

Application No: 17/0510M

Location: Former Mere Farm Quarry, ALDERLEY ROAD, CHELFORD

Proposal: Delivery of watersports and outdoor activity centre on the north and south lake of the former mere farm quarry, including new vehicular access, car parking and multi use building

Applicant: Mr Tim Woodhead, Adventure Lakes Limited

Expiry Date: 01-May-2017

SUMMARY

The site is a greenfield Green Belt site and has a previous use as a quarry. A detailed comprehensive restoration plan is in progress at the site and the lakes are slowly filling. The proposed development is considered to be acceptable in terms of the Green Belt, the use of the lakes maintains openness and the proposed buildings and structures are not considered to be inappropriate development within the Green Belt as they are appropriate for the proposed use.

The proposal is considered to be socially sustainable, the development would provide an opportunity for local residents to participate in sport particularly kayaking and swimming at the site along with utilising the enhanced public footpath network.

It is considered that the proposed development would be very positive in terms of contributing to the local rural economy and supporting local businesses. The proposed development will attract visitors from the local area and from further afield to use the facility. Therefore it makes a positive economic contribution.

In terms of environmental sustainability, the proposal would have a landscape impact, however this must be weighed in the balance, as it inevitably would introduce built development where there is none at the current time.

With regard to flood risk, noise, air quality, highways and design these matters are considered to be acceptable.

The site has a rich biodiversity, which is proposed to be enhanced further through the continued development of the restoration scheme. The biodiversity would suffer as a result of the proposals and in particular the birdlife at the site, however it is considered that the mitigation now proposed in combination with restricted use of the south lake would reduce the impact on species and would provide attractant features for birds of County importance such as Swifts.

When weighed in the planning balance, it is clear that there are a number of positives to the scheme but the impact on biodiversity, in particular birds will be significant. However it is

considered that this harm can be mitigated through an extensive series of mitigation proposals.

The decision is finely balanced, however it is considered that the application proposes a sustainable form of development and accords with the Macclesfield Borough Local Plan and National Planning Policy Framework which aims to achieve sustainable development.

The benefits in this case are:

- The proposal will provide a unique sporting and recreational facility for the local community and wider community to enjoy.
- It will encourage sport participation to contribute to the health and wellbeing of the local and wider community
- The development would provide significant economic benefits through the provision of employment during the construction phase, job creation during the operation of the facility and benefits for local businesses.
- The proposal is not considered to have a detrimental impact on the highway network.

The development would have a neutral impact upon the following subject to mitigation:

- There is not considered to be any significant drainage or flood risk implications raised by this development.
- The impact upon trees is considered to be neutral as this can be addressed through mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land can be mitigated through the imposition of planning conditions.
- Increased potential for bird hazard – which can effectively be mitigated through the bird management plan.

The adverse impacts of the development would be:

- The impact on biodiversity, however this is mitigated in part through a large series of mitigation measures.
- Landscape impact through the introduction of new buildings and structures.

On balance, it is considered that the proposal does represent sustainable development when assessing the three strands of sustainability and accords with the development plan and national planning policy and guidance.

SUMMARY RECOMMENDATION

Approve subject to Section 106 agreement

PROPOSAL

The application is a full planning application for the redevelopment of the former Chelford Quarry. The quarry was mined for sand and gravel for many years by Hanson, the activity has ceased at the site and a full restoration and remediation plan is in place, which will provide opportunities for nature conservation with extensive swathes of planting and regrading of the lakes which are now filling with water.

The redevelopment proposes the reuse of the two southern lakes for recreational purposes. The northern lake will be used as a wakeboarding park and aerial ropes course, where pylons and ropes will be erected to create the infrastructure for the wakeboarding. The southern lake will be used for kayaking and swimming. The southern lake will have no motorised vehicles using it. The northern lake will only have the power to operate the ropes.

The proposal also includes a building to provide changing facilities, servery, reception, small retail area, WC facilities and equipment storage, there will also be an outdoor seating area for spectators. There are a series of boardwalks leading from the building to the lake.

The site will have a car parking area to accommodate cars and coaches, as the proposal is likely to attract groups including school groups.

The proposed use of the site would generally operate during the following times. The submitted application form confirms proposed opening hours of 0600 to 2200 daily. However, it should be clarified that the overall scale of activity of the site is likely to be less, depending heavily on the season.

In the summer, the South Lake may be made available from 0600 for use by Open Water Swimmers only, who seek to access such facilities before work. Wakeboarding and other activities would not start until 0900 and would cease at a time when natural light begins to fade (dusk). As no floodlighting is sought all activities on the lakes would cease at dusk. Thereafter the applicant states that the building may remain open for a short time longer to enable users to change etc.

The applicant has stated that the site would be clear of customers by 2200. During the summer months, the activity is likely to occur 7 days per week, in winter however, when temperatures are colder and days are shorter, activity will be much less and will be heavily influenced by day-light and usage. Generally, 3-5 days of trading would be expected per week in the winter, but this will vary depending on demand.

The site area is tightly drawn around the lakes and the proposed area for car parking and the proposed building. The proposed development would include the planned restoration of the remainder of the site to be carried out, including the large area of tree planting to the east of the site. The planning statement states that the proposed development will create around 30 jobs.

Following the previous submission, this application includes measures for the control of large birds who pose a threat to aircraft such as Canada Geese. Further there are a series of mitigation measures proposed in relation to increasing biodiversity at the site including islands in the south lake, and a swift tower among others which can be seen on the full mitigation plan accompanying the application, to attract species of County importance to the site.

SITE DESCRIPTION

The application site extends to approximately 21.6ha and comprises two lakes and land to the west. The site is accessed off Alderley Road which runs north south along western boundary of the site with Chelford Road along the southern boundary of the site. To the east is the main largest lake of the site, which is well established and appears to be restored. Quarrying

ceased on this prior to the activity ceasing on the north and south lakes. The large lake to the east does not form part of this application, and will remain unaffected by the development, the tree buffer between the lake to the east and the north and south lakes will be planted as planned as part of the restoration scheme. The site is bounded by hedgerows with some trees around the site. The lakes are gradually filling with water and currently have steep banks, as they are not restored.

Public Right of Way 'Chelford FP2' and 'Nether Alderley FP50' cross the central part of the site and connects with Stubby Lane (a byway) and Alderley Road. This links to the wider public rights of way network surrounding the site.

RELEVANT HISTORY

16/1353M, Delivery of watersports and outdoor activity centre on the North and South Lakes of the former Mere Farm Quarry, including new vehicular access, car parking and multi use building, Refused 23-Nov-2016

15/1648D, Discharge of Condition 42 (Detailed Scheme for Enhancement of Public Access) on Application 09/2806W, Approved, 27-Sep-2016

14/1788W, Variation of condition 2 and 54 of permission 09/2806W to extend the date in condition 4 from 28th April 2014 to 30th September 2016, and amend the approved restoration scheme to that shown on plan M103/222 rev 'C', Not determined

14/1944W, Variation of conditions 4 and 59 of permission 5/06/2940 to allow to extend the date in condition 4 from 28th April 2014 to 30th September 2016, and amend the approved restoration scheme to that shown on plan M103/222 rev C., Not determined

09/2806W, interim extension to sand workings at mere farm quarry, Approved subject to Section 106 agreement, 02-Dec-2011

5/99/0235P – extension to area of sand extraction and continuation of existing sand quarrying operations – granted April 2000 subject to s106 legal agreement concerning hydrological matters. Required cessation of mineral working by April 2014;

5/06/2940 – revision to restoration scheme of planning permission 5/99/0235P. Granted June 2008 subject to deed of variation to s106 legal agreement. Requires cessation of mineral working by April 2014.

