer and materials recycling facilities (MRF), neither are operational (with Danes Moss only operating a temporary Waste Transfer Station), and Ansa are the primary customer for the Danes Moss facility but would no longer anticipate using this service if it has its own purpose-built, permanent solution. It is also noted that the WNA takes account of this capacity provision in the assessment but still identifies an overall capacity gap.

Given the conclusions in the WNA and the points raised above by the applicant, it is considered that the scheme would meet a proven capacity gap and would assist in providing a network of waste management facilities for the sustainable management of waste which accords with the approach of the NPPW and WMS.

Sustainable Waste Management Principles

Policy 1 of CRWLP requires waste management development to demonstrate that the proposal will maximise opportunities for diverting waste up the waste hierarchy. In addition the applicant should demonstrate how the development contributes to an integrated network of waste management facilities; enables waste to be disposed of in one of the nearest

installations; maximise opportunities for transporting waste by sustainable means; protect environmental, economic, social and community assets; and optimise the use of previously developed or used land or buildings.

These broad principles are reiterated in the NPPW. In identifying new sites the NPPW states that consideration should be given a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities; and give priority to the re-use of previously-developed land and sites identified for employment uses. Potential sites should be assessed against criteria which include:

- the extent to which the site or area will support the other policies set out in the NPPW;
- physical and environmental constraints on development, including existing and proposed neighbouring land uses;
- the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.

Waste hierarchy

The proposed facility would enable Ansa to manage the household waste collected in accordance with the waste hierarchy. The Cheshire East Municipal Waste Management Strategy (WMS) identifies that the authority was responsible for the management of 179,646 tonnes of municipal waste in 2013/14 and 53% was recycled, composted or re-used; 6% used to generate electricity; however 41% was sent for landfilling. There remains a need therefore to drive waste up the waste hierarchy and one of the objectives within the WMS includes the need to '*reduce disposal to landfill to 0 and achieve 100% disposal to waste to energy generation'*.

The development would enable the provision of recycling facility which also has the potential to manufacture RDF. It would ensure that any recyclable waste contained within the residual waste stream is separated and sent to a material recycling facility in Deeside which is higher up the waste hierarchy; and through the production of RDF, facilitate the recovery of energy from the residual waste stream. The proposed facility therefore optimises the management of waste as high up in the waste hierarchy as practicable and this accords with the objectives of the WMS and the broad approach of the NPPW.

Proximity principle

CRWLP and NPPW requires waste to be managed in line with the proximity principle whereby waste is managed close to its place of production. The NPPW states that planning should provide a framework in which communities and businesses are engaged with and take more responsibility for their own waste, including by enabling waste to be disposed of or, in the case of mixed municipal waste from households, recovered, in line with the proximity principle. The NPPW however recognises that new facilities will need to serve catchment areas large enough to secure the economic viability of the plant.

Concerns are expressed by objectors over the potential for the proposal to result in unsustainable transportation of waste over long distances and conflict with the proximity principle; given that the existing system provides a small network of facilities geographically spread across the authority with residual waste and recyclates managed at sites within two

locations (Macclesfield and Crewe); and green waste managed by a number of sites spread across the authority area (Allostock, Sandbach, Macclesfield, Nantwich and Scholar Green.

The NPPG clarifies that the proximity principle does not require using the absolute closest facility to the exclusion of all other considerations and recognises that '*the ability to source waste from a range of locations/organisations helps ensure existing capacity is used effectively and efficiently, and importantly helps maintain local flexibility to increase recycling without resulting in local overcapacity'*.

In respect of this issue the applicant makes the case that a 40 mile round trip for RCVs would be considered usual within the waste industry for a large borough such as Cheshire East Council and neighbouring authorities operate collections of similar distances. Consolidating operations to a single hub site enables the waste collection routes to be optimised and resolve any historical inefficiencies in collections, thus being able to offset perceived additional mileage associated with moving to the proposed new depot in Middlewich. One of the furthest locations from Ansa's Macclesfield depot is approximately 17.5 miles away and they note that this would be approximately 13.8 miles from the new Middlewich depot. They also note that some collections encompass the whole of the borough, so moving to a new site would provide an opportunity to address this in a more sustainable way.

Other benefits highlighted include Bank Holiday arrangements whereby at present waste from the north is transferred to the south due to a lack of available facilities, and the vehicle mileage would reduce significantly as a result of this proposal. Additionally during interruptions in supplied availability waste has previously been transported from the north to the south for a number of months at significant cost and disruption to the recycling/waste operation. Having Waste Transfer Station capability in the centre of the borough would eliminate this type of supplier failure and provide greater efficiencies and resilience for the service.

Whilst due regard is given to the operational/logistical and environmental benefits to the strategic waste management services identified above; nonetheless the proposal would result in one central facility which is some distance from the largest sources of waste arisings (Macclesfield and Crewe) and would result in the transportation of waste over (in some instances) greater distance than would be the case should more local facilities be provided within proximity to these two towns. This does not accord with the approach of planning policy. Additionally, the proposal does not offer any potential for transportation of waste by means other than road as encouraged in planning policy; although it is accepted that opportunities within the borough for the transportation of waste by rail or water are limited.

However, there are wider sustainability benefits presented by the scheme as outlined below which also influence the choice and location of site, and these considerations should be weighed in the planning balance.

Choice of site and co-location of facilities

The suitability of the site is questioned by objectors, along with the justification for the co-location of all environmental and waste services on one central site; given that a minimum site size threshold has been applied as one of the search criteria in the assessment of alternative sites; thereby eliminating the consideration of a range of smaller sites.

The locational criteria for new waste management sites identified in the NPPW have been taken into account in the assessment of environmental considerations below. However it is noted that the scheme broadly accords with the NPPW/NPPF in that it enables the re-use of existing buildings and infrastructure on a previously developed site within the settlement zone of Middlewich, and the site has a historical industrial use which would have presented similar land use impacts. It also prevents the need to develop new buildings and infrastructure on an alternative site which would have land use and resource implications.

With regards to the ability to redevelop the existing depots and need for co-location of services, the case is made that the current depots are ageing and constrained by size or neighbouring development; are inefficient and require significant investment to bring them up to modern standards. They identify a number of benefits presented by the scheme and in particular the co-location of all services on one site. These include:

- improves service capability and resilience through greater economies of scale and efficiencies
- future proofing - better scope to modernise and create a fit-for-purpose base with a safe working environment for our employees to deliver services more efficiently
- Overcomes difficulties in finding a northern site and reduces the need to rely on external suppliers which is vulnerable to supply chain failure, market fluctuations and cost rises,
- removes need to send northern RCV fleet out of the borough to be serviced every 6 weeks, offering economies of scale and efficiency improvements
- allows council to rationalise a number of sites including the sale of Pyms Lane depot which will supports economic regeneration priorities for the Council and local job creation;
- allowing the co-dependent aspects of the operation to be managed more effectively as a whole unit approach. For example, having mechanical garage facilities at the place where vehicles are permanently located allows minimum downtime for fleet vehicles scheduled maintenance and more responsive emergency cover for breakdowns;
- having the fleet parked on the site of the transfer station minimises vehicle movements after tipping and allows routes to be reorganised in order to work in such a manner that maximises efficiencies in regard to vehicle usage.

Given the range of economic, social and environmental benefits identified above this is considered to provide further justification for the location of a development of this scale on this site and is considered to accord with the provisions of national planning policy and the CRWLP.

Social Sustainability

Compliance with policy 29

The waste transfer buildings were originally proposed to operate from 0600 to 2200 Monday to Saturday and on Bank Holidays which is in excess of the provisions in policy 29 of CRWLP which stipulates the ‘normally permitted hours of operation’ for waste management facilities. These are identified as 0730 to 1800 Monday to Friday, 0730 to 1300 Saturdays, with no working permitted on Sundays or Public Holidays. The policy makes provision for longer working hours in exceptional circumstances, provided there are no consequent unacceptable

impacts. In such instances applicants would need to demonstrate the exceptional circumstances pertaining to their application and the mitigation methods to be used to minimise any impacts arising from longer working hours.

Following negotiations with the applicant, the hours of operation for the waste vehicles associated with the waste transfer station have been reduced to 0700 to 1900. Whilst the building would retain the longer hours originally proposed, it is anticipated that the activities being undertaken would be contained within the building and therefore the impacts on amenity would be controlled by the design and operation mitigation. The potential for unacceptable impacts and consideration of mitigation is addressed below. As such it is not considered that there is any conflict with planning policy.

