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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Monday, 26th April, 2010 at Main Hall, Middlewich Civic Centre,
Lewin Street, Middlewich

PRESENT

Councillor H Gaddum (Chairman)
Councillor J Hammond (Vice-Chairman)

Councillors Rachel Bailey, A Arnold, D Brown, P Edwards, M Hollins,
D Hough, J Macrae, B Moran, C Thorley, G M Walton, S Wilkinson and
J Wray

OFFICERS PRESENT

Mr N Curtis (Principal Development Officer), Ms S Dillon (Senior Solicitor), (Mr
A Fisher (Head of Planning and Policy), Mrs R Goddard (Senior Lawyer), Mr J
Gomulski (Principal Environmental Planning Officer), Mr C Kearney (Principal
Regeneration Officer, Environmental Protection), Mr S Molloy (Project Leader)

201 **APOLOGIES FOR ABSENCE**

None.

202 **DECLARATIONS OF INTEREST**

Councillor J Hammond declared a personal interest in application n09/0738W-
Erection of an energy from waste facility with associated buildings, car park and
hardstanding areas, Land off Pochin Way, Middlewich for Covanta Energy Ltd by
virtue of the fact that he was a Member of the Cheshire Wildlife Trust who had
been a consultee on the application and in accordance with the Code of Conduct
he remained in the meeting during consideration of the application.

Councillors B Moran declared a personal interest in the same application by
virtue of the fact that he had met with the applicant on one occasion as an
Elected Member of the former Congleton Borough Council and in accordance
with the Code of Conduct he remained in the meeting during consideration of the
application.

Councillor P Edwards declared a personal interest in the same application by
virtue of the fact that he had met with the applicant in his capacity as Ward
Councillor for the area but had not formed a view on the application and in
accordance with the Code of Conduct he remained in the meeting during
consideration of the application.

All Councillors declared that they had received correspondence from both the
applicant and CHAIN. In addition Councillor B Moran declared that he had
received a number of letters from the public in relation to the application.

203 **PUBLIC SPEAKING**

The Council has adopted a Protocol governing public speaking at Strategic Planning Board meetings. It provides that "In exceptional circumstances the Chairman may, with the approval of the Board, extend the speaking period for some or all speakers, or allow more speakers if appropriate. This power will be treated with caution for controversial or complex schemes and if additional time is granted for objectors, a similar allowance will be given to supporters and/or to the applicant." The application below has attracted several thousand representations and the normal time limits for speaking will need to be extended.

When the full number of those wishing to speak, is clear, the Chairman will draw up a draft timetable which balances running the meeting expeditiously and allocating a broadly equal amount of time to hear those in favour and those against the application, promoting a fair hearing overall. She will propose this to the Board, at the outset of the Meeting, for their approval.

Following receipt of requests to speak, a draft list has been drawn up as indicated above which names the speakers, indicates the order in which they are to speak and the time allocated to them. The draft list has been circulated to members for their consideration.

RESOLVED

That the public speaking arrangements for this meeting be approved as set out in the draft list referred to above.

204 **09/0738W-ERECTION OF AN ENERGY FROM WASTE FACILITY WITH ASSOCIATED BUILDINGS, CAR PARK AND HARDSTANDING AREAS, LAND OFF POCHIN WAY, MIDDLEWICH FOR COVANTA ENERGY LTD**

Consideration was given to the above application as set out in the officer's report including an oral summary and report of a site visit, a written up date and an oral report of a letter received on 23 April 2010 from the Applicant.

The public speakers were as set out below:-

(Councillor Parsons, Ward Councillor, Councillor McGrory, Ward Councillor, Councillor Les Gilbert, Councillor Mrs G Merry, Councillor Miss S Furlong, Town Councillor Keith Bagnall, representing Middlewich Town Council, Town Councillor Holland, representing Sandbach Town Council, Mr Cartwright and Sula Stanley, representing CHAIN, Mr Macdonald, Holmes Chapel Action Group HCAG, Mr A Berwitz, an objector, Mr Wynne, an objector, Mr Wilson, an objector, Mrs Williams, an Objector and Mr Halman, the agent for the applicant).

Amongst other things those speaking against the application the following concerns were raised:-

- Health
- Size
- Visual impact
- Outside the waste plan
- Traffic

Amongst other things those speaking for the application raised the following

All relevant information was contained within the report
The planning concerns had been addressed

It was noted that the agent for the applicant in his speech felt that the Board had sufficient information to make a decision without cause for any further delays.

(The meeting adjourned at 4.05pm and reconvened at 4.20pm)

RESOLVED

The application be refused for the following reasons:-

1. The proposed site is not shown as a preferred site on the proposals map of the Cheshire Replacement Waste Local Plan as adopted by Cheshire East Borough Council and the applicant has not demonstrated that the preferred sites are no longer available or in view of the proximity to housing are less suitable for the proposed development. The proposal is therefore contrary to policy 5 of the Cheshire Replacement Waste Local Plan as adopted by Cheshire East Borough Council.

2. The applicant has failed to demonstrate that existing capacity with planning permission is inadequate to meet waste management needs. It is therefore considered that there is no requirement for further capacity to be released and that the proposal is contrary to policy 3 of the Cheshire Replacement Waste Local Plan as adopted by Cheshire East Borough Council.

3. The proposed development would result in the overprovision of waste facilities and lead to a requirement to import wastes from outside Cheshire, thereby undermining the objective of enabling waste to be disposed of in one of the nearest appropriate installations. The proposed development is therefore considered unsustainable and contrary to policy 1 of the Cheshire Replacement Waste Local Plan as adopted by Cheshire East Borough Council and Sections 9 and 10 of PPS1 Climate Change Supplement, DP1, DP5, DP9, EM10, EM12 and EM13 of the Regional Spatial Strategy.

4. It is considered that the objections to the proposed development, including the impact on the landscape, outweigh any benefits, and that as no overriding need for the facility has been demonstrated it is contrary to policies 2, 14 and 36 of the Cheshire Replacement Waste Local Plan as adopted by Cheshire East Borough Council, policy DP7 of the Regional Spatial Strategy, and policies GR1, 2, 5 and 6 of the Congleton Borough Local Plan.

5. The applicant has not satisfactorily demonstrated that the application makes adequate provision by means of a grid connection for the recovery and export of energy from the facility. The proposed development falls low on the waste

hierarchy and is considered contrary to policies 1, 12 and 34A of the Cheshire Replacement Waste Local Plan as adopted by Cheshire East Borough Council and EM11 of the Regional Spatial Strategy.

The meeting commenced at 2.00 pm and concluded at 4.50 pm

Councillor H Gaddum (Chairman)