Planning permission was granted in December 2011 (ref: 09/2806W) for a 6ha extension to the north west of the site. A small section of the main quarry site was included in this permission boundary to allow for revisions to the lake profile shown on the restoration plan which would be necessary following the continued extraction to the north west. The permission is subject to a s106 legal agreement concerning hydrological matters and long term management of the two western waterbodies, part of which overlaps with the boundary of permission 5/06/2940 (and thus the boundary of this application). The permission required cessation of mineral working by April 2014.

NATIONAL & LOCAL POLICY

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

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

Macclesfield Borough Local Plan Policy:

The site is located within the Green Belt.

Therefore the relevant Local Plan policies are considered to be: -

Built Environment Policies:

Policy BE1: Design Guidance

Development Control Policies:

Policy DC1: New Build

Policy DC3: Amenity

Policy DC5: Natural Surveillance

Policy DC6: Circulation and Access

Policy DC8: Landscaping

Policy DC9: Tree Protection

Policy DC13: Noise

Policy DC33: Outdoor Commercial Recreation

Policy DC36: Road Layouts and Circulation

Policy DC63: Contaminated Land

Policy DC64: Floodlighting

Policy GC1: Green Belt

Policy E1: Employment Land Policies

Policy T1: Integrated transport policy

Policy T2: Provision of public transport

Policy T3: Improving conditions for pedestrians

Policy T4: Provision for people with restricted mobility

Policy T5: Development proposals making provision for cyclists

Policy T6: Highway improvements and traffic management

Policy NE2: Landscape protection and enhancement

Policy NE11: Nature conservation

Policy NE14: Natural habitats

Policy NE17: Nature Conservation in Major Developments

Policy H13: Protecting Residential Areas

Cheshire East Local Plan Strategy – Proposed changes publication document July 2016.

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG3 Green Belt

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SE1 Design
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE9 Energy Efficient Development
SE10 Minerals
SE12 Pollution, Land Contamination and Land Instability
SE13 Flood Risk and Water Management
EG2 Rural Economy
EG4 Tourism
SC1 Leisure and Recreation
SC2 Indoor and Outdoor Sports Facilities
SC3 Health and Well-being
CO4 Travel Plans and Transport Assessments

The National Planning Policy Framework

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.
56-68. Requiring good design
73, 74, 75 Promoting healthy communities
79, 80, 81, 89, 90 Green Belts
109. Conserving and enhancing the natural environment
186-187. Decision taking
196-197 Determining applications
203-206 Planning conditions and obligations

Other Material Considerations

- Conservation of Habitats & Species Regulations 2012
- Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
- Ministerial Statement – Planning for Growth (March 2011)

CONSULTATIONS (External to planning)

Manchester Airport The proposed development has been examined from an aerodrome safeguarding aspect by the Aerodrome Safeguarding Authority for Manchester Airport and we

have no objections to the proposal subject to a condition requiring implementation of an agreed Bird Management Plan (see below for suggested wording) and a S106 agreement that obligates the applicant (or any future owners) to monitor and report on the continued implementation of the Bird Management Plan.

Recommended Condition:

- Development shall not commence until a Bird Management Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Aerodrome Safeguarding Authority for Manchester Airport. The Bird Management Plan shall be implemented as approved.

Reason: To avoid endangering the safe operation of aircraft through the attraction of birds.

Without appropriate and ongoing mitigation it is highly likely that this development would result in an increase in the population of birds that are hazardous to aviation (in particular feral geese) at this site, which would thereby increase the birdstrike hazard within Manchester Airport's safeguarded area. In order to protect against this, the applicant has worked closely with the Aerodrome Safeguarding Authority for Manchester Airport to ensure that the design of the scheme, the associated ecological measures, and ongoing management of the site (through an effective Bird Management Plan) are acceptable from an aerodrome safeguarding perspective.

The submitted Bird Management Plan incorporates all of the advice that has been provided by the Aerodrome Safeguarding Authority for Manchester Airport and we can therefore accept it as an acceptable structure for monitoring and mitigating any new bird hazards that may arise from this development. As referred to above, we would require the agreement of and continued implementation of the Bird Management Plan to form a condition of any approval granted. To ensure that the Plan continues to be delivered to our satisfaction we also require a S106 agreement between the relevant parties. This will obligate the applicant to monitor and report on the continued implementation of the Plan and ensure the continued policing of the bird control measures therein. With the Bird Management Plan and S106 agreement in place, aviation safety would be protected from any increased attraction of specific bird species at this location and this would represent an improvement on the situation that would exist if the current restoration plan for the site were to proceed.

Cheshire and Wirral Ornithological Society (CAWOS)

CAWOS acknowledges the efforts of the Applicant to provide mitigation and enhancement measures in relation to the proposed Watersports Centre. However, the Society notes that the Applicant has not provided any science based example of any other such site maintaining or increasing its ornithological value following a watersports development. CAWOS believes that many of the ornithological 'biodiversity gains' highlighted by the Applicant are speculative and cannot be relied on to maintain the County ornithological status level. It remains the view of the Society that, despite the further measures offered, the scale of the Application footprint remains of such an extent that the measures fail to adequately compensate for it. As a result the future ornithological value of the site would be reduced to below that of County status. In view of this CAWOS takes the view that the Watersports Centre proposals are incompatible with the site maintaining its ornithological value and has no alternative other than to continue to register its objection to the proposed development.

Flood Risk Team No objections subject to conditions

United Utilities No objections subject to conditions

Natural England No comment

PROW No objections subject to conditions

Environmental Health – no objections subject to conditions

RSPB

Comments on Adequacy of Mitigation

Islands

RSPB's view in relation to the creation of islands in the south lake is pragmatic; we believe that the 2 permanent islands should only be created once water levels have "settled" as described within the Joint Response.

We acknowledge the statement that these islands offer a significant biodiversity gain as stated within the final paragraph of this section in the Joint Response, RSPB is working on the assumption that species including breeding waders may be lost, both as a result of the site maturing and as a result of the proposed use for the northern lake; but, offering replacement nesting / foraging habitat which may be used by other species including could in the long-term result in a biodiversity gain.

We fully support the creation (during construction of the wakeboarding facility) of a floating island so that birds have the opportunity afforded by the northern island at another location, while water levels stabilise in the period between construction / operation of the facility and the creation of permanent islands. RSPB sees this as a generous and sensible offer on the part of the applicant, but would like more information on the intended location of this island which does not appear on any of the submitted plans.

Sand Martin Banks

RSPB is supportive of the inclusion of the excellent "Schwegler" nest tunnels², however we would like more information regarding sighting to ensure that rising water levels would not flood the tunnels, this will give greater certainty that this installation is the correct solution for the site, the bank within which these site must be vertical and a minimum of 1.5m above normal water level.

Disturbance, Assess and Security

The RSPB accepts the statement within the Joint Response in respect of a 500m displacement buffer; although there will undoubtedly be a displacement effect attributable to the activities on the southern lake during the breeding season. However, estimating this effect (when there are no pre-existing islands) is difficult and in practice there is likely to be some habituation to the proposed activities, although to what extent this will occur is uncertain, we have been unable to locate any directly comparable studies relating lake use to bird productivity or use of Islands.

Reedbeds

RSPB accepts consideration by the applicant of our previous comments on additional reedbeds, we are disappointed by the reply within the Joint Response, but accept the response given.

Swift Towers

Swifts are in trouble. Their breeding numbers plummeted by 47% between 1995-2014, making them an amber-listed species and a Bird of Conservation Concern. Since we cleared our ancient forests swifts have nested happily alongside us but unfortunately due to changes in building regulations and materials, they can no longer access the eaves of buildings. This is thought to be one of the main causes of their decline in the UK. The RSPB (and others) believe that Swift should actually be Red Listed, but due to historic under recording of the species there is insufficient scientific evidence that this should be the case, however, they are a priority for species recovery work for the society.