Environmental Sustainability

Highway Impacts

The suitability of sites for waste facilities should be assessed against criteria which include existing and proposed neighbouring land uses and the capacity of existing and potential transport infrastructure to support the sustainable movement of waste (NPPW). Consideration should be given to whether opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all people, and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of development. Development should only be refused on transport grounds where the residual cumulative impacts of the development are severe (NPPF paragraph 32). Developments should also create safe and secure layouts which minimise conflicts between traffic, cyclists or pedestrians; consider the needs of people with disabilities and incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Policy 28 of CRWLP requires new waste management facilities to ensure that:

- the level and type of traffic generated will not exceed the capacity of the local road network and will not have an unacceptable impact on amenity or road safety;
- access arrangements are adequate for the nature, volume and movement of traffic generated by the proposal and there is adequate provision for on-site vehicle manoeuvring, parking and loading/unloading areas;
- any unacceptable impacts can be satisfactorily mitigated by routeing controls or other highway improvements;

These provisions are reiterated in the approach of CBLP. Additionally proposals likely to generate significant travel needs should ensure that the location is accessible by a choice of means of travel; appropriate provision is made for disabled people, pedestrians, cyclists and public transport users and to manage parking provision. Proposals will only be permitted where the car parking provision does not exceed the levels contained in planning guidance.

Existing and Proposed Traffic Flow

Surveys of traffic flows of all relevant junctions in proximity to the site have been undertaken and personal injury data collected for Cledford Lane and its junction with Booth Lane. Existing traffic generation data and shift patterns for the other proposed uses (trips associated with grounds maintenance teams/third party waste facilities/bulk hauliers) has been collected

and automatic traffic counters installed at the two existing depots to establish the existing traffic flows.

Previous traffic flows associated with the former land use are estimated using survey data of sites with similar characteristics. This has been combined with existing traffic on Cledford Lane to establish a baseline traffic flow of 2698 two way movements per day; the majority of which are associated with cars/light goods vehicles/single unit trucks (2352). By contrast, the scheme proposes a total of 1066 two way movements per day; with the majority arising from cars/light goods vehicles/single unit trucks (722). Combined with the existing traffic movements on Cledford Lane, there would be 2721 two way movements per day; with the majority associated with cars/light goods vehicles/single unit trucks (2145). As such the TA predicts a minor increase of 23 two way movements a day over previous levels generated by the former land use.

The applicant notes a large proportion of the traffic associated with the former land use would have been articulated HGVs; whilst the majority of HGVs associated with this scheme would be RCVs (10m rigid vehicles). The volume of cars and light goods proposed is also lower than that associated with the previous use.

Peak movements are predicted to occur between 0600 and 0800 (associated with staff movements and RCV's departing); with a second peak from 1200 to 1400 (RCVs returning). During the AM peak, the traffic levels would be similar to that generated by the previous land use, while during the PM peak it will be significantly less. Higher levels of traffic than the previous use would be generated during off-peak hours, however this is generally during periods of lower traffic flows on the highway network. The TA also notes that some of the proposed traffic will already be passing through the local highway network serving this site.

Highway safety
Four collision records were identified at the Cledford Lane junction with Booth Lane, however no existing highway safety issues were identified as needing to be addressed as part of the proposals.

Network traffic flow and traffic growth
The survey of junctions indicates that peak periods on the highway network typically occur between 0700 to 1000 and 1600 to 1800; consequently there is limited overlap with peak movements generated by the scheme. Network traffic flows have been forecast for 2016 and 2021 taking into account growth forecasts and potential traffic arising from consented development schemes around the Middlewich and Sandbach areas. The greatest impact is assessed as being at the Cledford Lane crossroads with a material increase in traffic flows at the peak hour of up to 8.5% and off peak of 12%; and an increase of 4 - 4.9% during peak and off peak periods at the Station Road junction. The impacts in all other locations are less than 3%, and therefore considered insignificant and within daily fluctuations.

Junction capacity assessment
Detailed junction capacity assessments have been carried out to assess their likely operational capacity in 2016 and 2021 with the scheme in place. In order to represent a robust assessment, no allowance is given to traffic levels generated by the former land use and take account of the proportion of HGVs proposed by the scheme. The assessment concludes:

Cledford Lane Crossroads	At PM peak periods in 2021 the Cledford Lane arm of the junction may experience some congestion, although the junction is still operating within acceptable limits. Based on the existing crossroads layout, the junction is assessed adequate to accommodate the development-related traffic in 2016 and 2021 with only minimal queuing likely to occur on Cledford Lane.
Leadsmithy Street	Already experiencing congestion during peak periods. Committed scheme will provide limited additional capacity. In 2016, junction will remain above capacity during AM peak, while operating within capacity during PM peak. Impact in 2016 will be marginal on the A54 during the AM peak with only Leadsmithy Street experiencing a noticeable increase; and the scale of the impacts are not considered significant.
Pochin Way roundabout	Assessed as comfortably accommodating the development related traffic with negligible impacts on queues during all peak periods.
Station Road	Committed signal controlled junction will operate within capacity in 2016 and 2021.
Hightown Roundabout	Hightown arm experiences some congestion during peak hours; all other arms operate within capacity. Impact in 2016 is marginal with negligible increases in queues. In 2021 operates within capacity with the exception of Hightown.
Waitrose Roundabout	With the committed improvements to the layout, the junction will accommodate the traffic with negligible increases in queues in 2016. In 2021 the junction will operate within capacity during AM peak and off peak. PM peak will experience levels only marginally above thresholds at which some congestion is experienced on two arms but will operate within acceptable limits with no material impact on the operation of the junction.
The Hill	In 2016 with the committed junction improvements, it will operate within capacity during AM and off peak periods and only marginally over capacity during PM peak at The Hill arm, but still remains within acceptable limits. In 2021, although operating with higher levels of congestion, it will remain within acceptable limits.

The TA concludes that parts of the network are predicted to experience some congestion during peak periods in 2016 even with committed junction improvements. The impact of the development in each period is assessed as marginal, with the exception of Cledford Lane crossroads; however this junction is predicted to continue to operate within capacity with the additional traffic proposed. Overall the proposed traffic flows are only marginally higher than levels that potentially would arise from the extant use; and some of the traffic from this facility will already be on the highway network. The TA concludes that the proposed development

can be accommodated on the highway network without the need for further improvements and the impacts are not assessed as severe.

Concern is raised by objectors regarding the inclusion of highway improvement works secured by committed development schemes in the junction assessments. The applicant notes that this is a standard method of assessment and the Leadsmithy Street and Station road works are due to be implemented shortly. Whilst the remainder of improvement works remain less certain, the impact of the proposal at these junctions is not material and no mitigation is considered necessary at these locations.

The need for contributions to the Middlewich Eastern bypass has also been raised by objectors. The applicant notes that the junction assessments predict that the proposals will not have a material impact on the operation of the highway network; as such no additional mitigation to increase capacity is required. They also note that the scheme will generate similar traffic levels to the previous land use. No contributions to the bypass are considered necessary by the Highways Officer.

Objectors have made reference to the highway comments in the Inspectors Report for the Covanta Energy from Waste appeal (ref: APP/R0660/A/10/2129865 & 2142388). The Inspector raised concerns regarding the assumptions made within the accompanying Transport Assessment which, in his opinion, resulted in a flawed assessment of the impact of the development on the operation of the A54/A533 junction being made. The Highway Officer considers that the circumstances surrounding the current application are quite different as the context has changed namely the robustness of the supporting transport information, the mitigation secured by previous applications and the policy framework changes in the intervening period material to assessing the application. The impact of development traffic has been quantified at other key junctions within the vicinity of the site and along the likely links development traffic would utilise but given the relatively low impact and when judged against paragraph 32 of the NPPF the impacts are deemed acceptable.

Mitigation - Improvements to junction

The Highways Officer notes that the most notable impacts from this scheme are at the A533 Booth Lane/Cledford Lane junction with other junctions notably the A54/A533 Leadsmithy junction experiencing a marginal increase.

In respect of the Leadsmithy junction the Highways Officer advises that whilst the junction suffers from capacity constraint at certain times of the day the additional vehicular impact is acceptable given the predicted effect on the operation of the junction at peak times and will not result in a severe residual impact sufficient to warrant refusal on that basis. Additionally the given the existing road geometry, the latter junction is considered safe and suitable for current operations.

At the Booth Lane/Cledford Lane junction, turning movements to/from Cledford Lane particularly for articulated HGVs are currently impeded by the existing access geometry compounded by the presence of a bridge structure over the canal. This problem will not be exacerbated by the proposal as the proposed number of articulated HGVs compared to that potentially generated by the previous land use is slightly lower. It is acknowledged however

that intensification of this access by rigid HGV (RCV) traffic will take place therefore mitigation to ensure safe and suitable operation is required.

As such the scheme proposes to widen the carriageway across the canal bridge on the approach to the crossroads to enable two RCVs to pass when one is turning left into Cledford Lane. In addition improvements to Cledford Lane crossroads have been discussed with the Highways Officer; namely:

- A new footbridge alongside the existing canal bridge for pedestrian and cycle traffic to allow the carriageway to be widened to the full width of the bridge. However with this in place, the conflict with articulated vehicles turning would still remain and the costs associated with relocating the utility apparatus are prohibitive.
- Construction of raised table at the existing junction with a mini-roundabout which would allow vehicle to stop on the junction and reduce speeds through the junction, particularly along Booth Lane. However the future traffic flows along Booth Lane during peak hours are at a level where congestion would occur with this mitigation in place and extensive queues are predicted.

