

Application No: 19/2513M

Location: FORMER MERE FARM QUARRY, CHELFORD ROAD/ALDERLEY ROAD, NETHER ALDERLEY, CHESHIRE, SK10 4SZ

Proposal: Delivery of Watersports and Outdoor Activity Centre on the North Lake of the former Mere Farm Quarry, including new vehicular access, car parking, and multi-use building

Applicant: ADV. Holdings Ltd

Expiry Date: 28-Feb-2020

## **SUMMARY**

The proposed development would provide appropriate facilities for outdoor sport and recreation. The introduction of buildings would inevitably result in some harm to openness in its immediate context. However, the nature of the use means a countryside location, where restrictive policies apply is highly likely. The built form proposed would also be the minimum necessary to enable the use to take place.

The harm to the openness of the Green Belt would be limited by the limited spread of development and the low height of the structures. A condition requiring the removal of all structures and hardstanding on cessation of use would further limit the harm.

Taking all of the above into account, it is considered on balance that the development would not be inappropriate within the Green Belt.

The proposal would result in some harm to biodiversity on the lakes, even with the implementation of the mitigation scheme. However, this harm would not be so significant, as to warrant a refusal on biodiversity grounds.

## **SUMMARY RECOMMENDATION:**

**Approve subject to conditions**

## **DESCRIPTION OF SITE AND CONTEXT**

The application site lies to the east of Alderley Road and comprises two lakes and an area of open grassland, which lies between Alderley Road and the north lake. The site is a former quarry, which has undergone restoration works.

The site boundary includes the North Lake and part of the South Lake. There is a third larger lake, which lies outside of the site boundary.

A public right of way passes through the site on the banked area between the north and south lake.

## **DETAILS OF PROPOSAL**

The application is for the construction of a water sports activity centre. The ancillary facilities would be provided in a series of container type structures. They would comprise a reception and office, kit stores, changing facilities and toilets. On the lake, there would be two buoy lines and an area for a seasonal inflatable course. The remainder of the lake would be available for swimming, with the exception of an exclusion zone around the existing island.

The scheme would also include a new access onto Alderley Road. Parking would be provided for 54 cars, including four accessible parking spaces. There would also be space for coach parking.

The parking and ancillary features would be located on an area of grassland between the north lake and Alderley Road

The watersports activities would be restricted to the north lake. The proposal also includes two new islands, which would be constructed on the south lake, as part of the ecology measures.

## **RELEVANT PLANNING HISTORY**

16/1353M – appeal dismissed – 2 October 2017

Delivery of water-sports 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.

In dismissing the appeal, the Inspector concluded that, while the development would provide appropriate facilities for outdoor sport and recreation, it would constitute inappropriate development in the Green Belt, due to its harmful impact on openness. There were no material considerations, which would outweigh this harm. Consequently, very special circumstances were not found to exist. Whilst the development would result in some residual harm to the biodiversity, they concluded that it would not be so significant as to warrant a rejection of the proposal in accordance with NPPF paragraph 118 or conflict with Policy NE11 of the MBLP or SE3.

17/0510M – refused – 26 May 2017

Delivery of water sports 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.

The reasons for refusal are summarised below:

1. The proposed development, which includes activities on both the north and south lakes, would likely have a significant adverse impact on the nature conservation value of the lakes. The site is in an unsustainable location, which is not highly accessible by

a choice of transport. The proposals would not be environmentally sustainable contrary to MBLP policy NE 11, emerging CELPS policies SE 3 and SC 1 and the NPPF.

2. The proposed use of the site and the associated built development are inappropriate by definition, the use is not listed as an exception and the building impacts on openness, therefore very special circumstances are required to outweigh the significant harm. In this case it is not considered that very special circumstances exist to outweigh the harm by inappropriateness or the harm to the openness of the Green Belt, contrary to policy GC1 of the Macclesfield Borough Local Plan and paragraph 89 of the NPPF.

16/0117S – EIA not required – 27 July 2016

EIA Screening Opinion for a Wakeboarding facility park

14/1944W – approved – 15 March 2017

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.

14/1788W – approved – 15 March 2017

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'

09/2806W – approved – 2 December 2011

Interim extension to sand workings at mere farm quarry

CY/5/06/2940 – approved – 23 April 2007

Application to carry out development without complying with condition 65 of planning permission 5/99/0235P dated 28 April 2000, to allow for a revised restoration scheme.

CY/5/06/2940 – approved – 27 December 2006

Application to carry out development without complying with condition 65 of planning permission 5/99/0235P dated 28 April 2000, to allow for a revised restoration scheme.