While the RSPB has seen no records for nesting Swift from the Chelford area they are recorded flying over the quarries. In recent years there have been considerable efforts made to entice Swifts (known to be faithful to established nest sites) to breed in new areas and work undertaken utilising Swift calls to entice birds to establish new colonies has been a success.

The proposed adoption of two Stoneyford Swift Towers by the developer as outlined in the Joint Response is seen by RSPB as a bold move which could result in a significant biodiversity gain for this part of the County.

Kingfisher Tunnel

RSPB recommended the inclusion of a Kingfisher tunnel as an additional measure because of the recent population declines shown for this species. Should the tunnel become and continue to remain occupied this would be a biodiversity gain directly attributable to the development.

Monitoring

RSPB acknowledges the detail provided in respect of the provision of ecological monitoring on site and has no further comment.

Conclusion

Whilst it is considered that the proposed development will be damaging to the existing biodiversity of the application site it is the RSPB's belief that the mitigation and enhancement proposed within the Joint Response should mitigate for losses and in some areas could provide a significant enhancement in biodiversity, albeit in respect of different species, e.g. swapping importance for Little Ringed Plover, for importance for nesting Swifts.

Highways

There have been a number of planning applications submitted for this site and the current proposals in this application have not changed in regards to highways.

Therefore, the previous comments should be taken as the highway recommendation for the planning application. The only addition was the requirement for the Highway Authority to progress the reduction in speed limit on Alderley Road and this would need to be delivered via a S106 Agreement with £7,000 provided to fund the Order.

Therefore, in regard to highways no objections are raised.

CPRE (comments received 16/05/2016) Objection on Green Belt grounds no special circumstances.

Mid Cheshire Footpath Society (no comments received)

ANSA (no comments received)

Environment Agency

We object to the proposed development and would wish to make the following comments.

Environment Agency position

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

VIEWS OF THE PARISH COUNCIL

Chelford Parish Council

Chelford Parish Council maintains its objection to this application. It is an inappropriate development for a greenbelt site, which is assessed as having county importance. Its negative impact on the bio diversity, the openness of the land and visual amenity, irrespective of mitigation, outweighs any proposed benefits. These proposals cannot be justified as an exceptional use of greenbelt land for activities, which have relatively low participation rates. There are sufficient sites for a wide range of water and non-water activities which are easily accessible by the population of Cheshire East and which already promote health and well being and allow participation across a broad spectrum of the population. We urge the Planning Committee to reject this application and protect the greenbelt from unwarranted development.

Nether Alderley Parish Council

Although this application lies within the Chelford Parish, should it be approved, it will have a significant impact on several residential dwellings within Nether Alderley and therefore we wish to make the following comments for your consideration:

1. The Parish Council feel very strongly that this is an inappropriate development within the greenbelt. At present there is no element of previously developed land which would give rise to special circumstances and allow a commercial development on this site. We suggest this would be a detrimental impact upon the openness of the greenbelt which the Parish Council fiercely protects at all times.

2. The previous 14/1944W application which determined the final restoration plan once all quarrying had been completed, clearly states that the land should be returned to greenfield greenbelt status and the associated landscaping approved provided for protection of nature and wildlife. There is clear evidence of the maturity of this on the site today.

In conclusion, the PC would urge you as a Planning Committee to refuse this application, as your responsibility is to uphold the policy which protects the greenbelt within Cheshire East authority.

REPRESENTATIONS

A large number of representations have been received, approximately 358 in support and 42 in objection.

Support

- Asset to the area
- Good for economy through employment and tourism
- Provide a sport/leisure facility, many comments that not much in area/Chelford
- Provide a facility that can be hard to access
- Encourage sporting uptake
- Good facility for families/young people/community
- Good for public enjoyment of the outdoors
- Aid healthy lifestyle/being active/exercise
- Save people travelling to other places
- Social enterprise, societal benefits as well as economic
- Many people who said they want to use it/would travel to use it

Objections

- Harm to wildlife/biodiversity/place of ecological interest
- Harmful to visual amenity
- Cause noise/light pollution for neighbours
- Insufficient information on transport
- Cause an increase in traffic / lack of parking
- Several similar facilities in the area so not needed
- Site security appears low/dangerous if people access it when they shouldn't
- Disruption to people using the area recreationally (dog walkers/ramblers etc)
- Original permission stated it would go back to original state
- Little or no demand from locals
- Cause a lack of privacy to neighbours
- Cause decrease in house prices
- Opening times too broad, cause disruption to locals
- Cause pollution into the lake

APPLICANT'S SUPPORTING INFORMATION

- Planning Statement
- Design and Access Statement
- Arboricultural Assessment
- Flood Risk Assessment
- Framework Travel Plan
- LVIA
- Ecology Assessment
- Statement of Community Involvement
- Transport Statement

Planning Statement Conclusions

The application proposals will complete the restoration of this former mining site by delivering a viable, beneficial and much needed leisure use into the area.

This use, being for sport and recreation, is permissible in this Green Belt location, as national and local planning policies confirm. The Green Belt compatibility with the site is further enhanced with reference to the use only requiring a small area of built development to enable its operation.

The proposals will deliver around 30 new jobs into the local rural economy and will deliver various spin-off benefits in terms of boosting the local economy in a variety of ways.

The proposals will have minimal highway impacts and the site is accessible by a variety of means.

By virtue of the lakes and surrounding area being recently created, via the Quarry Restoration Plan, the site has very limited ecology or landscape value. The application proposals enhance the site's ecology and landscape value by delivering a managed use, which will assist in preventing bird accumulation, as is a stipulation of the approved Restoration Plan.

In overall terms, this privately funded leisure proposal delivers varied and far-reaching benefits which will be an asset to the area for many years to come. The proposals accord directly with all strands of planning policy, both national and local, and should, accordingly, be expediently granted planning permission.

APPRAISAL

Key Issues

- Principle of development
- Sustainability
- Design
- Landscape Impact
- Trees
- Access
- Highways
- Ecology
- Amenity
- Flood Risk
- Employment
- Economy of wider area
- Section 106
- Representations
- Conclusions
- Planning Balance
- Recommendation

Principle of development

Green Belt

The site is located within the Green Belt and was used as a former quarry. The site has a full comprehensive restoration and remediation plan in place, and therefore under the definitions contained within the National Planning Policy Framework is not Previously Developed Land. Therefore in policy terms the site is greenfield Green Belt land.

Within the Green Belt, development is restricted in order to maintain its openness and permanence and prevent urban sprawl. Certain types of development are acceptable within the Green Belt and the NPPF states that the construction of new buildings is inappropriate development and exceptions to this include – ‘provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt’. This proposal however requires consent for the *use* of the land for outdoor sport and recreation, and therefore is not an exception under paragraph 89. Therefore in order to justify this, Very Special Circumstances must exist to justify the departure from Green Belt policy.

The use of existing lakes for recreation purposes would itself maintain openness and is encouraged under paragraph 81 which states that:

‘local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscape, visual amenity and biodiversity; or to improve damaged and derelict land.’

It is therefore considered that the use of the lakes for swimming, kayaking and wakeboarding would be an acceptable use as this largely maintains openness and makes use of the existing lakes. The wakeboarding facility however will introduce pylons and wires within the lake, which are structures, however these are appropriate facilities to support this use and are not considered to be inappropriate development in their own right in accordance with paragraph 89 of the NPPF.

In terms of Green Belt policy only, it is considered that the proposed use is an acceptable form of development it maintains openness and allows access to the countryside to provide facilities for outdoor sport and recreation, therefore the Very Special Circumstances for the use exist. The clubhouse building provides space to store equipment, seating area and changing facilities which are associated with the proposed use and the proposed use could not function effectively without these facilities, and therefore are not inappropriate development and are in accordance with paragraph 89 of the NPPF.