In agreement with the Highways Officer, the scheme therefore proposes the signalisation of the current crossroads junction, incorporating a stopline on Cledford Lane to the east of the bridge. This would allow articulated HGVs to turn into Cledford Lane without conflicting with existing vehicles. In order to minimise delays to through traffic on Booth Lane, the junction would detect vehicles on a specific arm and only stop traffic on Booth Lane when there is demand on either Cross Lane or Chelford Lane. This eliminates the existing conflict with articulated vehicles and provides benefits to pedestrians whilst not creating any undue delay to through traffic on Booth Lane. Waiting restrictions will also be introduced along Cledford Lane to prevent on street parking with a lay-by created to the East to accommodate parking associated with adjacent residential properties. In addition the improvements allow the introduction of formal pedestrian crossing facilities which will assist in securing a safe walk route to the bus stops.

In terms of junction capacity, the Highways Officer advises the junction improvements has been demonstrated to operate satisfactorily during peak periods at the 2021 future assessment year; and the incorporation of the on-demand signals would minimise delays to through traffic on Booth Lane. Accordingly the option of signalising the Cledford Lane/A533 junction has been accepted by the Highway Officer and has been subject to a Road Safety Audit.

Overall the Highway Officer considers that the signalisation of the Cledford Lane/A533 junction will enable a safe and suitable access to be provided for this development proposal accommodating the existing and proposed development traffic and no objections are raised, subject to planning conditions securing:

- Off-site highway works at the Cledford Lane/A533 junction of signalisation and associated works (including the relocation of parking along Cledford Lane by way of a lay – by provision and successful implementation of a TRO) prior to the operation of the waste transfer station;
- Construction of new accesses along Cledford Lane providing visibility splays of 2.4m x 43m prior to occupation of the development .

- Implementation of the internal parking and servicing arrangements prior to occupation.
- Submission of a construction management plan and routeing agreement prior to commencement of works.
- Implementation of the submitted Travel Plan.

Site access, parking and cycling
The description of the proposal above identifies the provisions made for safe access and egress for different road users, adequate internal vehicle circulation and parking to avoid queuing, separation of HGVs from vulnerable road users and parking for cyclists and disabled people. These provisions accord with the requirements of planning policy.

With regards to parking provision, whilst the office would accommodate 400 staff, the associated car park provides 225 spaces. The TA notes however that not all staff are on site at any one time. Based on the assessment of traffic flows across the average working day and breakdown of hourly arrivals and departures, it is demonstrated that the proposed car parking provision is adequate to meet the needs of the development. A travel plan has been submitted which also aims in the long term to reduce overall vehicle movements.

Sustainability
The accessibility of the site by alternative modes has been considered. Public transport provision is located close by along Booth Lane/Cross Lane with relatively frequent bus services. As part of the mitigation strategy the installation of a signal controlled junction at Cledford lane/Booth Lane will provide enhanced pedestrian connectivity within improved footways and the combination of formal pedestrian crossing facilities within its operation. Overall, the site is reasonably accessible and it is concluded that it is acceptable from a sustainability perspective.

Subject to the conditions required by the Highways Officer the scheme is therefore considered to accord with the approach of NPPW, NPPF, policy 28 of CRWLP and policies of the CBLP.

Control of pollution
New development should be appropriate for its location (NPPF paragraph 120). The effects (including cumulative) of pollution on health, the natural environment, or general amenity, and the potential sensitivity of the area to adverse effects from pollution should be taken into account. Policy GR6 of CBLP does not permit development adjoining or near to residential properties or sensitive uses where there would be unduly detrimental effects on their amenity due to environmental disturbance or pollution; whilst policy GR7 states that development will not be permitted which would be likely to lead or contribute to (amongst others):

- significantly increased air, land, water, light or noise pollution;
- involve significantly greater risk to the lives and health of members of the public
- expose more members of the public to unacceptable risk; and
- be a significant source of statutory nuisance, apprehension or danger or loss of amenity to people living or working in the immediate area.

Similarly policies 24 and 26 of CRWLP do not permit applications for waste management facilities where the impact of dust or odour would have unacceptable impacts on the amenity of nearby residents or occupiers of land. Policy 18 does not permit development which would

present an unacceptable impact on groundwater quality, resources or supply and/or surface water quality.

Air Quality

The waste management activities proposed would be the subject of an Environmental Permit (under the Environmental Permitting Regulations (England and Wales) 2010 (as amended)) and regulated by the Environment Agency (EA). EA guidance states that planning authorities should be confident that the development will not result in unacceptable risks from pollution when considering if the development is an appropriate use of the land; but should not focus on controlling pollution where it can be controlled through the Environmental Permitting Regime. NPPW reiterates this and states that waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

Notwithstanding this, the impact of air quality on amenity and the need to prevent nuisance remains a material planning consideration and consideration should be given to whether the effect of any change in air quality arising from the scheme would cause increased and unacceptable levels of detriment to sensitive receptors.

Odour

There is concern over the potential for odour to be generated by the scheme, particularly associated with the waste transfer station which would manage municipal solid waste and green waste which could be potentially odorous. The NPPW identifies that in respect of odour considerations will include the proximity of sensitive receptors and the extent to which adverse odours can be controlled through the use of appropriate and well-maintained and managed equipment.

An odour assessment has been submitted which assessed all proposed activities on site and identifies the potential sources of odour are associated with activities undertaken within the two WTS buildings with the unloading, handling, screening and storage of wastes. A quantitative assessment using dispersal modelling was undertaken which uses meteorological data to define conditions for plume rise, transport, diffusion and deposition. Odour emission data from odour monitoring exercises of other waste transfer station has been used in the absence of site specific data. Predicted odour concentrations have been compared to the relevant environmental assessment criteria. The assessment of the two WTS buildings indicate that the maximum odour concentrations at receptors occurs at residential properties on Cledford Lane; however the predicted odour levels do not exceed the most conservative benchmark levels in Environment Agency guidance and therefore the predicted short-term odour emissions are identified in the assessment as acceptable.

An odour management plan has also been submitted which identifies a range of management measures to mitigate any potential impacts. This includes:

- Responsibility for minimising odour given to technically competent manager
- Use of odour mist mask on all doors and
- All waste unloading/loading to be undertaken inside the building
- Fast closing roller shutter doors closed prior to any unloading
- Monitoring of weather conditions and regular olfactory monitoring at site boundary.

The implementation of the odour management plan could be secured by planning condition.

Following concerns raised by the Environmental Health Officer over the odour source concentrations used in the assessment, a revision of the odour emissions and ground level concentrations has been made which confirms that an effective and fully maintained bio filter is required at the discharge stack to ensure that concentrations at sensitive receptors are acceptable. In addition, the assessment assumes there would be no fugitive emissions from any other vents and openings. The Environmental Health Officer advises that this would require a negative pressure to be maintained within the WTS building. This is dependent on the air exchange rate in the building and the design of the fans.

As such, the Environmental Health Officer requires confirmation of the detailed design to be secured by planning condition to ensure that effective bio filter and ventilation systems are included in the design so that the predicted odour concentrations in the building can be achieved.

The Environmental Health Officer concludes that if effectively maintained, managed and enforced, this proposal would be considered acceptable from an Environmental Protection perspective. However, whilst they do not consider that a refusal could be sustained in this instance given the data provided, residual concerns remain relating to the ability to constantly and effectively maintain odour emissions given the nature and relative close proximity of the activities to residential properties; and there are uncertainties relating to the ability of the WTS building to contain fugitive odour emissions.

On the basis of securing the provisions identified above; given the views of the Environmental Health Officer and given that the Environmental Permit will control site waste management practices, on balance it is not considered that there are sufficient grounds to warrant refusal of the scheme due to odour impacts in this instance.

Air emissions including dust
The NPPW identifies that considerations in respect of air emissions will include the proximity of sensitive receptors (ecological and human) and the extent to which adverse emissions can be controlled through the use of appropriate and well maintained equipment and vehicles.

The air quality assessment has reviewed all existing air quality monitoring in the local area, and relevant meteorological data; and modelled all roads within the immediate vicinity of the site which are likely to experience significant changes in traffic flow arising from the proposal.

The nearest air quality management area (AQMA) to the site is approximately 5km north east at M6 motorway Cranage. Given the distance to the site, the assessment considers it unlikely that traffic flows from the proposal would influence existing flows within the AQMA and as such the impacts on any AQMA have not been assessed. The assessment also considered all statutory designated site of nature conservation importance within the geographical extent of the dispersal modelling. As no sites were identified within 3km of the proposed site, impacts on ecological receptors have not been assessed.