CY/5/99/0235P – approved – 28 March 2000

Application to extend the area of sand extraction and continuation of existing sand quarry operations

CY/5/53134 – refused – 10 January 1989

Winning and working of construction sand and gravel with restoration to a landscaped fishing lake

## **Adopted Planning Policies**

### Cheshire East Local Plan Strategy

MP 1 – Presumption in Favour of Sustainable Development

PG 3 – Green Belt  
SD 1 – Sustainable Development in Cheshire East  
SD 2 – Sustainable Development Principles  
EG 2 – Rural Economy  
EG 4 – Tourism  
SC 1 – Leisure and Recreation  
SC 2 – Indoor and Outdoor Sports Facilities  
SE 1 – Design  
SE 3 – Biodiversity and Geodiversity  
SE 4 – The Landscape  
SE 5 – Trees, Hedgerows and Woodland  
SE 12 – Pollution, Land Contamination and Land Instability  
SE 13 – Flood Risk and Water Management  
CO1 – Sustainable Travel and Transport  
Appendix C – Adopted Parking Standards

#### Macclesfield Borough Local Plan

GC1 – Green Belt  
RT7 - Cycleways, Bridleways and Footpaths  
RT8 – Access to the countryside  
DC3 – Amenity  
DC6 – Circulation and Access  
DC15 – Design- provision of facilities  
DC33 – Outdoor Commercial Recreation

#### Chelford Neighbourhood Plan

NE1 – Biodiversity  
NE2 – Landscape  
NE3 – Trees and Hedgerows  
GI 3 – Public Rights of Way and Footpaths  
T1 – Transport

### **Other Material Policy Considerations**

National Planning Policy Framework (NPPF 2019)

### **CONSULTATIONS**

The responses are summarised as follows:

#### United Utilities

Condition should be imposed requiring drainage to be provided in accordance with the flood risk assessment. The applicant should contact United Utilities regarding waste management and water supply.

#### Manchester Airport Safeguarding

The bird management strategy accords with Birdstrike avoidance interests of Manchester Airport. No aerodrome safeguarding objections.

Ramblers Association

No reply

Natural England

No comments. There is standing advice, which should be used to assess impacts on protected species and ancient woodland.

Environment Agency

No objection in principle to the development. The discharge of sewage will require an environmental permit from the Environment Agency.

Cheshire Wildlife Trust

The proposal should be assessed under the EIA process. This is to ensure that the original impacts of the scheme are adequately mitigated or compensated for and that there are no additional significant impacts created. The application should have been flagged as a potential EIA scheme and screened accordingly.

The site meets the selection criteria for Local Wildlife Site status and should be considered in a similar manner to existing Local Wildlife sites.

Cheshire and Wirral Ornithological Society provided records to support their concerns. The LPA is required to consider the impact on wild birds under the Conservation of Habitats and Species Regulations 2010. The environmental impacts of the scheme must be properly evaluated and appropriately assessed.

The known impacts on breeding priority/BoCC red or amber listed birds and wintering birds must be addressed. The compensation measures are for species, which have not been recording at the site and are therefore not addressing the known impacts.

The applicant has not addressed Biodiversity Net Gain. Biodiversity Net Gain assessment should be undertaken.

The application fails to adequately consider environmental impacts, undermining one of the core principles of sustainability. Should the Council be minded to approve the plans, mitigation measures should address the actual impacts and measurable biodiversity new gain should be achieved.

RSPB

No reply

Mid Cheshire Footpath Society

No reply

Minerals and Waste

No reply

### Flood Risk

Include conditions requiring the development to be carried out in accordance with submitted FRA and the submission of a detailed SUDS scheme

### Environmental Health

Conditions are required relating to lighting, electric vehicle infrastructure and testing of soils for contamination.

### Countryside and Rights of Way

If granted the development would have a direct, yet insignificant effect on the public footpath no. 2. This is a material planning consideration. In the event that planning permission is granted, conditions should be imposed requiring the submission of a public right of way management scheme, the line of the footpath to be marked out and surveys of the footpath surfaces. The applicant should also be advised of their obligations with regards to the public right of way.

### Highways

No highways objections. Similar development considered under application 16/1353M. The plans show a new 460sqm building with 76 parking spaces and 3 coach bays. Single point of access proposed onto Alderley Road.

Traffic generation may vary significantly in comparison to applicant estimates. However, the majority of movements likely to be outside of AM and PM weekday peaks, when there are no capacity problems. Even if traffic is substantially more than estimated, it would not have a severe impact.

Adequate visibility would be provided in both directions from the proposed access. The access would be acceptable for larger vehicles with turning space available on the site.

Given the rural location, the predominant mode of travel would be by car, due to limited footways and cycleways and the distance to bus stops.

### ANSA Green Space

No reply

### Cadent Gas Ltd

There is an intermediate pressure pipeline in the vicinity. The building proximity for this pipeline is 6m. HSE should be formally consulted.