Land use

The site is a former quarry and as such has a comprehensive restoration and remediation scheme in place, which is active and is being carried out by Hanson the former quarry operator. The final use for the site is currently predominantly for nature conservation purposes. Which includes various habitat creation and woodland planting a belt of agricultural land, the site will also improve access across the site. However access around the main lake (which does not form part of this application site) has been restricted in order to allow for wildlife, particularly birds to live largely undisturbed.

The restoration however, is a gradual process over the medium to long term, which gives time to allow the lakes to fill, grading to take place, habitat creation to take place and for the large

areas of tree planting to be carried out. This gradual process will allow certain species who currently reside at the site to gradually move off as the site becomes less suitable, and for new species to arrive over time.

The restoration scheme although established, does not mean that other uses could not utilise the site. The NPPF at paragraph 143 states that Local Plans should put in place policies to ensure worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place, including for agriculture (safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation.

Policy SE10 of the emerging Cheshire East Local Plan states that for mineral sites the Council will:

'Secure at the earliest opportunity the high standard restoration and aftercare of sites following mineral working, recognising the diversity of appropriate restoration schemes to deliver the potential for beneficial afteruses.'

This therefore does not preclude a recreational use coming forward at a site such as this, providing all other material considerations are acceptable.

Policy DC33 of the Macclesfield Borough Local Plan sets out criteria for outdoor recreation sites. It is considered that the proposed development broadly accords with this criteria based policy however points 3 and 4 are set out below:

3 – The site should not lie within an area designated as a site of nature conservation importance.

Whilst this is not designated as such at the current time, it does meet the selection criteria to be designated as a Local Wildlife Site so it is considered to be of conservation importance.

4 – The design, siting, scale and materials of any necessary buildings or structures should harmonise with the existing landscape setting of the site and should not significantly harm or detract from the visual character of the site and its surroundings. Wherever possible new buildings should be sited in close proximity to existing non-residential buildings to minimise visual impact.

It is not considered that the structures particularly the pylons will harmonise with the existing landscape setting, however over time the impact will be less, in terms of landscape character detailed comments are out in the report.

Sustainability

Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay. There are three strands to sustainability, social, economic and environmental.

SOCIAL SUSTAINABILITY

Sport and Recreation

The application proposes a wakeboarding park and kayaking and swimming lake. The application proposes an end use of outdoor sport and recreation, which will be available as a leisure facility for the local and wider population, it will offer facilities for groups and individuals which will encourage participation in sport and outdoor activities.

One of the core planning principles in the NPPF is to promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production).

Policy SC1 of the emerging Local Plan, encourages leisure and recreation facilities and states that the Council will:

Support proposals for facilities that would not be appropriate to be located in or adjacent to centres, provided they are highly accessible by a choice of transport, do not harm the character, amenity, or biodiversity value of the area, and satisfy the following criteria:

i. The proposal is a facility that:

a. supports a business use;

b. is appropriate in an employment area; or

c. supports an outdoor sports facility, education or related community / visitor facility; or

d. supports the visitor economy and is based on local cultural or existing visitor attractions.

Therefore under criterion c and d there is support through the emerging local plan for this type of development, it is considered that facilities such as this provide a social function in providing recreation opportunities for the local and wider population.

Policy SC2 of the emerging CELPS states that new facilities for sport will be supported, however this does state that the need must be identified within an accompanying Playing Pitch or Open Space Strategy. This site is a unique opportunity, therefore is not specifically listed, however nonetheless is an opportunity for a sporting facility.

The proposed development will allow greater participation in outdoor swimming and kayaking, along with wakeboarding, which brings social benefits to the area.

Policy SC 3 (Health and Wellbeing) of the emerging CELPS states that the Council will ensure new developments provide opportunities for healthy living and improve health and well-being through the encouragement of walking and cycling, good housing design (including the minimisation of social isolation and creation of inclusive communities), access to services, sufficient open space and other green infrastructure, and sports facilities and opportunity for recreation and sound safety standards.

Whilst this proposal does not relate to housing development, it is clear that it will give access to sports facilities and the associated green infrastructure including the public footpath network, although this network is likely to be accessed in the first instance by the private car.

Public Rights of Way

Comments have been received from the PROW team, which state that the proposals affect Public Footpath No. 2 in the Parish of Chelford, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.

This would be upgraded in line with the restoration proposals which will improve the route through the site, providing better opportunities for walkers in particular in line with the following guidance set out in the NPPF.

The National Planning Policy Framework states that *“planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails”* (para 75). NPPF continues to state (para. 35) that *“Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to.....*

- *give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*
- *create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians”.*

Pedestrian and cyclist access to the site

The Transport Assessment states:

“4.4.1 The main pedestrian/cycle access to the facility will utilise the existing Public Right of Way (PRoW) footpath. This existing PRoW is due to be resurfaced as part of Hanson Aggregates reinstatement works and the pedestrian access will follow this route towards the southwestern corner of the north lake”

The Public Footpath runs from the Alderley Road through an agricultural field before reaching the proposed site boundary. The PROW team are aware of proposals to fence/hedge the Public Right of Way, with specific details, including any surfacing specifications, and timeframes to be agreed. Certainly, the Public Footpath offers a right of way for the public *on foot*, not by bicycle, and as such the route cannot be promoted as such without the landowner’s permission.

Improvement opportunities

Proposed developments should present an opportunity to deliver and improve walking, cycling and equestrian facilities for transport and leisure purposes, both within the proposed development site and in providing access to local facilities for education, employment, health etc. These aims are stated within the policies and initiatives of the Council’s statutory Local Transport Plan and Rights of Way Improvement Plan and also within the Local Plan Strategic Priority 2:

“Creating sustainable communities, where all members are able to contribute and where all the infrastructure required to support the community is provided. This will be delivered by:

- 2. Ensuring that development provides the opportunity for healthier lifestyles through provision of high quality green infrastructure and cultural, recreational, leisure and sports opportunities*
- 4. Improving links between existing and new neighbourhoods by giving priority to walking, cycling and public transport and providing a genuine choice of transport modes and supporting community integration”.*

Social Sustainability Conclusion

The proposals for the facility will make a contribution to outdoor sport and recreation locally, the proposals will provide an additional and unique facility locally to encourage and facilitate participation in outdoor sport through swimming, kayaking and wakeboarding. This will allow for local groups to use the facilities. The benefits outdoor sport bring, has direct links with health and wellbeing which is set out in the emerging Cheshire East Local Plan Strategy.

The proposal will continue to provide the public footpath links to allow for walking around the site, which were agreed as part of the original restoration plan for the site.

Therefore it is considered that the proposed development will make a social contribution to the local area and is therefore socially sustainable.

ENVIRONMENTAL SUSTAINABILITY

Landscape Impact

The site covers an area of approximately 53.5 acres and forms part of a former sand quarry that is currently undergoing environmental restoration. It predominantly consists of two new lakes, the North Lake and the South Lake, which are slowly filling to their natural level of 73.5m AOD. They are set in soft-landscaping comprising grass, trees and new, wet woodland planting. The site is bounded to the west by the B5359 (Alderley Road), to the north and south by fields and to the east by a third, larger lake.

As part of the application a Landscape and Visual Appraisal has been submitted, this indicates that it has been undertaken using the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA 3). As part of the Landscape and Visual Impact Appraisal 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 within two areas identified in the Cheshire Landscape Character Assessment (2009). The majority of the site is located within the Landscape Character Type 1: Sandy Woods, Woodland, Heath, Meres and Mosses, and within the Landscape Character Area SW3: Withington. The western boundary of the site is located within the Landscape Character Type 10: Lower Farms and Woods, and within Landscape Character Area LFW1: Marthall Character Area. The assessment also includes comments on the local landscape character.