Construction activities can give rise to short-term elevated dust and particulate matter concentrations in neighbouring areas. On the basis of the potential dust emissions combined with the sensitivity of the surrounding area to each construction process, the assessment concludes that the impact of dust emissions would be low for all stages of construction

without the implementation of the identified mitigation which includes daily site inspections, use of effective dust suppression equipment and water assisted dust sweeper. The Environmental Health Officer advises that a dust management plan is required which can be secured by planning condition.

In terms of the operation phase, road traffic is the dominant emission source that is likely to cause potential risk of exposure to air pollutants to receptors. The assessment predicts the potential change in nitrogen dioxide and particulate matter which could occur from those roads likely to experience significant changes in traffic flow as a result of the development.

It identifies that the maximum level of predicted change in annual average exposure to nitrogen dioxide would occur at a receptor on Cledford Lane; however this level would not exceed the relevant threshold for that pollutant; and as such the impact is assessed as negligible. In terms of particulate matter, the predicted change at receptors do not exceed the relevant threshold for that pollutant; and likely the impact is assessed as negligible.

The Environmental Health Officer considers that the predicted concentrations in emissions at properties on Lewin Street may be slightly underestimated and whilst the levels generated by this scheme may be relatively small, the air quality monitoring undertaken by Cheshire East Council indicates that the national health based standard for nitrogen dioxide may be exceeded due to high existing background levels at that location. As such, the resulting impacts in this area could be moderate and in the context of the cumulative effects of other developments in Middlewich, some significance should be associated with the effect of these impacts.

As such, it is considered that effective and robust mitigation measures are required to reduce overall vehicle trips (thus lowering emissions). It is noted that the proposals include for 3 electric charging points in the staff car park. A revised travel plan has also been submitted which sets out a sustainable strategy for staff journeys to work and requires targets to be set and a review to be carried out. The Environmental Health Officer considers that the implementation of this plan should be secured by planning condition along with a strategy for the standard and modernisation of the applicant's vehicle fleet to be submitted for approval and implemented.

The Environmental Health Officer considers that there is potential for dust generation with the operation of the building; however the negative pressure system and closure of doors implemented as part of mitigation identified above would alleviate any impacts beyond the site boundary. An operational dust management plan is also recommended to ensure that the site does not give rise to any dust impacts, which can be secured by planning condition.

In respect of the proposed biomass plant, the Environmental Health Officer advises that given the relatively small size of the plant (205kW) it would not contribute significantly to ambient nitrogen dioxide and particulate matter concentrations. However, to avoid black smoke nuisance there would be a requirement for controls on the fuel quality and storage, maintenance and the stack height. These would be secured by a combination of planning condition.

Impact on British Salt resources

The adjacent landowners (British Salt) have raised concerns over the potential for contamination of their external stockpiles of salt which lie approximately 200m to the south east. The dust assessment defines the overall sensitivity of the area to be 'high' given the potential for dust contamination of the stockpiles. This provides a worst case impact assessment and the health effects of employees at the site has also been considered. The dust assessment identifies the potential impact significance of dust emissions, prior to the implementation of mitigation as 'medium' risk. As a result, a dust management plan is proposed for the construction and operation of the facility. The plan identifies a number of sources of dust emissions which include dust releases from opening doors, deposited dust on external areas and dust tracked onto the site from vehicles. A number of physical and operational mitigation measures are identified to minimise the potential for dust deposition. This includes:

- Wheel wash located on site
- Use of road sweeper
- Damping down external areas using spray guns/bowser.
- Daily checks of weather conditions, dust levels in external areas and effectiveness of dust suppression systems
- monthly checks of ventilation systems and filters
- Dust monitoring points at two locations on the site boundary and regular review with EHO

It is also noted that the site would operate under an Environmental Permit which would have controls imposed to ensure that dust is managed appropriately on site to avoid giving rise to unacceptable impacts. The Environmental Health Officer raises no concerns with regards to the impacts of dust on the adjacent landowner.

Subject to the imposition of planning conditions no objections are raised by the Environmental Health Officer and it is considered that the scheme would not present any significant adverse impacts from air quality on nearby receptors or the local environment, and therefore accords with NPPW, NPPF and policies 12 and 24 of CRWLP, and policy GR6 and GR7 of CBLP.

Noise impacts

The NPPF states that the effects of pollution on health, the natural environment and general amenity, and the potential sensitivity of the area to adverse effects from pollution should be taken into account. Planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and any adverse impacts arising from noise should be reduced to a minimum level.

The NPPW identifies that with respect to noise impacts, considerations include the proximity of sensitive receptors, identifying that *'the operation of large waste management facilities in particular can produce noise affecting both the inside and outside of buildings, including noise and vibration from goods vehicle traffic movements to and from a site. Intermittent and sustained operating noise may be a problem if not properly managed particularly if night-time working is involved*'.

Policy 23 of CRWLP states that a waste management proposal will not be permitted where it will give rise to unacceptable levels of noise pollution. Similarly CBLP states that development near to residential properties or sensitive uses will only be permitted where they

will not have an unduly detrimental effect on their amenity due to (amongst others) environmental disturbance or pollution (Policy GR6); whilst policy GR7 states that development will not be permitted which would be likely to (amongst others) '*lead or contribute to significantly increased noise pollution to environmentally unacceptable levels; or be a significant source of statutory nuisance….. or loss of amenity to people living or working in the immediate area*.

The submitted noise assessment takes account of the internal WTS layout and building construction details, noise levels from comparable activities, traffic data and hourly vehicle movements. The noise survey identifies that existing noise levels around the site are dominated by road traffic on A533/Booth Lane and to a lesser extent Cledford Lane; along with noise associated with nearby industrial uses. The main sources of noise associated with this development are likely to be:

- RCVs entering/leaving the site
- Deposition of waste in the WTS building
- Workshop activities
- Construction noise

In respect of on-site activities, the assessment predicts that the site noise levels would be a maximum of 5dB above the background noise levels at properties on Cledford Lane during the weekday daytime and night time periods at all nearby sensitive receptors. During Saturday periods, this rises to 9dB above background noise levels at the closest receptors along Cledford Lane and Booth Lane with the dominant noise source being from vehicle/plant movements. In respect of building service plant the assessment predicts that the noise levels would remain at or below existing background noise levels. Overall, the noise levels from on-site activities are predicted to fall below the 'significant observed adverse effect level' (SOAEL) thresholds and are not expected to have an adverse impact on health or quality of life during either daytime or night time periods.

The change in road traffic noise levels arising from the scheme during weekdays are generally predicted to be below or around 1dB(A) which would be imperceptible. On Saturdays, the change in noise level over the course of the day is predicted to be below 3dB which remains below the 'lowest observed adverse effect level' (LOAEL)

For those properties on Cledford Lane to the west of the site entrance, the noise levels during weekday early morning (0600 – 0700) period are predicted to increase by around 3dB (which falls between LOAEL and SOAEL thresholds), whilst on Saturdays, the change in noise levels during the 0600 – 0700 period is predicted to be around 5dB which is above the SOAEL thresholds. In view of this, the Noise Assessment identifies mitigation which includes the use of broadband reverse alarms, roller shutter doors closed as far as possible, maintenance of machinery and vehicles, parking arrangements to discourage need to reverse vehicles.

HGV movements
The Environmental Health Officer identifies that the HGV movements are predicted to cause noticeable impacts at properties on Cledford Lane particularly during the early morning period and after 7pm which is not considered acceptable due to the lower background noise levels and increased sensitivity at these times. Following negotiations with the applicant, agreement has been reached that, other than in exceptional circumstances, all RCV deliveries and

collections would take place between the hours of 0700 to 1900. Such exceptional circumstances would be defined and controlled by planning condition and records of such events kept and made available for inspection.

WTS activities
Activities within the waste transfer building such as depositing and loading waste can cause high noise levels; and the building has been designed to significantly attenuation the noise levels breaking out from the building. The Environmental Health Officer advises that the integrity of the acoustic properties of the structure should not be compromised by the design of any outlets, vents and doorways; and any doorways should contain fast acting, acoustic roller shutters to keep noise breakout to a minimum. Such matters could be controlled by planning condition and would ensure that the noise impacts from within the buildings are acceptable for the hours proposed.

Street Cleaning/Environmental services
Vehicles associated with street cleaning and environmental services activities would depart at 0600 hours which could have an adverse noise impact to properties on Cledford Lane. A fleet management plan is recommended to address opportunities for staggering and delaying the early morning fleet vehicles. However the Environmental Health Officer considers that uncertainty remains over the ability to effectively mitigate these impacts. In respect of on-site activities, 24 hour operation is proposed although the applicant advises that weekend and night time activities would be limited; mainly responding to “environmental incidents”. The main noise concerns are likely to be from impulsive noise from loading and unloading which is typically difficult to mitigate and quantify. In addition there is some uncertainty over the frequency of such incidents. The noise report does not identify that night time noise levels would exceed relevant guidelines for sleep disturbance. Noise management is important at these times and a robust and detailed noise management plan is required by the Environmental Health Officer, along with the imposition of noise limits.