The applicant should be made aware of the standards, which apply when working within the vicinity of pipelines. They should contact Cadent Gas for further information and prior to works commencing on the site.

### Cheshire and Wirral Ornithological Society

Objection. The applicants' claims that the site has very limited ecological value are inaccurate. CAWOS data shows protected and priority species to be present on the site.

The records indicate that BAP priority species, including Little Ringed Plover, Lapwing, Skylark and Reed Bunting, all breed on the banks of the North Pool. Additionally species of

dabbling ducks and diving ducks use the North Pool for feeding and resting. Whilst occurring in small numbers, they amount to assemblages qualifying for Local Wildlife Site Status.

The development as a result of habitat loss and disturbance would pose such a severe threat that these species would no longer breed, feed or rest at the north pool.

There is no mitigation offered on the North Pool for the loss of County Value status there. The size of the pool and the nature of the activities make on-site mitigation impossible.

Lack of mitigation opportunities for waterfowl on North Pool. Further clarification is required regarding the need for safety/maintenance boats, the measures no longer retained, the purpose of the external speakers and the impact of noise on the South Pool. Risk of trespass onto the South Pool, assurances are required that the public will be excluded from the South Pool.

Implication that birds on North Pool will move to the South Pool is speculative. This is not basis on which to build a case for nature conservation.

The revised plans submitted would not mitigate the loss of habitat on the North Lake. Disturbance caused by development would mean the assemblages of dabbling and diving ducks currently using North Lake cannot be maintained. These assemblages qualify North Lake for Local Wildlife Site status and confer a 'County' level nature conservation value for birds on North Lake, increasing the significance of any loss.

107 Pochard diving ducks counted on North and South Lakes, despite being in decline in Europe. If development went ahead, unlikely the sites would hold such numbers in future.

The revised Habitat Enhancement Plan omits measures previously suggested, such as: commitment to keeping existing island free from vegetation; the creation of a wildflower meadow; the creation of reedbeds; the creation of a length of hedgerow and the erection of public signage boards. The loss of several of these items may have negative effects on biodiversity. Meaning of point 7, which relates to the Bird Strike Hazard management plan, is unclear.

Queries raised regarding the need for safety boats on the South Lake and external speakers; and the impact on the south lake.

The revised plans reduce the size of the car park and footprint of the building, but due to the harm to the ornithological value of the site, the development fails to meet para 141 of the NPPF.

#### Health and Safety Executive (HSE)

Does not cross any consultation zones. Do not need to be consulted on the application.

#### Nether Alderley Rural Protection Association

Object. When planning permission was granted for sand excavations, it was on the condition that the land was restored to greenfield status, including paths for the public to enjoy. The site is of ecological interest and has ornithological importance. Strongly object to any

intrusion into the green belt and peaceful environment for wildlife, local residents and visitors when the restoration programme is fully established.

Already facilities for water sports within the region. No local need or desire for this facility. Much of the support comes from outside the area. Concerns over noise disturbance from external speakers, corporate use and competitions, and impact on nearby residents.

If business is unsuccessful, potential for other commercial developments or if successful it could grow into a full-scale theme park with increased noise and light pollution.

Insufficient transport analysis. Concerns regarding the impact of Increased traffic on the site exit and surrounding roads. Concerns regarding the safety and security of the site and lake for visitors and local residents. No benefits arising from the proposal to the local area.

#### Chelford Parish Council

##### Objection:

- Section.106 Agreement that this green belt site should return to its former state, and that it has conservation value and ecological worth, which needed to be preserved and protected.
- Contrary to NPPF - development would result in unwarranted disturbance to the area.
- The site and the north lake meet the criteria for selection as a local wildlife site and being of county value. Development would result in disturbance and habitat loss for the north lake. The site's County status for birds would possibly be lost as a result of the proposal.
- Insufficient information is provided regarding the mitigation for birds and how successful it would likely be. Mitigation proposed may fail to compensate sufficiently for the negative impact on birds
- No net biodiversity gain – contrary to NPPF 2019.
- Reduction in towers and cables an improvement but building footprint only marginally reduced. Represents an unacceptable incursion into the Green Belt and loss of openness
- Unsustainable location
- Application doesn't reference Chelford Neighbour Plan. This plan has considerable weight, as it is at referendum stage.
- Inaccurate information regarding the facilities within Chelford

#### Nether Alderley Parish Council

It would be inappropriate development within the Green Belt and would have a detrimental impact on openness.

Previous permissions required the land to be restored to green-field green belt status and landscaping to be provided for wildlife. This has now matured.

Ecology within the area would have become more established over the last two years. The proposal would have a considerably more damaging impact on wildlife than walkers

Adverse noise impacts on local residents from the scheme.

## **REPRESENTATIONS**

Full copies of all representations made are available to view on the Council's website.