The appraisal indicates that the site is in ordinary/good condition of overall moderate quality. In terms of the landscape character, that the landscape sensitivity is medium, that the magnitude of effects caused by the development would be negligible and that the effect would be slight. For Landscape Features and vegetation the appraisal identifies that sensitivity is medium, that the magnitude of effect would be low and that the resulting effects would be moderate. For landscape and Heritage Designations the appraisal indicates high sensitivity, a low or negligible magnitude of effect and a moderate effect. The overall conclusion is that there will be a moderate landscape effect for landscape character, landscape features and landscape and heritage.

In terms of visual effects the appraisal identifies that for residential receptors sensitivity varies from high to medium, that the magnitude of effect would be vary from negligible to medium,

but major/moderate for footpath users on site, and that the overall effect would be moderate in close proximity reducing at greater distances.

The Landscape Officer broadly agrees with the landscape and visual appraisals and would offer no objections to the proposals on landscape or visual grounds.

Trees

There are a number of trees around the site. The development proposals require the removal of a single mature Sycamore identified as T13 within the Arboricultural submission to facilitate the access off Chelford Road. The tree clearly presents advanced signs of reduced vigour and vitality, and has been categorised as a low value category C specimen. I would concur with this categorisation and raise no objection to its removal. A limited amount of additional tree pruning is detailed within the report; this accords with current best practice BS3998:2010, and good Arboricultural practice.

The Arboricultural Report contains tree protection details which accord with the requirements of BS5837:2012, allowing the retained tree aspect of the project to be protected for the duration of the construction phase.

In order to facilitate access into the site as well as removing the low value Sycamore T13 a short section of field boundary hedgerow also requires removal. In order to comply with the 1997 Hedgerow Regulations a detailed assessment of the hedge will be required in order to determine if it's considered to be 'important'; both an historic and horticultural assessment will be required.

Subject to the findings of the hedgerow assessment, the impact of the development from an Arboricultural perspective is extremely limited, the loss of the single tree (T13) which is in decline can be easily mitigated as part of a specimen landscape scheme.

It is therefore considered that the proposals are acceptable in relation to trees subject to an appropriately worded condition.

Ecology

As part of any development proposals it is important that proposals do not endanger European protected species or species of conservation importance. The Council's ecologist has commented on the proposals with regard to bats, badgers, breeding birds the retention of woodland and hedgerows, which are set out below.

The restoration scheme for the site is to be restored with some public access to woodland, lakes and a band of agricultural land alongside Alderley Road. The proposed restoration would allow for nature conservation as this would be for largely undisturbed areas and areas of habitat created. Whilst some access to the site is proposed, this will be restricted in places to allow wildlife to flourish.

The agreed restoration for Mere Farm Quarry seeks restoration to Nature Conservation, Amenity and Agricultural uses.

Ornithological interest of the north and south lakes

A significant number of birds, included those considered to be a priority for nature conservation, have been recorded as being associated with Mere Farm Quarry and the two lakes associated with this application in particular.

Based on the survey data provided by the Cheshire and Wirral Ornithological Society the application site would readily meet the site selection criteria for selection as a Local Wildlife Site meaning it is of 'County' Importance.

The usage of the application site by birds is likely to have changed as quarrying and restoration process has progressed. Species for which the quarry meets the Local Wildlife Site Selection criteria have however been present throughout the extraction and restoration stages of the quarry to date. The site was visited in June 2016 and March 2017, when restoration of the lakes was part complete, and it is evident that a number of bird species remain including those considered to be a notable for nature conservation. The Cheshire and Wirral Ornithological Society have also provided additional records indicating the continued presence of notable birds during spring 2017.

It is advised that it is difficult to fully predict precisely which of the existing species of bird would remain once restoration of the lakes is complete and which new species would arrive to take advantage of the maturing habitats. The completely restored quarry however is in the ecologist's opinion likely to continue to be of County value for birds.

It is advised that this application for activities on both the north and south lake is likely to have a significant adverse impact upon the nature conservation value of the lakes in the absence of mitigation and compensation. Impacts would result from increased disturbance and the potential risk posed to birds by the network of wires associated with the wakeboarding infrastructure. These impacts will be for the duration of the operational life of the centre. The north lake would be very significantly affected and the south lake being partially affected.

LPAs have a duty to consider impacts on wild birds under regulations 9A of the Habitats and Species (amendment) Regulations 2012. This regulation requires local authorities to take such steps they consider appropriate to secure the preservation, maintenance and re-establishment of sufficient diversity and area of habitat for wild birds.

There is some guidance on the implementation of this legislation on the www.gov.uk website which states competent authorities under the legislation should: 'consider bird populations when consulting on or granting consents, such as planning permissions, environmental permits, development or environmental consents, and other consents'.

Additional mitigation and compensation measures now proposed to address the impact of the proposed scheme which were not included with the original application (16/1353M).

To mitigate the impacts of the proposed development the applicant is proposing to restrict the activities in part of the lakes and the cessation of activities on the south lake during the winter period. To mitigate the risk of birds colliding with the wakeboarding infrastructure bird deflectors are proposed.

To provide potential additional habitat for breeding birds two new islands are now proposed in the south lake. To increase the likelihood of the islands being successful the exclusion zone

in the south lake has now been increased to provide an undisturbed area of 110m between the activity on the water and the new islands.

The submitted ecological assessment states that the lakes are still filling with water and precise levels are yet to be determined. The assessment states that the islands would not be provided until the water level in the lakes had settled. This is supported, but it means that it is uncertain as to when the islands would be provided. To address this point the applicants most recent submission has proposed the installation of floating islands as a temporary measure.

The applicant is also now providing the installation of various features designed to attract specific bird species which are considered to be of conservation importance. This includes notable species that would not be catered for as part of the consented restoration such as Swifts through the provision of a Swift Tower.

In conclusion, it is advised that whilst the final usage of the restored quarry by birds is difficult to fully predict with complete certainty, the restored quarry is very likely to continue to be of 'County' importance.

The proposed development is likely to be detrimental to the nature conservation value of the restored lakes as a consequence of resulting disturbance.

The mitigation and compensation proposed as part of the development is now considerable. As with all habitat creation measures the effectiveness of the proposed mitigation and compensation is difficult to predict as even very well designed schemes depend upon the habitats provided being found and adopted by the target species. Even with the proposed mitigation and compensation in place there would still be a broad loss of nature conservation value across much of the application site. However, if the proposed habitat features were successful in attracting regular/long standing colonies of the target species, the habitat features delivered as part of the development would support interest for birds of recognised 'County' value.

Bird Management Plan

A bird management plan has been submitted with the application. This strategy deals with the control of certain bird species considered to pose a risk to airport safeguarding. The Council's ecologist has two queries in respect of the submitted strategy.

Paragraph 2.2.4 of the strategy refers to the installation of a 1m high fence to prevent access by geese and swans. The submitted plan does not indicate the location of this fence from the plan submitted with the strategy.

From both a bird management and nature conservation perspective it is important to ensure that public access to the southern and south eastern bank of the south lake be excluded. Whilst fencing is proposed under the current applicant it is recommended that if permission is granted a condition be attached that details of fencing and its installation takes place prior to development.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The submitted ecological assessment states that 20m of hedgerow would be lost as a result of the proposed

development. 50m of hedgerow planting is proposed to compensate for this loss. It is advised that this is an acceptable level of compensation to address the loss of the existing hedgerow.

Great Crested Newts

A number of ponds are located within 250m of the proposed development. The application site however offers limited habitat for great crested newts and does not support any features likely to be utilised by newts for shelter and protection and the proposed development would not result in the fragmentation or isolation of great crested newt habitat.

The potential impacts of the proposed development are limited to the risk of any newts that venture onto the site being killed or injured during the construction process. In order to address this risk the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures'.

It is advised that provided these measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

Bats

A number of trees have been identified on site as having potential to support roosting bats. These are however located outside of the red line of the application. It is advised that roosting bats are not likely to be affected by the proposed development.