Vehicle workshop
With regards to the vehicle workshop, which would operate from 0600 to 2200 hours; the Environmental Health Officer requires the noise generating activities such as angle grinding to be limited to weekdays only from 0700 to 1900 hours. It is also recommended that the building incorporates acoustic doors; with these being kept shut when not in use; and any vents/fans controlled to ensure no additional new noise sources are introduced.

Construction noise and vibration
A robust construction Environmental Management Plan is considered necessary by the Environmental Health Officer in order to control any potential for annoyance associated with these activities; which could be secured by planning condition.

Overall the Environmental Health Officer concludes that, whilst not considered sufficient to warrant refusal in this instance, residual concerns remain over the noise impacts relating to the nature and indefinite frequency of outdoor activities particularly during weekends and night times; and the ability to constantly and effectively maintain the required levels of noise management given the close proximity of local residents. They note that complete and effective control is reliant on noise management, and it is not always feasible to contain sporadic impulsive noises. Subject to the noise mitigation as identified and secured by

planning condition being effectively maintained, managed and enforced, however the proposal would be considered acceptable from an Environmental Protection perspective.

On the basis of securing the provisions identified above, and given the views of the Environmental Health Officer, on balance it is not considered that there are sufficient grounds to warrant refusal of the scheme due to noise impacts in this instance.

With regards to the recommendation of the Environmental Health Officer concerning the offer of the applicant for double glazing to affected properties on Cledford Lane, this is a matter which would need to be secured by agreement outside of the planning system and has therefore nto been given any further consideration.

Contamination and ground stability

A phase 1 geo-environmental desk top study has been undertaken to assess the potential for contamination of the on-site soils and underlying groundwater associated with previous industrial activities, and off-site contamination arising from migration of any contaminants. The assessment identifies that the site lies within 500m of historical landfill sites and waste management uses including land at Cledford Lime Beds to the north which has previously been used for the deposit of wastes materials. There are also two surface water features within 250m of the site, the Trent and Mersey Canal located on the western boundary and the River Croco within 100m to the east. It also identifies that the site is responsible for the maintenance of a canal overflow which is culverted beneath the site and there are numerous underground sumps for dealing with waste materials and waste water.

There is potential for contamination of soils and groundwater arising from the historical industrial uses on the site, and off-site contamination arising from the migration of contaminants. Contamination pathways are identified to include inhalation of vapours and dust, leaching to surface/groundwater, and migration of groundwater; whilst receptors identified include future site users, underlying ground/surface waters, flora and fauna and adjacent properties and land uses.

The assessment identifies that the potential for soil and groundwater contamination is moderate, and risk to underlying soils and groundwater is low to moderate. Based on the history of the site, a number of potential sources of contamination are identified including factories, various above and below ground tanks, in-filled ponds, and also from ground gas associated with any made ground and in-filled ponds. There are also a number of potential off-site sources of contamination from various works including brickworks and road engineering depot, and landfill sites to the north and south.

The preliminary risk assessment undertaken as part of the geo-environmental desk top study concludes that the contamination risks posed are considered to be low for groundwater, flaura and fauna and adjacent properties; and low to moderate for future site users and watercourses. The risks posed by the site from historical and current site users and ground gas to construction works is high and moderate for current site users; whilst the risk posed by off site contamination sources is low/low to moderate for controlled waters (beneath the site) and current site workers and construction workers; whilst the risk posed by ground gas from offsite sources to all receptors is high.

Intrusive investigations have also been carried out to inform the Ground Investigation Report which comprised of borehole samples across the site and soil, groundwater and surface water monitoring. The report concluded that overall the site is considered to pose a low to moderate risk to receptors. The risk to human health is identified as low along with the risk from ground gas.

The report identified that there is a moderate risk to human health from asbestos, specifically for the areas of proposed landscaping and recommends the use of a cover system. The risk to surface waters and future pipelines from hydrocarbon contamination associated with fuel tanks is low to moderate and a watching brief is recommended for all areas of fuel tanks, with any observed impacted soil/groundwater managed to reduce the potential future risk associated with migration and inhalation of vapours. With respect to Galigu, a low to moderate risk is identified for human health, surface waters, pipelines and built structures and remediation is recommended in the assessment. Likewise a low to moderate risk from lubricating oil and organics impacted groundwater is identified for human health, surface waters, pipelines and adjacent users. It is recommended that a watching brief and/or remediation is required to reduce the risk to low. The applicant identifies that the results of the ground investigation will inform a remediation strategy. The Contaminated Land Officer considers this approach acceptable and recommends planning conditions securing the submission and approval of a remediation strategy prior to development commencing; and a site completion report prior to the first use or occupation of the development.

The concerns raised by the Environment Agency with respect to the potential for contamination to Controlled Waters are also noted and the provisions agreed with the Contaminated Land Officer would address this issue; and any strategy could be approved in conjunction with the Environment Agency. Likewise the concerns of the Canal and Rivers Trust would be addressed as part of this approach.

On the basis of securing these planning conditions, the proposal is considered to accord with the approach of the NPPF, NPPW and policies 12, 18 of CRWLP and policies GR6, GR7 and NR7 of CBLP.

Ground stability

The geotechnical investigation identifies that the site is underlain by Mercia Mudstone which lies at a depth of between 11.34 and 18m below ground level. The deposit is weathered to a very stiff soil like consistency. There is no evidence that the site is likely to be unstable as a result of historical brine pumping activities in the wider area and no comments have been received from the Brine Board.

The assessment makes recommendations with respect to the use of foundations and piling; and notes that groundwater levels are within 1m of ground surface and therefore some dewatering or groundwater control is likely to be required for excavations during construction. Such matters would be regulated by the Environment Agency.

<u>Flooding and Drainage</u>

NPPF states that new development should be planned to avoid increased vulnerability to the impacts arising from climate change. In addition, flood risk should not be increased elsewhere; and local planning authorities should only consider development appropriate in areas at risk of flooding where, informed by a flood risk assessment following the sequential

test, it is demonstrated that the most vulnerable development within the site is located in areas at lowest risk; development is appropriately flood resilient and resistant; any residual risk can be safely managed; and priority is given to the use of sustainable drainage systems.

Policy GR21 of CBLP requires new development to ensure that (amongst others) flooding is not created or exacerbated elsewhere, and that appropriate flood prevention and mitigation is provided to avoid unacceptable risk of flooding. Equally Policy 18 of CRWLP does not support proposals which would (amongst others) generate unacceptable risk of flooding to the site or elsewhere, unless appropriate mitigation is secured to manage the risk.

These provisions are reiterated in Policy SE13 of the emerging Cheshire East Local Plan Strategy which requires new development to demonstrate that there will be no increase in flood risk on site or elsewhere, and opportunities to reduce the risk of flooding are sought, taking into account the impacts of climate change. All new developments should seek improvements to the current surface water drainage network, including appropriate sustainable drainage measures to store, convey and treat surface water prior to discharge so as to reduce the existing runoff rate. Applicants seeking to drain to public sewers must demonstrate there are no other more sustainable options.

A flood risk assessment (FRA) has been undertaken which identifies the nearest main river at Sanderson's Brook which runs 200m to the east; an un named watercourse adjacent to the Canal 68m northwest of the site, and a further watercourse 200m to the south. Public sewers are located along and at the junction of Cledford Lane and Brooks Lane; with further private sewers located within and in the vicinity of the site. The FRA identifies that the site is drained by a series of surface water sewers into the existing canal overflow sewer.

Risk of flooding from fluvial and surface water flooding
The FRA identifies that the site is located within Flood Zone 1(area of least risk) where land is assessed as having a less than1 in 1000 annual probability of river or sea flooding; and is therefore at low risk of flooding from fluvial sources. In terms of flooding from other sources, the majority of the site is not susceptible to surface water flooding, with only the western part and eastern corner having low susceptibility; as such the risk of surface water flooding is low.

Risk of flooding from sewer and canal overflow
Whilst there are historic sewer flooding records in Middlewich approximately 250m to the south west and north west, there are no records of incidents on the site and the risk of sewer flooding is considered to be low. There are no historical records of canal flooding affecting the application site. The canal banks lie at a lower level than the majority of the application site and surrounding roads, and a canal overflow is located in the west corner of the site. Land to the south is also largely green field and flat; the risk is therefore assessed as low.