The main points raised in support of the planning application are summarised as follows:

- Proposal would create new jobs and opportunities



- Proposal would support local businesses
- It would enhance tourism in the area.
- It would enhance and find a positive use for the disused quarry
- Wildlife concerns have been taken into consideration and there would be limited environmental impact resulting from the development
- No similar facilities within the area. Local residents would no longer have to travel
- Community benefits – supporting outdoor exercise facilities
- Other similar facilities are well run
- Opportunities for traffic calming as the 60mph zone outside the site
- Site is accessible by train, bus, car, walking and cycling

The main points raised, objecting to the application are summarised as follows:

- Proposal would increase traffic in the village, already affected by the new housing being built
- Danger to highway safety, due to the access onto a 60mph road and the lack of crossing for the public using the site
- Development would result in light and noise disturbance to nearby residents from activity, cars, music and entertainment
- After years of use as a quarry, the site should be restored as agreed by the previous planning permission
- Development is not suitable due to its location under a flight path. It can only be carried out if the larger birds are culled, which would not be possible as birds are a protected species.
- Proposal is not needed by local residents, many of the supporters are not from the local area – plenty of watersports facilities within the local area
- Development would encroach into the Green Belt and would be out of keeping with surrounding countryside
- Benefits associated with walking in the open countryside by local residents and visitors outweigh the demand by extreme water sports enthusiasts.
- Development could deter walkers and ramblers from using the site
- Future expansion could cause unacceptable impact on the local environment
- Inaccuracies within the transport survey regarding the facilities within the village
- Application site is of ornithological importance (site of county importance for wetland birds), with very important species breeding on the site in 2018 and 2019. The proposed mitigation may not work in practice and noise and light pollution risks disturbance to birds using the site. Status of site as being of county importance would be lost by the development
- The site has potential as a wildlife reserve and this should be explored
- Concerns over trespass and safety and what measures will be taken to protect people swimming in the lake.
- Location is not sustainable; car-based development goes against current climate change thinking. Other sites closer to more accessible settlements would be more appropriate
- Public footpaths have been moved without following the formal process
- Development would devalue nearby properties
- Previous concerns raised by the Inspector have not been overcome.
- The revised plans do not overcome the concerns previously raised

## **OFFICER APPRAISAL**

### **Principle of development**

As a starting point, section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where making any determination under the planning Acts, regard is to be had to the development plan. The determination shall be made in accordance with the plan unless material consideration indicates otherwise.

As such the development needs to be assessed in line with the adopted plan policies, including Neighbourhood Plan policies.

In line with NPPF paragraphs 11 and 12, if the development is found to be in accordance with the development plan policies, permission should be granted. If it is found to conflict with the development plan policies, permission should not be granted, unless there are material considerations, which indicate that the plan should not be followed.

### **Green Belt**

The application site lies within the Green Belt. Both national and local policies confirm that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

NPPF paragraph 141 states that local planning authorities should plan positively to enhance the beneficial use of Green Belts. This includes amongst other matters by looking for opportunities to provide opportunities to provide access, to provide opportunities for outdoor sport and recreation and to retain and enhance landscapes, visual amenity and biodiversity.

NPPF paragraph 145 states that new buildings should be regarded as inappropriate development, subject to a number of exceptions. One of these exceptions is for the provision of appropriate facilities for outdoor sport and recreation, as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

NPPF paragraph 146 states that engineering operations and changes of use of land are not inappropriate development. This is subject to the proviso that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

CELPs policy PG 3 reiterates the exceptions set out within the NPPF and confirms the extent of the Green Belt within Cheshire East. It also confirms, as set out within the NPPF that permission will not be granted for inappropriate development, except in very special circumstances.

The Inspector acknowledged that the appeal scheme would provide appropriate facilities for outdoor sport and outdoor recreation. Given that the current proposal is also for a wakeboarding facility on the same site, this recent appeal decision is a material consideration. Taking the same approach as the Inspector, it is accepted that the current proposal would provide appropriate facilities for outdoor sport and recreation.

## Openness

It needs to be established whether the development as proposed would preserve the openness of the Green Belt and not conflict with the purposes of including land within it. If the development would not preserve the openness of the Green Belt, then it would, by definition, be inappropriate development.

Openness is not just restricted to visual impacts. It is more broadly defined as an absence of built form.

Whilst the Inspector accepted that the appeal scheme would constitute appropriate facilities, they considered that the level of built development, along with the car park and supporting infrastructure would result in a loss of openness. In dismissing the appeal, they concluded that the proposals would result in a significant loss of openness and would therefore be inappropriate development in the Green Belt.

