

STRATEGIC PLANNING BOARD – 23rd September 2015

APPLICATION NO: 15/2355W

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.

ADDRESS: IDEAL STANDARD, CLEDFORD LANE, MIDDLEWICH, MIDDLEWICH, CHESHIRE, CW10 0JW

APPLICANT: Ralph Kemp, Cheshire East Council

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POLICIES

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 16: Historic Environment
Policy 17: Natural Environment
Policy 18: Water Resource Protection and Flood Risk
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 36: Design

Congleton Borough Local Plan 2005 (CBLP)

Policy PS4 Towns
Policy GR1 New Development
Policy GR2 Design
Policies GR6 and GR7 Amenity and Health
Policy GR20 Public Utilities
Policy GR21 Flood Prevention
Policies NR2, NR3, NR4 Wildlife

Policy NR7 Reclamation
Policy E3 Employment Development in Towns

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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 Congleton 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).

Additional information under Officer Appraisal

Environmental Impact Assessment requirements

Objectors to the scheme consider that the development should be supported by an Environmental Statement in accordance with the Environmental Impact Assessment Regulations 2015. A third party has sought an Environmental Impact Assessment Screening direction from the Secretary of State; who have determined that the proposal is not 'EIA Development' and as such an Environmental Statement is not required.

Impact on tourism/recreation

Concern has been raised by local residents over the impacts of the scheme on the use of the area, particularly the adjacent canal for recreation/leisure and tourism. The Cheshire Ring canal Walk Recreational Route runs along the western bank of the canal adjacent to the A533.

The land use proposed is of an industrial nature which would in many respects present similar impacts to that generated by the historical uses on the site and that generated by other industrial activities on the nearby Brooks Lane Industrial Estate. The Canal and Rivers Trust do not raise any objections or specific concerns regarding impact of the scheme on the recreational/tourism value of the canal corridor. It is considered that subject to the imposition of the suggested conditions to protect local amenity and secure landscape planting along the western site boundary, the impacts of the scheme on the recreation and tourism value of the local area would be acceptable.

Impact on health

Concern is expressed by local objectors over the potential for health impacts associated with pollution from the scheme. The NPPW advises that the locational implications of any advice from relevant health bodies should be considered; but waste planning authorities should concern themselves with implementing the planning strategy in the Local Plan and not with the control

of processes which are a matter for the pollution control authorities; and authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. Additionally the NPPG advises that *'the focus of the planning system should be on whether the development itself is an acceptable use of the land and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body'*. In respect to this issue the advice of the Cheshire and Merseyside Health Protection Unit has been sought but no comments have been made to this application.

It is also noted that the role of the environmental permit which will be required for the site (and regulated by the Environment Agency), is to provide the required level of protection for the environment. The permit will aim to prevent pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health. It is not the role of the Planning Authority to duplicate such controls and the Local Authority needs to work on the basis that other environmental bodies will discharge their functions appropriately. In the absence of any concerns from the Health Protection Unit and given the guidance of the NPPW and NPPG, it is considered that any health impacts would be adequately addressed by other environmental bodies/regulations, with further control provided by the planning conditions as recommended by the Environmental Health Officer.

Phosgene gas

Local residents have identified concerns over the potential for phosgene gas and liquid chlorine to be present on the site associated with the previous use of the site during world war one for the development and manufacture of chemical weapons. Local residents report that these were stored in brick built cells or holding chambers in the ground and potentially were then capped and left in-situ.

The applicant has subsequently undertaken further desk top investigations which identify that the site was used for production of phosgene between August 1917 and November 1918. The desk top study identifies that if chlorine or phosgene was present in soils on site it would have readily dissipated / decomposed since 1918/1919; which would indicate that there is a negligible risk posed by site soils to current users, future users, development workers and the water environment. The mean depth of the water table across the site is 0.7m b.g.l; and this waterlogged environment would have enabled the degradation of these substances.

With regards to the potential for rejected projectiles and/or sealed vessels/ pipe work from production equipment to remain in the ground; the desk top study identifies that the majority of the site footprint has been subject to numerous intrusive works programmes since 1918/19; with none having

encountered any exposure to these. The post 1919 construction levels of structures are therefore assessed as having a low risk of encountering chemical warfare material and/or buried material however this does not totally eliminate the residual risk of encountering such material. The desk top study recommends that post demolition and pre redevelopment, a sub-surface scan of the project footprint is undertaken.

The risk from potential chemical warfare material is identified as mainly to the Principal Contractor and anyone undertaking ground breaking activities. As such the study recommends that scanning of areas prior to ground breaking activities for underground objects; and should any be identified specialist advice sought. The applicant advises that specialist subcontractors in chemical warfare materials would be used to advise on the construction activities and as necessary liaison will be undertaken with Public Health England and Environmental Health Officers.

The Environmental Health Officer and Environment Agency are in agreement that appropriate mitigation can be addressed as part of the remediation strategy which would be secured by planning condition to protect the local environment and human health. In addition any risks to health and safety of works on site would fall within relevant health and safety legislation. As such this is considered to accord with the approach of Congleton borough Local Plan and the NPPF.