Risk of groundwater flooding
In respect of groundwater flooding, the site is not located in a Ground Water Source Protection zone or ground water vulnerability zone. The Cheshire East Strategic Flood Risk Assessment (SFRA) indicates that land in the vicinity of the site is susceptible to groundwater flooding, however there are no records of historical groundwater flooding and the SFRA states that groundwater flooding was not considered a significant risk in the authority; as such the site is not considered at risk of groundwater flooding. In addition the FRA identifies that the site is not located within a zone at risk of reservoir flooding.

Drainage

Policy GR20 of CBLP requires a range of criteria to be satisfied in new development which includes:

- The site can be adequately drained of foul and surface water without causing environmental problems; and
- The proposal considers the need to assist the permeability of land for storm drainage and protecting amenity and water quality by means of sustainable urban drainage systems as appropriate.

It is noted that the site is situated within the Middlewich Critical Drainage Area (CDA). An area 250m north west of the site is designated a medium risk CDA as several flooding incidents have been recorded. The proposals must ensure there is no increase in the risk of flooding from surface water off site.

In terms of managing surface water from the site, the preferred method for disposal of surface water would be via infiltration SUDs methods. Given that the site is heavily contaminated and the presence of clay in the soil which is highly impermeable, this renders infiltration methods as unfeasible. As such, surface water would instead be discharged to the canal overflow sewer which then discharges to Sanderson's Brook. The site is currently 100% impermeable and covers an area of 6.3ha. The proposals would reduce this impermeable area to 4.7ha. In addition, the existing surface water runoff rates would be reduced from 882 l/s to 270 l/s, which equates to 10% less than the capacity of the overflow sewer. Such a reduction in future discharge rates to a figure below existing run off rate can be considered a SUDs technique which accords with the requirements of the NPPF.

In order to achieve this, attenuation storage would be provided by a fully lined, sealed storage tank with flow control device underneath the vehicle parking area in zone 5. Additional exceedance storage could be accommodated by allowing areas within the site to temporarily flood. Additionally on the eastern part of the site which is to remain undeveloped, temporary drainage is proposed to prevent any surface water run off onto Faulkner Drive.

The FRA makes recommendations which include further surveys of the existing drainage systems, setting of finished floor levels, attenuation volumes reassessed as part of detailed drainage design; and review of the attenuation volume for the underground tank to ensure no flood waters drain outside the site. These measures could be secured by planning condition.

In respect of foul water drainage, the existing office will retain its foul drainage connection to Cledford Lane. The FRA recommends a further drainage survey to establish what existing drains are suitable for re-use and where required, new foul drainage would be provided. Any waste from the proposal unsuitable for discharge to public sewer would drain to a separate tank and exported off site. The post development flows are assessed as less than the pre development foul flows and therefore no increase in the overall peak flows to the public foul sewer system is anticipated.

Subject to the proposed drainage and mitigation, the FRA identifies that proposals would ensure that surface water run-off and drainage would be appropriately managed on site.

The Flood Risk Manager identifies that the FRA is based on a number of assumptions, including an assumption of the capacity of the canal overflow system through the site. In order to demonstrate that the existing site does discharge into the canal overflow system and at the assumed rate, conditions are recommended to secure the detailed design, implementation, maintenance and management of a surface water drainage scheme; and submission of surface water disposal scheme. The Environment Agency also raise no objection to the scheme subject to securing planning conditions in respect of a scheme to dispose of foul and surface water.

Subject to the imposition of these conditions the scheme is considered to accord with the approach of the NPPF and policy 18 of CRWLP, policy 21 of CBLP and Policy SE13 of the emerging Cheshire East Local Plan Strategy.

Major Hazard Sites

The site is located within the consultation zones of two 'Major Hazard Site' installations; lying within the outer zone of the Brenntag UK and Ireland site, and in the outer, middle and inner zone of the British Salt site. The consultation zones are defined in order to maintain adequate separation around major hazards for more vulnerable land uses.

With regards to this development the health and safety executive does not advise, on safety grounds, against the granting of planning permission.

Landscape, visual impact and design

Policies 12 and 14 of CRWLP do not permit development which would have an unacceptable impact on the landscape and/or townscape and visual impact. The impacts of visual intrusion from the proposal should not have an unduly detrimental effect on the amenity of nearby residential properties (policy GR6). In addition landscaping proposals should be an integral part of the scheme and should provide a satisfactory balance open space and built form, and screening of adjacent users. Other considerations include maximising opportunities for wildlife, respecting features of heritage value within the site and incorporation of energy conservation and efficiency (Policy GR2).

Impacts on landscape amenity, character and fabric

Existing trees within the site are generally sited along the western, eastern and southern boundaries. The western boundary of the site contains a linear collection of mature willow, poplar and conifer trees and some shrub understory. The southern boundary contains a group of mature trees and a collection of young self-set saplings dotted along the earth bund which extends along the palisade fencing. The Landscape and Visual Assessment (LVA) identifies that the only features on site noted to be of landscape importance are the existing vegetation along the western boundary which serves to create a transition between industrial use of the site and the neighbouring residential area and canal corridor; and the area of dense deciduous and mixed tree planting on the south western boundary. The proposals are not anticipated to alter these landscape features to any significant degree. The western vegetation belt would remain largely intact, with only the removal of some vegetation along the southern boundary required to accommodate the proposed parking.

The appraisal identifies adverse landscape amenity effects as a result of the changes in the context of the public access route passing alongside the north of development site, along

Cledford Lane. These are considered to be short to long term during the construction and operational periods due to potential increased traffic flows entering and leaving the site. The appraisal indicates that a minor adverse effect will occur.

No significant changes to the landscape characteristics of the site and wider area in the long term are anticipated given the nature of the development on an existing industrial site. Likewise the impacts on landscape amenity are considered to be small.

Visual impacts
The LVA identifies that the views to the site on all sides are restricted by existing buildings or vegetation. From the north - north west views are restricted by the earth bund beyond Cledford Lane, and the intervening retained portal building on the western boundary. Filtered views are available from Faulkner Drive into the eastern edge of the site due to the coniferous screen planting along the boundary. South on Booth Lane, the intervening woodland to the south of the site and retained buildings restrict views to a narrow corridor along the carriageway, canal and pathway. From the west the vegetated edge to the canal and the retained portal framed building aligned parallel with the canal provides filtered views into the site from the canal, Booth Lane and residential properties.

In terms of visual impacts, the key areas of visibility are from Cledford Lane carriageway parallel with the site; Chelford bridge crossing of the canal; and residential properties to the west and east of the site.

The assessment concludes that moderate and minor adverse effects would be experienced during construction and operational phases of the development at the five representative viewpoint locations; particularly for receptors on Cledford Lane east of the railway line. Properties immediately adjacent to the site on Booth Lane would have moderate adverse visual effects at the construction phase due to the proximity of to the site and infancy of the mitigation planting; however over time this would change to a minor beneficial effect as the planting fills the gaps in vegetation screening along that boundary.

Mitigation
A detailed landscape scheme has been submitted which identifies that the existing 5-10m deep vegetated buffer along the canal boundary comprising of grassed areas and willow trees will be retained to provide an element of screening planting for views from the west. Additional native shrub planting is proposed to reinforce this belt and fill gaps in understory planting.

An area of vegetation comprising early mature trees and young saplings is proposed for removal on the southern boundary; however additional native shrub planting is proposed along this boundary to enhance the habitat potential of this wildlife corridor. The length of mature conifer hedgerow and mature trees to the southeast corner of the site will also be retained. Additional amenity and native tree and shrub planting is proposed within the centre of the site to provide an element of visual and acoustic screening. A single stand of close planted mature conifer up to 8-10m high forms a visual screen along the eastern boundary. The proposals retain the existing hedge line with addition of infilling where gaps have appeared to afford continuation of the screening to the east.

Overall the LVA does not identify any significant landscape or visual impacts arising from the scheme subject to the implementation of mitigation. It is also noted that the Landscape Officer does not raise any concerns. A detailed landscape scheme can be secured by planning condition and subject to these measures it is considered that the scheme would accord with the provisions of policies 12 and 14 of CRWLP, policy GR6 of CBLP and the approach of NPPF.

Heritage and Design

Within the settlement zone of Middlewich (in which the site lies) there is a general presumption in favour of development provided it is in keeping with the town's scale and character. Any development in this zone which is not otherwise allocated for a particular use must be appropriate to the character of its locality in terms of use, intensity, scale and appearance (CBLP Policy PS4). Policy GR1 states that all development will be expected to be of a high standard, conserve the character of the surrounding area and not detract from its environmental quality, and have regard to sustainable development principles. Policy GR2 of CBLP requires proposals to be sympathetic to the character, appearance and form of the site and surroundings in terms of matters such as its overall height, scale, external design, choice of materials, and visual and physical relationship to adjacent properties and the wider locality. Likewise policy 36 of CRWLP states that waste management facilities should be well designed with regard given to its integration into the landscape and townscape and its functionality.