This appeal scheme proposed a building of around 535sqm, a covered terrace area covering 260sqm and 4 shelters adjacent to the lake. In total the built form would have covered around 850sqm. The supporting infrastructure included two starting docks and a cable start dock with the course going around the lake. The proposed car park was shown to accommodate 100 parking spaces and three coach spaces.

In dismissing the appeal, the Inspector noted that the proposed development as a whole would *“have an urbanising effect on the overall character and appearance of this intrinsically open, tranquil and rural site, particularly when viewed from the public footpath that runs through it.”*

The current application has been revised and reduced. The proposed buildings would now consist of five timber clad containers, encompassing a reception, office, changing and wash facilities, lockers and storage. The total area of these buildings would cover approximately 116sqm. The structures would have a maximum height of 2.6m.

The café, covered terrace and shelters along the boardwalk have all been omitted. The car park has been reduced to 54 spaces, with three coach spaces. The course would now be limited to one part of the lake, with two cables.

The changes to the scheme and the substantial reduction in built form would result in a development, which is materially different to the scheme dismissed at appeal. The impact on the openness of the Green Belt would be substantially less than the scheme dismissed at appeal.

There have been no material changes to the site condition since the appeal. It is still open and largely devoid of development. The proposed scheme would change that, introducing buildings, supporting infrastructure and parking areas.

If as accepted, openness is taken to mean the absence of development, the introduction of any built form, irrespective of its size, onto the application site or any other undeveloped site would undermine openness.

However, following this argument would preclude any building for appropriate outdoor sport and recreation regardless of its size. Neither the NPPF nor CELPS policy PG 3 is worded as such. It is clearly not their intention to prevent any buildings for outdoor sport and recreation. Such an approach would also conflict with the Green Belt aims set out within NPPF paragraph 141 of providing opportunities for outdoor sport and recreation.

The buildings have been substantially reduced and would not include any facilities, which could be viewed as superfluous to the provision of outdoor sports and recreation. They simply provide a reception, changing and toilet facilities, storage and staff rooms.

The proposed containers are low level structures, which provide the minimum facilities necessary to enable the proposed sporting activity to take place. The substantial reductions in floor area and height, along with the removal of much of the supporting infrastructure would mean that the impact of the development on the openness of the Green Belt would be limited, particularly when viewing the site as a whole.

The parking areas and external structures have also been reduced, with the parking area relocated so that it is more closely linked to the containers.

The Local Planning Authority accepts that the proposed development would have the least possible impact on openness to enable the use to take place. It would also provide opportunities for outdoor sport and recreation, one of the key aims of Green Belt policy as set out in NPPF paragraph 141.

The proposal would constitute appropriate facilities for outdoor sport and recreation. The proposed buildings and associated facilities would inevitably have some impact on openness, given the undeveloped nature of the site. They would also be visible from the public footpath. However, it is considered that due to its minimal proportions, the development would not conflict with the objective of preserving the openness of the wider site.

The level of built form is only considered to be acceptable, as it is for the provision of outdoor sport and recreation. While it would not normally be reasonable to condition a building to be removed, in this case, the structures proposed are containers, which could readily be removed from the site when no longer in use. These structures would have a temporary appearance, which would not be suitable for other purposes.

To ensure that the level of harm is kept to a minimum, a condition is necessary, requiring the removal of all the containers, hardstanding and supporting infrastructure, when the use ceases.

Subject to this condition, on balance, the development would comply with the requirements of CELPS policy PG 3 and NPPF paragraph 145. The reductions in the size and scale of the proposal mean that it is materially different to the appeal scheme. The impact on openness is reduced to the extent that it would not conflict with the aims of these policies.

## **Residential amenity**

Concerns have been raised regarding the impact of the development on the amenities of nearby residents. These concerns relate primarily to noise and light disturbance from the proposed use.

The site lies at some distance from the closest residents. Given the low height of the building and infrastructure, there would be no adverse impact from the built form of the development.

The proposal does not include any lighting of the lake or facilities. As such the likelihood of light pollution would be limited.

The proposed loud speaker has the potential to result in disturbance. However, the application indicates that this will only be used in case of emergency. Subject to a condition restricting the use of the loudspeaker and preventing music to be played externally, there would be no adverse impact in this regard.

Environmental Health has not raised any concerns regarding the use and its impact on local residents subject to a condition regarding lighting. It is also noted that the Inspector did not raise any concerns regarding the impact of the larger scheme on residential amenity.

It is noted that the Inspector did not raise any concerns about residential amenities with the dismissed scheme. Given the reductions included as part of this proposal, there is nothing to suggest that this revised scheme would result in an unacceptable impact on residential amenities.

## **Trees**

CELPs policy SE 5 deals with trees, hedgerows and woodland. It seeks to protect trees, hedgerows and woodlands, which make a significant contribution to the amenity biodiversity, landscape character or historic character of the surrounding area.