Whilst the application site offers limited opportunities for roosting bats, foraging and commuting bats may be affected by any excessive lighting associated with the scheme. To avoid any adverse impacts on bats resulting from any lighting associated with the development it is recommended that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Any proposed lighting should be low level and directional and the design of the lighting scheme informed by the advice in Bats and lighting in the UK- bats and the built environment series, (Bat Conservation Trust, 2009).

Badgers

Two minor badger setts have been recorded on site. The setts are located sufficiently faraway that it is unlikely that they would be directly affected by the proposed development. The setts could however be affected if materials were stored in close vicinity to them or if the movement of construction vehicles was not managed appropriately. It is advised that these impacts could be controlled by means of a condition.

However, as the status of badgers on a site can change within a short timescale. It is recommended that if planning consent is granted a condition should be attached requiring an updated badger survey to be undertaken and a report of this survey and an updated mitigation method statement be submitted prior to the commencement of development.

With regard to ecology matters additional stakeholders including CAWOS (Cheshire and Wirral Ornithological Society) and RSPB (Royal Society for the Protection of Birds) has commented on the application. CAWOS object to the application, and have made detailed

comments on the additional information provided. The RSPB has commented on the proposals and has concluded the following: *'Whilst it is considered that the proposed development will be damaging to the existing biodiversity of the application site it is the RSPB's belief that the mitigation and enhancement proposed within the Joint Response should mitigate for losses and in some areas could provide a significant enhancement in biodiversity, albeit in respect of different species, e.g. swapping importance for Little Ringed Plover, for importance for nesting Swifts.'*

The previous application was refused on biodiversity grounds and the fact that the two uses could not exist in harmony without significant biodiversity losses. However following pre-application discussions prior to the submission of this latest application and the appointment of a specialist avian ecologist, a way forward has been agreed that allows for biodiversity gains that could offset the losses.

Whilst disturbance will inevitably exist through a significant increase in activity at the site and the addition of large mechanical equipment and a more engineered development than what currently exists; the proposed mitigation is such that if it is successful, species could thrive at the site. Those species in particular could give the site 'County' importance which it has at the moment, due to the presence of certain bird species. Therefore the biodiversity losses will potentially be offset by biodiversity gains of equal importance.

Therefore, it is very much a balanced judgement on the impact of the proposed development on biodiversity at the site and the potential biodiversity gains as a result of this development, which would not otherwise be there as a result of the current restoration scheme.

It is important to note that the proposed development will require a number of conditions to ensure that the mitigation measures put forward are correctly implemented and in a timely manner. Subject to the conditions implementing the mitigation measures and ensuring the additional surveys are carried out, it is considered that the proposal will not be contrary to the Habitats Regulations 2012 and further is not considered that the proposed development would have a detrimental impact on biodiversity as the site is likely to retain its County importance. Therefore it is considered that on balance the proposals are not contrary to policy NE11 of the Macclesfield Borough Local Plan or guidance as set out in the NPPF.

Impact on Manchester Airport

Manchester Airport as a statutory consultee have commented on the application, following the previous application work was undertaken between the applicant and the airport in securing a mechanism to reduce the bird strike risk that would result should the application be approved. As a result of these discussions a bird management plan has been developed. This is proposed to be conditioned and secured via a section 106 agreement to be maintained in perpetuity.

Amenity

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents and that the proposals would not cause harm by overlooking, loss of light or loss of privacy, noise, nuisance or disturbance to future or existing

residents. There are limited local residents with most some distance from the site but noise could be an issue.

Noise

Due to the nature of the proposals, large visitor numbers are anticipated, therefore some noise will occur as a result of the proposals. The area does not have a large amount of residential development nearby. The nearest property is around 100m from the main area of activity of the site, and other properties are around 290-300 and 500m respectively from the site. This is considered to be a sufficient distance for the proposals not to have a harmful impact on neighbouring properties.

The Council's Environmental Health officer has assessed the application in terms of noise, and has raised no objections. The proposal does not include traditional diesel powered motors, and any planning permission would be conditioned to ensure this, the Environmental Health, are satisfied with the hours of opening and that this would not have a detrimental impact on the amenity of surrounding residents.

Air Quality and Contaminated Land

Environmental Health has commented on the application in terms of air quality and contaminated land and have raised no objections on the basis of either air quality or contaminated land, subject to suitably worded conditions and mitigation measures. The area is not in an air quality management area, and no traditional diesel motors are proposed, instead the site will be operated by electricity. An air quality appraisal was not submitted with the application, however the travel plan does promote measures which reduce the impact of traffic on the air quality of the area.

It is considered that the proposed development will not have a detrimental or unacceptable impact on neighbour amenity therefore the proposal are in accordance with saved policy DC3 of the Macclesfield Borough Local Plan.

Flood Risk

It is important that new developments are not at risk from flooding, or that the development itself would not exacerbate flooding in an area. The application is accompanied by a Flood Risk Assessment which concludes that the site is in flood zone 1, and that the site is a low risk of flooding from fluvial, surface water, overland, artificial drainage systems and infrastructure failure. A preliminary drainage strategy demonstrates that run-off from the site can be managed sustainably to not exceed greenfield run-off rates. The assessment concludes that the use would not exacerbate flooding and would be a compatible use for the site.

United Utilities have commented on the application and have raised no objections subject to conditions. In the representations received sewerage has been mentioned, however this matter has since been confirmed to be dealt with by foul water package treatment plant on site. United Utilities have raised no objections in respect of foul water disposal. The Environment Agency originally raised objections to the proposal, however the applicant has worked with the EA to overcome those objections, and the Environment Agency have

removed their objections subject to a condition. It is therefore considered that the application accords with policy DC17 of the MBLP and the NPPF.

Design

The building development on the site comprises the boardwalks, the main club building and the pylons and the aerial ropes. The pylons and aerial ropes are functional for their proposed use therefore the design is standard. With regards to the main building, this has been designed to reflect the rural character of the area, the design is of a low agricultural building, and will be clad in timber. It is considered that the simplicity of the design will not have a detrimentally impact on the character of the area. The layout of the site with the parking arrangement to the west makes the most efficient use of the site. The proposed materials would be conditioned to ensure that they are suitable for this sensitive location.

It is considered that the proposals accord with policy DC1 of the MBLP.

Highways

A number of objections have been received in relation to the proposals and many of these relate to traffic. The site is a main road which has high levels of traffic. A tourist attraction such as this is likely to increase traffic levels, however activity would take place across the whole day so would not be restricted to peak hours.

CEC Highways have commented on the application, the comments are incorporated below.

The methodology used by the applicant to estimate the likely number of trips generated by the proposal is the Trics database. The traffic generation figures presented indicate that the busiest day is a Sunday and the site would generate some 51 AM trips and 49 PM trips. Clearly, this data is based upon only one survey of another site and it is expected that the actual traffic generation from this type of use could vary considerably above or below the numbers presented by the applicant.

In regards to the proposed development, it is accepted that it is likely that the peak traffic generation will occur at weekends/bank holidays and also during summer school breaks. In addition, the proposed use is an off peak use, when the majority of movements would not be on the road network during the AM and PM weekday peaks.

Given the location of the site on the road network and currently levels of flows outside the peak hours, even if the traffic generation was to double this would not result in severe congestion.

Access

The design of the proposed access is acceptable and it does provide adequate visibility in both directions from the proposed access point. Refuse and delivery vehicles are able to enter the site and turning space is available internally.

Sustainability

The location of the site a rural location will not provide the connectivity to non car modes that an urban location will have. The accessibility of this site is poor, there is a very minimal footway on the development side of Alderley Road and there are no dedicated cycleways.

There are bus services that run on Chelford Road between Macclesfield and Knutsford although the stops are a considerable walking distance from the site. Overall, in regards to accessibility to non car modes the site poor and it has to be accepted that the predominate mode of travel to this venue would be by car.