Proposals will not be supported which have a detrimental effect upon the architectural or historical character of a conservation area as a result of matters which include changes to elevational detail of an unsympathetic design which do not respect the local character; development where the design, siting, scale or materials are inappropriate in relation to neighbouring buildings or the locality; and intrusiveness within the setting of a conservation area, or views into, out of, within or across an area.

One of the core planning principles in the NPPF is to securing high quality design in new development. It should respond to local character and history, and reflect the identity of local surroundings and materials while not preventing or discouraging appropriate innovation. The significant of any heritage asset should be taken into account when considering the impact of a proposal on heritage assets. When considering the impact of a proposal on the significance of a heritage asset, great weight should be given to the assets conservation; the more important the asset, the greater the weight should be. Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (NPPF).

Heritage

The site has no formal historical designation but its former uses, buildings and structures are recognised as having local heritage value. A war memorial is situated on the northern façade of the office building fronting Cledford Lane. The memorial would be retained as part of the proposals and following discussions with Middlewich Town Council Heritage Officer, will be restored by the applicant as part of the Office refurbishment works to ensure it longevity.

The Town Council have identified that certain parts of the site such as kilns hold particular heritage interest and as such photographic records have been provided; whilst certain items from the plant such as microscopes and scales will be removed from site and retained by the Town Council.

The location of the site adjacent to the Trent and Mersey Canal Conservation Area is also noted. With regard to the impact of the development on the setting of the Conservation Area, the Conservation Officer notes that the proposed works should have little impact upon its existing character and appearance, given that it is an existing industrial site and the existing vegetation on the canal boundary of the site will be retained and supplemented with native tree and shrub species. Subject to securing appropriate specification for lighting and fencing details to protect the setting of the Conservation Area, no concerns are raised by the Conservation Officer.

Design
The overall design of the scheme is considered appropriate to the character of the locality in terms of the scale, appearance and intensity given the industrial nature of the site and surrounding area to the east of the canal.

The proposals will result in a reduction in the amount of built development on the site. The existing buildings on the periphery will be retained and re-used with minimal change in external appearance, so as to maintain existing views into the site and provide screening for residential receptors. The refurbishments proposed will retain features of architectural interest such as the historic brickwork on the office buildings and upgrade fenestration without losing the fabric of the building. A limited colour palette will be adopted across the site to visually unite the buildings.

These are large buildings, especially the height of the waste transfer buildings; however the new built elements of the scheme have been carefully considered in order to limit height and scale as far as possible whilst allowing for operational requirements of the site. The design of the building also incorporates design mitigation for environmental considerations such as air quality, noise and visual impacts.

Parking and circulation areas are located to the east and south of the retained buildings, allowing new buildings to be positioned in the central part of the site away from all boundaries and sensitive receptors. This also allows for an internal vehicle circulation system which, combined with the use of two waste transfer buildings, encourages efficient vehicle circulation and reduces vehicle manoeuvring to a minimum. Zone 1 (Waste transfer zone) is securely fenced off to isolate operational areas from publicly accessible areas to the west. The refurbishment of the office building includes for disabled access with new paths deigned for disabled access, and disables parking provision.

Given the nature of previous uses on the site, the land uses in the surrounding area and the fact that the site is within an existing industrial area, the design of the scheme would reflect the character and appearance of the local area and would not present any unacceptable impacts on the setting of the adjacent conservation area. It is therefore considered that the design, layout and scale would be acceptable and would accord with policies PS4, GR1 and GR2 of CBLP, policy 36 of CRWLP and the approach of the NPPF.

Ecology

There is one statutory nature conservation designation within 2km of the site at Sandbach Flashes SSSI (approximately 1.18km to the south); and four non statutory nature conservation designations, the closest being Cledford Lane Lime Beds Local Wildlife site to the north of Cledford Lane. There are records of protected and notable habitats and species within 2km of the site including land immediately to the south identified as a Deciduous Woodland Biodiversity Action Plan Priority Habitats area.

The Ecological Phase 1 Habitat Survey identifies one permanent waterbody present in the north east corner of the site and two ephemeral pools in the south; whilst a range of habitats are present including a parcel of broadleaf woodland, scattered trees, scrub, marshy grassland and species poor semi-improved grassland. The ponds and habitats on site were not considered to qualify as UKBAP priority habitat.

The botanical survey has recorded a significant number of plant species on site; however their diversity falls below that which would warrant designation as non-statutory Local Wildlife Sites. The Nature Conservation Officer accepts that there will be some loss of habitat associated with the development however the retention of habitat along the site of the canal would ensure the site maintains some value for wildlife. In respect of the impact on Cledford Lime Beds Local Wildlife Site the Nature Conservation Officers advises that the proposal are likely to be limited to a potential increase in disturbance during the construction phase.

The small area of woodland habitat in the south western corner of the site would be lost with a corresponding loss of biodiversity; however this loss would be in part mitigated by the proposed native species planting in this area. The ecological survey includes for a range of mitigation including retention of existing grassland and woodland habitat and provision of native species; all of which can be incorporated into the final landscape proposals.

Great Crested Newts

In respect of great crested newts (GCN), all waterbodies within 500m of the site were assessed for their suitability for breeding habitat; with two identified as 'excellent' suitability, three as 'good' and one as average. The site contains habitats, mainly on the site boundary, which are considered to be suitable to provide foraging, commuting and shelter opportunities. Suitable terrestrial habitat is identified within the site however no suitable waterbodies are identified as being present on site.

The Nature Conservation Officer advises that the site supports only relatively small areas of suitable habitat for great crested newts and the higher quality ponds are isolated from the site by roads and/or the railway line. As such the proposal is unlikely to have a significant adverse impact upon this species. Given that access to the ponds within 250m of the site was restricted, it is recommended that the development is carried out under supervision of a licensed GCN ecologist outlined by a detailed Method Statement of precautionary working methods. This includes:

- A search of all suitable GCN refuges and areas released for clearance following approval by an ecologist; and
- All excavations to be covered at the end of each day to prevent GCN becoming trapped

The Nature conservation Officer advises that whilst sensible these should be regarded as a purely precautionary measure. Such measures could be secured by planning condition.

Reptiles
Habitats in the south and along the site boundary are considered suitable for reptiles with areas for potential foraging and refugia. No records of reptiles have been identified however grass snakes have been recorded in the locality. The survey recommends appropriate reasonable avoidance measures during site activities which include an ecologist undertaking searches ahead of any vegetation clearance which the Nature Conservation Officer considers to be appropriate.

Barn Owl
There is no evidence of barn owl activity on site and no trees or buildings considered suitable to support roosting/nesting owls, although there is one record of barn owl within 0.5km of the site. Given the surrounding land use it is considered possible that barn owls casually use the site. The buildings and habitats on have potential to offer suitable nesting habitat for birds during the breeding season and roosting/feeding habitat during the remainder of the year. As such the survey recommends avoidance of works which could impact on nests during bird breeding season, unless the area is checked in advance by an ecologist and should nesting birds be identified, appropriate working methods and exclusion zones identified by an ecologist. This could be secured by planning condition.

Bats
Three species of bat have been recorded within 2km of the site. Two trees on site along the canal boundary are assessed as having potential to be used by bats although there is no evidence of such use; and these would be retained by the proposal. As such, no impacts on bats roosting in the trees are anticipated.

The survey identifies that the habitats in the southernmost section of the site and along western and eastern site boundaries have potential to form an important link for the canal and railway line habitats. The landscape proposals include additional planting along the canal which would supplement this bat foraging habitat.

The majority of buildings on site have low potential to support roosting bats; the exception to this is the office building. A detailed bat survey of this building has been undertaken and no evidence of roosting bats was recorded. The Nature Conservation Officer advises that roosting bats are unlikely to be present or affected by the proposed works to this building. Additional emergence/re-entry surveys during bat active season are recommended by the Ecological Survey, and if bats are confirmed roosting, alternative roosting facilities provided and precautionary approach to works to the building. This can be secured by planning condition, and it is noted that a licence would also be required from Natural England.

Badgers
Areas of grassland, vegetation, bare ground and scrub on site are considered suitable to provide limited foraging opportunities for badgers, whilst further potentially suitable habitats are identified adjacent to the site and in the wider area. No evidence of badger activity was found on site although there are records of activity in the wider area. Due to badgers being highly mobile the Nature Conservation Officer recommends an updated badger survey prior to work commencing on site which can be secured by planning condition.

Otter/Water Vole
No evidence of either otter or water voles has been recorded and the Nature Conservation Officer advises that these species are not reasonable likely to be present or affected by the proposed development. Otters and water voles commuting along sections of the canal could potentially be affected by the proposals and as such precautionary methods such as checks of vegetation prior to vegetation clearance are recommended to further minimise any potential risk posed to these two species, which could be secured by planning condition.