CNP policy NE3 broadly reflects the same constraints and restrictions.

Three trees would be removed as part of the development to accommodate the proposed access. These trees are not protected by TPOs.

The Council's Forestry Officer has advised that the loss of these trees would not be significant in terms of the impact on the wider amenity of the area. The original proposal included a restoration masterplan and this has been updated to reflect the changes.

Conditions are required regarding tree protection and the submission and adherence to an updated landscaping plan. Subject to these conditions, the proposed development would be acceptable in terms of its forestry implications.

## **Ecology**

NPPF Paragraph 170 states that, amongst other matters, planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value and minimising impacts on and providing net gains for biodiversity.

NPPF paragraph 175 sets out the principles that local planning authorities should follow when assessing the impact on biodiversity. It states that *'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'*.

CELPs policy SE 3 confirms that development proposals, which are likely to have a significant impact on various sites, species and habitats will not be supported, except where the reasons for or benefits of the proposed development outweigh the impact of the development. This includes Sites of Biological Importance (SBI), Local Wildlife Sites, habitats and species within the Cheshire Biodiversity Action Plan, national priority species and habitats and legally protected species.

Chelford Neighbourhood Plan identifies the site as a potential Local Wildlife Site. Similar to CELPs policy SE 3, it advises that development proposals which are likely to have a significant adverse effect on local wildlife corridors or wildlife habitat will not be permitted, except where it can be clearly demonstrated that the reasons for or the benefits of the proposed development outweigh the impact of the development. It also sets out a need for detailed, independent surveys to ascertain the impacts and ameliorate any adverse effect.

The Council's Nature Conservation Officer has reviewed both the original proposal and the revised scheme. They have advised that there are a significant number of birds associated with Mere Farm Quarry and the two lakes associated with the application. This includes those considered to be a priority for nature conservation. Based on the survey data from the Cheshire and Wirral Ornithological Society, the north and south lakes they have confirmed that the site would readily meet the criteria for selection as a Local Wildlife Site. The site is therefore of County Importance.

The usage of the application site by birds is likely to have changed as the restoration process has progressed. However, species for which the quarry meets the Local Wildlife Site Selection criteria have been present throughout. As the habitats at the restored quarry develop and change, there are likely to be changes in the types of birds present. Given this, the Nature Conservation Officer has advised that it is difficult to fully predict which of the existing species would remain once restoration is complete. Nevertheless, the completely restored north and south lakes are likely to continue to be of County value for birds.

They have advised that the proposal is likely to have a significant adverse impact on the nature conservation value of the lakes, as a result of direct habitat loss, increased disturbance and the potential risk to birds from the wires associated with wakeboarding infrastructure. These impacts will be for the duration of the operational life of the proposed centre. The north lake would be directly affected by habitat loss and disturbance and the south lake being potentially indirectly affected due to its proximity to increased levels of disturbance. The loss of openness resulting from the proposed development will also deter ground nesting species from occupying the surrounding site.

In accordance with section 10 of the Habitat Regulation 2017, local planning authorities have a duty to consider the impact on wild birds.

Mitigation and compensation measures are proposed as part of this application. This includes the installation of various features designed to attract specific bird species of conservation importance. This includes notable species not catered for as part of the consented minerals.

The Nature Conservation Officer has advised that the mitigation and compensation proposed as part of the development would be considerable. However, 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.

They have advised that 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, they would support interest for birds of recognised 'County' value. Other bird species of similar importance, which currently occur on site, would however be very likely to be lost as a result of the proposed development.

In determining the appeal scheme, the Inspector noted that without any mitigation or ecological enhancements, the development would have a significant adverse and deleterious effect on a number of priority species currently found at the site, and consequently the nature conservation value of the site would be diminished.

Even with mitigation, they noted that there would be residential harm. However they concluded that this residual harm would not be so significant as to warrant refusal, in accordance with then NPPF paragraph 118 (now 175) or conflict with Policy NE11 of the MBLP, or CELPS policy SE3.

The current proposal is significantly reduced in relation to what was previously proposed, with the activity now restricted to only a portion of North Lake. The proposed mitigation and compensation measures are similar to those included within the appeal scheme, although the Kingfisher tunnels are now shown to be omitted.

Given that the proposal is for a reduced scheme, with similar compensation and mitigation proposed, the Inspector's conclusions with regards to the impact on biodiversity are still applicable. While there would still be residual harm, even with the compensation and mitigation in place, this would not be so significant as to conflict with CELPS policy SE 3, CNP policy NE 1 or NPPF paragraphs 170 or 175

In addition the proposed development is not likely to result in an impact that is of significant magnitude to hinder the objectives of section 10 of the Habitat Regulations to further the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in the United Kingdom.