Highways Summary and Conclusions

The proposed Watersports and Outdoor activity centre is a leisure use that will typically be off peak traffic based. The likely traffic generation from the use has the potential to vary wildly and in assessing the application it is necessary to consider a range of factors such as location, proposed uses within the site and also the level of car parking provision. In regards, to the traffic generation figures submitted even if these figures are doubled this level of generation can be accommodated on the local road network during the off peak periods. Therefore, it is concluded that the application would not result in a severe impact to warrant refusal on traffic grounds.

In regards to accessibility, the site has poor connectivity to sustainable modes although the location of the site is not conducive to providing good accessibility, however sustainability incorporates a range of factors and accessibility is only one element of sustainability.

CEC Highways have not objected to the application on highways grounds, therefore the proposal is considered to be acceptable on highways grounds.

Environmental Impact Assessment

An EIA Screening Opinion was submitted prior to the submission of the application, due to the scale of the proposed development and the fact that it would not have a greater than local impact on the environment it is not considered that a full Environmental Statement was required to be submitted with the application. Therefore this is not considered to be an EIA development when assessed against the 2011 EIA regulations.

Environmental sustainability conclusions

It is considered that this resubmission of the proposed development is now environmentally sustainable following the ecological mitigation that is proposed. It is considered that although the matter is finely balanced in terms of ecology, the mitigation could make the site of County importance due to the species it is likely to attract in particular Swifts, therefore is considered to be acceptable in these terms.

The accessibility to the site is fairly poor, however this is not the only factor when assessing sustainability.

The proposed design of the site is acceptable, however there would be a landscape impact of the proposals, the proposals would not have a detrimental impact on trees.

Therefore it is considered that the proposal is environmentally sustainable. The impact on biodiversity would now, whilst there will be an impact this can be mitigated in part through new proposals and have received report from the RSPB. Therefore the proposals are not contrary to policy NE11 of the Macclesfield Borough Local Plan and guidance set out in the NPPF.

ECONOMIC SUSTAINABILITY

Employment

Although there are no specific details, the proposed development will provide employment of up to 30 jobs.

Economy of the wider area

The addition of a tourist and recreation attraction within Cheshire East such as this will bring benefits locally, as the facility is unique and the closest facility of this nature is in Liverpool. Therefore it is considered that it will attract visitors from not only Cheshire East but further afield. This is likely to create a boost in day trips to the area and linked trips to other facilities locally such as shops and restaurants increasing their sustainability particularly in the summer months. In addition to this, the site can accommodate groups and events, therefore many people may visit and stay overnight, which could provide a boost to accommodation providers locally.

It is considered therefore that it would enhance the local rural economy, which key Council, local and national objectives as set out in the emerging CELPS and the NPPF.

Economic sustainability conclusions

The proposals will result in additional employment which is a social and an economic benefit, in the short term employment will be greater through the construction of the site along with an economic boost locally through the increase in visitor numbers to the area. It is considered that the proposals will make a meaningful contribution to the local area by providing a unique sporting and recreation facility.

Community Infrastructure Levy (CIL) Regulations

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

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

Should the application be recommended for approval, the current section 106 agreement for the restoration of the site will need to be varied to allow for this development to take place. In addition, Manchester Airport have requested that a section 106 be provided to ensure that bird management in relation to bird strikes is secured. It is considered that such an agreement would be CIL compliant.

The previous application the planning committee requested a traffic order to reduce the speed limit along Alderley Road. This is not considered necessary to make the proposal acceptable in planning terms as highways raised no objections to the proposals with the existing speed limit in place. Therefore would not be reasonably required to make the application acceptable in planning terms.

Representations

A large number of representations have been received in relation to the application, many in support of the application and others objecting to the application. There has been an objections from the EA as a statutory consultees which is likely to be resolved. There have been strong objections from non-statutory consultees in relation to ecology and particularly the contribution this site makes to the area's biodiversity particularly for birds. Having taken into account all of the representations received including internal and external consultation responses, the material considerations raised have been addressed within the main body of the report.

Paragraph 14 of the NPPF states that should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

PLANNING BALANCE

The site is a greenfield Green Belt site, and has a previous use as a quarry. A detailed comprehensive restoration plan is in progress at the site for an area of nature conservation, and the lakes are slowly filling. The proposed development is considered to be acceptable in terms of the Green Belt, the use of the lakes maintains openness, and the proposed buildings and structures are not considered to be inappropriate development within the Green Belt as they are appropriate for the proposed use.

The proposal is considered to be socially sustainable. The development would provide an opportunity for local residents to participate in sport particularly kayaking and swimming at the site along with utilising the enhanced public footpath network.

It is considered that the proposed development would be very positive in terms of contributing to the local rural economy and supporting local businesses. The proposed development will attract visitors from the local area and from further afield to use the facility. This therefore makes a positive economic contribution.

In terms of environmental sustainability, the proposal would have a landscape impact however this is not considered to be adverse, and this must be weighed in the balance, as it inevitably would introduce built development where there is none at the current time. Matters of flood risk, noise, air quality, highways and design are considered to be acceptable. The ecological impacts are considered to be mitigated adequately with the large series of mitigation measures proposed, and the application is now in a position where it would not be in breach of the habitats regulations.

When weighed in the planning balance, it is clear that there are a number of positives to the scheme, and the harm to biodiversity in particular bird populations can be mitigated in such a way that it does not outweigh the benefits of the proposals which are far reaching.

Therefore, it is considered that on balance, the proposal is acceptable and accords with the Macclesfield Borough Local Plan and the National Planning Policy Framework which aims to achieve sustainable development.

The proposal is now considered to be sustainable in terms of social and economic sustainability.

The benefits in this case are:

- The proposal will provide a unique sporting and recreational facility for the local community and wider community to enjoy.
- It will encourage sport participation to contribute to the health and wellbeing of the local and wider community
- The development would provide significant economic benefits through the provision of employment during the construction phase, job creation during the operation of the facility and benefits for local businesses.
- The proposal is not considered to have a detrimental impact on the highway network.

The development would have a neutral impact upon the following subject to mitigation:

- There is not considered to be any significant drainage or flood risk implications raised by this development.
- The impact upon trees is considered to be neutral as this can be addressed through mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land can be mitigated through the imposition of planning conditions.
- Increased potential for bird hazard – which can effectively be mitigated through the bird management plan.

The adverse impacts of the development would be:

- The impact on biodiversity, however this is mitigated in part through a large series of mitigation measures.
- Landscape impact through the introduction of new buildings and structures.

On balance, it is considered that the proposal represents sustainable development when assessing the three strands of sustainability the proposals accord with the development plan and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for approval, subject to a section 106 agreement for the securing of the bird mitigation scheme as required by Manchester Airport, further the deed of variation to amend the boundary of the existing restoration strategy covering the whole quarry site.

The site is a greenfield Green Belt site and has a previous use as a quarry. A detailed comprehensive restoration plan is in progress at the site and the lakes are slowly filling. The proposed development is considered to be acceptable in terms of the Green Belt, the use of the lakes maintains openness and the proposed buildings and structures are not considered to be inappropriate development within the Green Belt as they are appropriate for the proposed use.

The proposal is considered to be socially sustainable, the development would provide an opportunity for local residents to participate in sport particularly kayaking and swimming at the site along with utilising the enhanced public footpath network.

It is considered that the proposed development would be very positive in terms of contributing to the local rural economy and supporting local businesses. The proposed development will

attract visitors from the local area and from further afield to use the facility. Therefore it makes a positive economic contribution.

In terms of environmental sustainability, the proposal would have a landscape impact, however this must be weighed in the balance, as it inevitably would introduce built development where there is none at the current time.

With regard to flood risk, noise, air quality, highways and design these matters are considered to be acceptable.