The survey identifies that the habitats present on site have the potential to support polecats, hedgehogs and common toads and these priority species have been recorded in the broad locality of the application site. The Nature Conservation Officer advises however that the application site is unlikely to offer significantly important habitat for these three species. In respect of breeding birds the survey identifies that the construction activities could have an impact on nesting birds and as such mitigation is proposed with regards to timing of works and supervision where necessary by an ecologist.

A five year habitat and landscape management plan is also proposed to enhance the site ecology and provide for (in conjunction with the landscaping proposals) suitable amphibian and reptile habitat; erection of wildlife boxes, new planting to incorporate native species, and incorporation of wildlife friendly boundary features. This could be secured by planning condition. Overall the Nature Conservation Officer considers that the scheme is acceptable, subject to securing planning conditions in respect of updated badger surveys prior to commencement of development, implementation of reasonable avoidance measures, safeguarding of breeding birds and scheme for bird and bat box provision. On this basis the scheme is considered to accord with the approach of NPPF, NPPW and policies NR2, NR3 and NR4 of CBLP and policy 12 and 17 of CRWLP which requires new development to ensure there are no adverse direct or indirect impacts on nature conservation assets and where possible net gains to biodiversity is secured.

Other matters

Concern has been raised over the potential for the waste development to generate birds, vermin and flies. The contained nature of the waste transfer buildings and the method of handling with all waste being unloaded inside the confines of the building would serve to limit any potential to attract vermin and flies. Good site management practices would also assist in reducing any potential impacts and the site would operate under an Environmental Permit which would also impose controls over operational aspects of this land use to ensure any impacts are mitigated. This would accord with the approach of NPPW and policy 12 of CRWLP.

Concern is raised over the potential for fire risk. The overall management of the waste facility on the site would fall under the remit of an environmental permit which would impose controls to ensure that the site is operated safely. It is also noted that no concerns have been expressed by the fire service.

Concern has also been raised by local residents over the scope and adequacy of public consultation for the proposals; which is not considered to meet standards identified in Council Statement of Community Involvement. The applicant identifies that public consultation was

carried out including a public exhibition, distribution of a questionnaire and advertisement on a website. It is noted that there is currently no statutory requirement under planning legislation for a scheme of this nature to conduct public consultation prior to the submission of an application.

Conclusions

The NPPW identifies that planning plays a pivotal role in delivering the country's waste ambitions through the development of sustainable development and resource efficiency by driving waste management up the waste hierarchy. The NPPW should be read in conjunction with the NPPF; and all local authorities should have regard to its policies when discharging their responsibilities to the extent that they are appropriate to waste management.

In accordance with paragraph 14 of the NPPF, applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide a range of benefits in terms of sustainable waste management. It contributes towards meeting national waste management targets and meets a proven waste management capacity gap. It also assists in providing a network of waste management facilities for the sustainable management of waste. It would provide a recycling facility which would ensure that any recyclable waste contained within the residual waste stream is separated and sent to a facility which is higher up the waste hierarchy; and through the production of RDF, facilitates the recovery of energy from the residual waste stream. The proposed facility therefore optimises the management of waste as high up in the waste hierarchy as practicable which accords with the objectives of the WMS and the broad approach of the NPPW.

The scheme also provides other benefits in terms of bringing back into use a vacant brownfield site and re-using much of the existing infrastructure and buildings; thereby avoiding the need to develop elsewhere which would have land use and resource implications. A range of operational/logistical and environmental benefits are also presented by the provision of one central strategic site, including improved service capability and efficiency, more sustainable operations/use of facilities; allows for reduction in some vehicle mileage. The scheme also provides for improvements to the existing road junction and enhanced pedestrian connectivity and allows for the remediation of a site with historical contamination.

Balanced against these benefits must be the negative impacts arising from the scheme, particularly in terms of noise impacts to sensitive receptors resulting from evening and night time operations, potential for residual odour emissions to residents in close proximity to the site, and the potential for some of the waste not being managed close to its source and resulting in additional vehicle mileage.

On the basis of the above and given the approach of the NPPW, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly the proposal complies with the relevant development plan policies and should be approved.

RECOMMENDATION

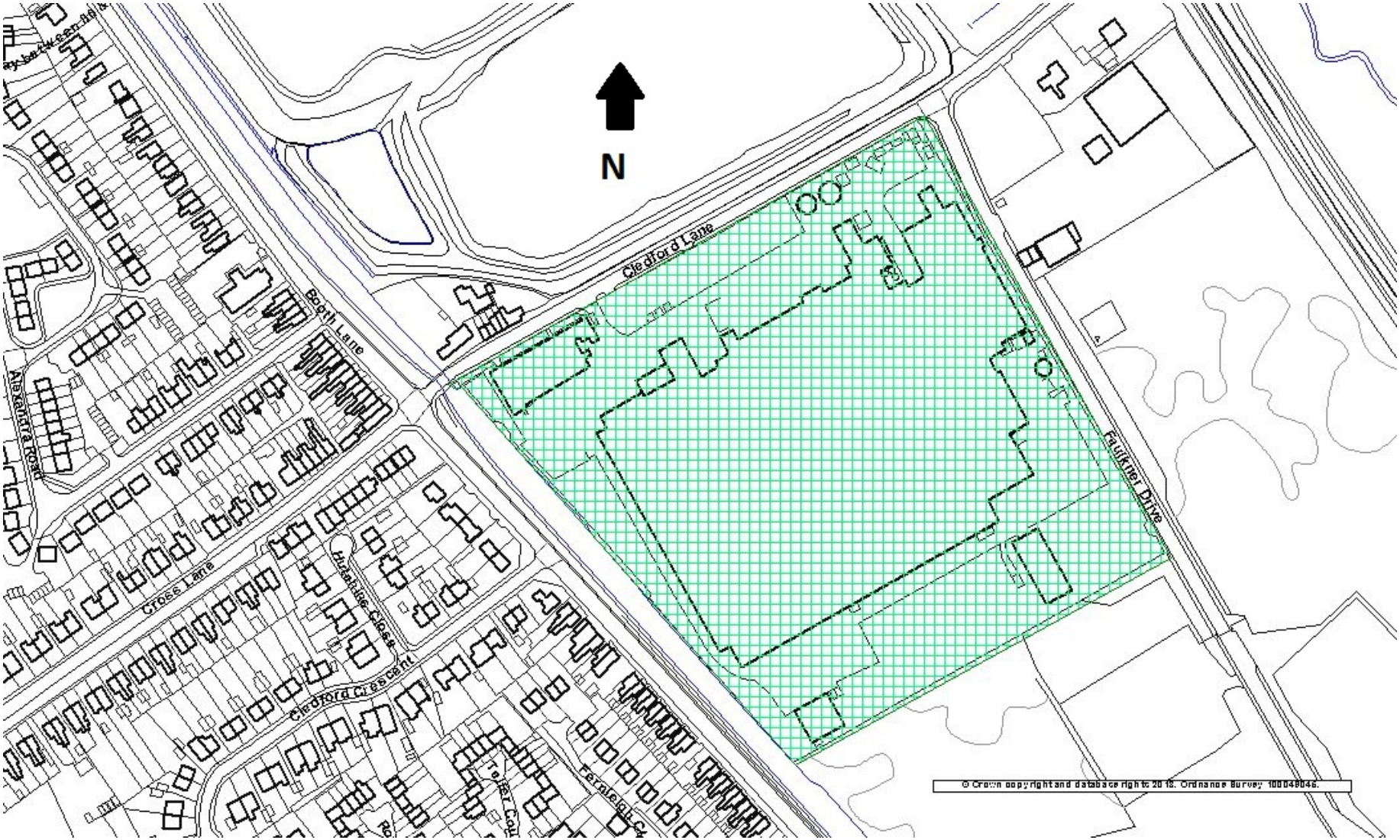
That the application be APPROVED subject to the following:

1. **Standard conditions**
2. **Hours of operation**
3. **Approved plans**
4. **Vehicle numbers**
5. **Off site highway works**
6. **Implementation of new access**
7. **Parking arrangements and internal routing**
8. **Construction management plan and routing agreement**
9. **Implementation of travel plan**
10. **Acoustic mitigation details to be submitted**
11. **Limit on times for movement of RCVs**
12. **Noise management plan**
13. **Noise limits and monitoring**
14. **Construction environmental management plan**
15. **Odour mitigation**
16. **Detailed design, operation and maintenance of biomass plant to be submitted**
17. **Lighting scheme**
18. **Final landscape scheme**
19. **Remediation strategy and site completion report**
20. **Breeding bird survey**
21. **Updated badger survey**
22. **Scheme for ecological enhancement**
23. **Implementation of reasonable avoidance measures**
24. **Details of fencing**
25. **Surface water drainage arrangements**
26. **Surface water disposal scheme**
27. **Measures to deal with unexpected contamination**
28. **Piling restrictions**
29. **Foul water disposal details**
30. **Scheme for mitigation of pollution to canal**

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 Interim Place

Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

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