#### Bird Management Plan

The consultation response received from Manchester Airport advises that the Bird Management Strategy produced in respect of this application accords with the Bird Strike Avoidance Interests of the airport. This has been submitted but does not include a plan showing the areas of fencing. This will be required by condition to ensure that it does not conflict with the ecological enhancement measures.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The plans show that 20m of hedgerow would be lost as a result of the proposal. 50m of new hedgerow is proposed to compensate this loss. This is considered to be sufficient to compensate for this loss.

### Great Crested Newts

A number of ponds are located within 250m of the proposed development. The appeal scheme included a submitted method statement of 'reasonable avoidance measures'.

An updated Great Crested Newt impact and mitigation strategy has been submitted. This has been reviewed and it is considered that subject to the measures put forward, the development would not adversely affect Great Crested Newts or their habitat.

### Bats

There are a number of trees which have the potential to support roosting bats. As these are outside of the site boundary, roosting bats are unlikely to be directly affected by the proposed development. A condition is required regarding lighting to ensure bats foraging and commuting in the wider area are not adversely affected.

### Badgers

Two minor badger setts have previously been recorded on site. An updated survey has been submitted as part of this planning application. This found no evidence of badger survey. Subject to mitigation measures and a requirement for an additional survey if works do not commence within a year of the survey, the proposal would not adversely affect this protected species.

## **Landscaping**

CELPS policy SE 4 and CNP policy NE2 deal with the Landscape. It advises that all development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.

A landscape and visual appraisal has been submitted as part of the planning application. This has been reviewed the Council's Landscaping Officer. They have raised no objection to the proposal on landscape or visual grounds. Full details of landscaping and subsequent implementation will be required by condition.

The proposal would satisfactorily comply with CELPS policy SE 4 and CNP policy NE 2.

## **Accessibility, parking and highway safety**

CELPS policy CO 1 deals with Sustainable Travel and Transport. It advises that development will be expected to reduce the need for users to travel and give priority to public transport, walking and cycling. It also states that development should be guided to sustainable and accessible locations or locations that can be made sustainable and accessible;



CNP policy T1 relates to transport. This covers matters such as parking and cycle provision, links to public transport and highway safety.

The scheme has been reviewed by the Council's Highways Officer. They have highlighted the lack of alternatives to private cars for future users of the site. Whilst there is a bus route along Chelford Road, the closest bus stops are at some distance from the application site. The regularity of public transport outside of peak hours further reduces the likelihood of buses being a realistic means of transport.

While there is a train station in Chelford, with more regular services, this is also at some distance from the site. There are limited pavements, linking the site to public transport.

However, given the nature of the use and the space required, it is more than likely that a rural location would be required. The lack of alternatives to the private car is not in itself a reason for refusal. In accordance with CO 1, opportunities should be taken to encourage alternative means of transport; a condition is therefore proposed requiring cycle storage for future users of the site.

Saved MBLP policy DC6 deals with circulation and access. It requires vehicle and pedestrian access to be safe and convenient, with suitable visibility splays, manoeuvring space and access for special needs groups, servicing and emergency vehicles.

The impact of the development on the highway networks has been assessed by the Highways Officer. Whilst they have queried the accuracy of the estimated trip generation figures provided by the applicant, they have accepted that the use would likely take place outside of peak hours. As such even if the estimates vary significantly there would be unlikely to be a severe impact on the highway network.

The Highways Officer has advised that the access and turning areas for the development would be acceptable.

The revised scheme proposed 54 spaces, including four accessible spaces, along with coach parking spaces.

The adopted parking standards set out within CELPS Appendix C do not provide a specific figure for Leisure uses, acknowledging the range of parking needs within the D2 (Leisure) use class. Highways have reviewed the level of parking provision and have raised no objections.

The proposed parking and access arrangements are considered acceptable. The proposed development would not adversely affect highway safety.

### **Public rights of way (PROW)**

There is a public footpath which runs through site. The Council's PROW officer has been consulted. They have advised that the development would have a direct, but insignificant effect on this footpath.

They have advised that conditions are required relating to the submission of a public right of way management scheme, the line of the footpath to be marked out and surveys of the footpath surfaces.

Subject to these conditions, the proposal would have an acceptable relationship with the existing public right of way.

Concerns have been raised that existing public footpaths have been blocked off without following the formal process. As this is separate to the planning application, these allegations have not been considered. The complainant should pass this matter onto the PROW team to investigate further.

The concerns relating to the use affecting the likelihood of people using the public right of way appear unfounded and as such are not considered to be a material planning consideration.

## **HERITAGE**

The application site does not fall within or adjacent to a Conservation Area and there are no listed buildings within the site boundary. However, there are a number of listed buildings within the wider area of the application site.