The site has a rich biodiversity, which is proposed to be enhanced further through the continued development of the restoration scheme. The biodiversity would suffer as a result of the proposals and in particular the birdlife at the site, however it is considered that the mitigation now proposed in combination with restricted use of the south lake would reduce the impact on species and would provide attractant features for birds of County importance such as Swifts.

When weighed in the planning balance, it is clear that there are a number of positives to the scheme but the impact on biodiversity, in particular birds will be significant. However it is considered that this harm can be mitigated through an extensive series of mitigation proposals.

The decision is finely balanced, however it is considered that the application proposes a sustainable form of development and accords with the Macclesfield Borough Local Plan and National Planning Policy Framework which aims to achieve sustainable development.

The benefits in this case are:

- The proposal will provide a unique sporting and recreational facility for the local community and wider community to enjoy.
- It will encourage sport participation to contribute to the health and wellbeing of the local and wider community
- The development would provide significant economic benefits through the provision of employment during the construction phase, job creation during the operation of the facility and benefits for local businesses.
- The proposal is not considered to have a detrimental impact on the highway network.

The development would have a neutral impact upon the following subject to mitigation:

- There is not considered to be any significant drainage or flood risk implications raised by this development.
- The impact upon trees is considered to be neutral as this can be addressed through mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land can be mitigated through the imposition of planning conditions.
- Increased potential for bird hazard – which can effectively be mitigated through the bird management plan.

The adverse impacts of the development would be:

- The impact on biodiversity, however this is mitigated in part through a large series of mitigation measures.
- Landscape impact through the introduction of new buildings and structures.

On balance, it is considered that the proposal does represent sustainable development when assessing the three strands of sustainability and accords with the development plan and national planning policy and guidance.

RECOMMENDATION

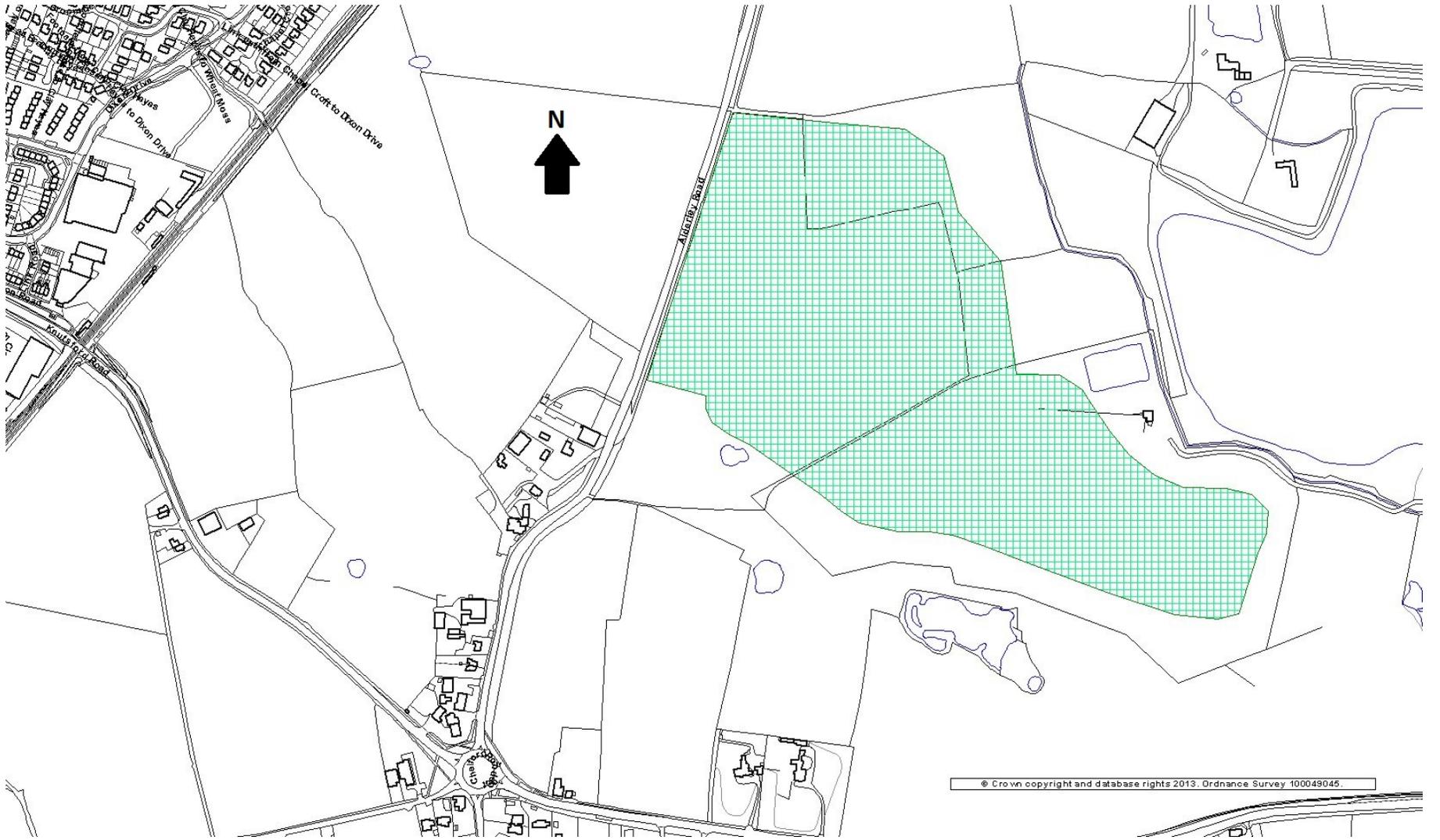
Approve subject to conditions and Section 106 agreement

Conditions

1. Time Limit
2. Approved Plans
3. Manchester Airport Bird Mitigation Plan
4. Material Details for Buildings and Structures
5. Submission of Landscaping Scheme
6. Landscaping Implementation
7. Lighting Details to be approved
8. Access Completion
9. Boundary Treatments
10. Public rights of way scheme to be submitted
11. Foul and surface drainage separate systems
12. Details of foul drainage to be submitted
13. Surface water drainage scheme
14. Sustainable drainage management and maintenance plan
15. Arboricultural works in accordance with arb report
16. No motorised watercraft or boats – except for emergency boats
17. Hours of operation
18. Travel plan
19. Detail of fencing on southern lake to restrict public access
20. Updated badger survey to be carried out
21. Implementation of submitted great crested newt mitigation.
22. Submission of updated badger survey prior to commencement
23. Submission of detailed landscaping plan
24. Retention of trees identified as having bat roost potential by the submitted Ecological Assessment dated march 2016 unless agreed in writing by the LPA.
25. Safeguard birds breeding birds
26. Any proposed lighting to be 'bat friendly' and to be agreed with the LPA
27. Implementation of all mitigation and compensation measures detailed in the submitted strategy.
28. Submission of detailed design for new islands in the south lake, new islands to be implemented prior to the occupation of the development. Or floating islands to be provided prior to the creation of new islands. Details of the floating islands to submitted and agreed with the LPA prior to commencement.
29. Submission of details of bird deflectors, additional reed beds, sand martin banks, kingfisher tunnels and swift towers. Sand martin tunnels to be provided at least 1.5m above final water levels and installed into a vertical bank. Timetable to be submitted for the implementation of these measures.
30. Implementation of monitoring strategy described in the letter from Avian ecology dated 4th April 2017. Condition/legal agreement clause must give the Council power to

require remedial measures to be proposed and implemented if mitigation and compensation is not found to be successful

31. Proposals for limiting public access to the lakes.
32. Submission of habitat management plan, in perpetuity, which is to include proposals for maintaining the islands free of vegetation (this would be part of the bird management plan required by the airport).
33. Proposals for the provision of a bird hide and viewing areas, unless it is agreed in writing with the Council by the Council that these are not required
34. Proposals for incorporation of screening to minimise disturbance from the public footpath.



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