In accordance with Chapter 16 of the NPPF and CELPS policy SE 7, the local planning authority is required to consider the impact of a development on the setting of heritage assets. Given the single storey nature of the proposal and the distance from the closest heritage assets, it is considered that the proposal would not result in any adverse impact to their setting.

The Council's Heritage Officer has been consulted on the proposal; they have not raised any objections to the proposal, apart from how noise from the development could affect the listed buildings. The issue of noise is considered above. Subject to the conditions proposed above, the proposal would not result in any adverse impact to the setting of the heritage assets.

## **Flood risk and surface water drainage**

CELPS policy SE 13 relates to flooding and water management. All developments should include measures for sustainable water management to reduce flood risk.

The application site lies within flood zone 1, which is at the lowest risk of fluvial or tidal flooding. A surface water drainage strategy has been submitted as part of the application. This has been reviewed by officers from the Council's flood risk team. They have raised no objection to the proposal, subject to conditions requiring compliance with the submitted strategy and a detailed scheme to be submitted.

Subject to these conditions, the proposal would comply with policy SE 13.

## **Local economy/tourism/outdoor sport and recreation**

CELPS policy SC1 relates to leisure and recreation. Point 3 supports proposals for certain facilities, which cannot be located in or adjacent to centres, provided certain criteria are met.

They should be highly accessible and not result in harm to the character, amenity or biodiversity value of the area.

The criteria relating to character, amenity and biodiversity value are considered elsewhere. However, the proposal would be for an outdoor sports facility and would support the visitor economy. It would therefore comply in principle with this policy.

CNP policy CI 1 is also applicable. This policy relates to new community and amenities. It supports new community facilities in locations appropriate to the character and surrounding area.

## **OTHER MATTERS**

### Air quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

To ensure compliance with the above, provision of electric vehicle charging will be required by condition.

### Manchester Airport Safeguarding

The Safeguarding Authority for Manchester Airport has no objections, provided that the scheme proceeds in line with the agreed bird hazard management plan. This can be imposed by condition.

### Contamination

The Contaminated Land team has raised no objection to the proposal, subject to a condition requiring the testing of any soil for contamination prior to importation onto the site.

### Gas pipeline

Cadent Gas have advised that they have an intermediate pressure within the vicinity of the site. The Health and Safety Executive has been consulted. They have not advised against the proposal. An informative will be included, advising the applicant to contact Cadent Gas regarding the scheme.

### Site security and safety

Local residents have raised concerns that the proposal could result in an increased risk to the public, particularly if people trespass onto the site to swim in the lakes.

NPPF Paragraph 95 adds that planning policies and decisions should promote public safety and take into account wider security and defence requirements. However, the site is not a public space. Trespass onto it would be a criminal matter and should be reported to the

police. There is nothing to indicate that the proposal would result in an increase in trespass or people using swimming in the lake unlawfully.

## **Conclusions**

The proposed development would provide appropriate facilities for outdoor sport and recreation. The introduction of buildings would inevitably result in some harm to openness. However, the nature of the use means a countryside location, where restrictive policies apply is highly likely. The built form proposed would also be the minimum necessary to enable the use to take place.

The harm to the openness of the Green Belt would be limited by the limited spread of development and the low height of the structures. A condition requiring the removal of all structures and hardstanding on cessation of use would further limit the harm.

Taking all of the above into account, it is considered on balance that the development would not be inappropriate development within the Green Belt.

The proposal would result in some harm to biodiversity on the lakes, even with the implementation of the mitigation scheme. However, this harm would not be so significant, as to warrant a refusal on biodiversity grounds.

## **Recommendation: APPROVE subject to the following conditions**

1. Three year time limit
2. Accordance with the approved plans
3. Materials as per application
4. Removal of all structures, supporting infrastructure, decking and hardstanding on cessation of use
5. Lighting strategy for neighbour amenity and ecology
6. Loud speaker limited to emergency use only
7. No external music or speakers, apart from in accordance with condition 6
8. Tree protection plan
9. Submission of updated landscaping plan
10. Implementation of landscaping plan
11. Boundary treatments
12. Updated plan ecological mitigation and compensation measures - detailed design, details of implementation, management and monitoring. Management to continue for the operational life of the development
13. Implementation of agreed ecological mitigation and compensation measures
14. Updated badger survey if development has not commenced by 28 January 2021
15. Safeguarding of birds during nesting season
16. Submission of plan to accompany Bird Management Plan
17. Compliance with Bird Management Plan
18. Removal of PD for means of enclosure
19. Provision of parking and access
20. Provision of electric vehicle charging points
21. Details and provision of cycle storage
22. Details and provision of refuse storage

23. Submission of a public rights of way management scheme
24. Submission of detailed SUDS scheme
25. Compliance with Surface Water Drainage Strategy
26. Testing of soils for contamination

