

Application No: 16/3829W

Location: Casey Lane Stables, Casey Lane, Basford, Cheshire, CW2 5NH

Proposal: Improvement of land via removal of previously deposited ash/clinker, and restoration to agricultural and equestrian after use via importation and placement of inert and soil-forming material (including ancillary works)

Applicant: Mr Barrie Garratt

Expiry Date: 27-Mar-2020

SUMMARY:

Significant areas of land within the application site lie within the limits of the Phase 2a HS2 Safeguarding Zone. The proposed development in its current form would therefore prejudice the ability to build and operate the HS2 Proposed Scheme

Reports relating to ecology are now considered to be out of date and therefore cannot be relied upon to support the application.

The proposals are considered to be acceptable in terms of noise and vibration, air quality and contaminated land subject to conditions.

Having regard to highway safety, the traffic flows associated with the development will be low and will route along Casey Lane for which the flows are also low. Carriageway widening and junction improvements are proposed to mitigate the impact of the development. As such the proposal is considered to be acceptable in highway safety terms.

The impact of the proposal on landscape character is considered to be acceptable.

RECOMMENDATION:

Refuse

SITE DESCRIPTION

The application site comprises an irregular shaped parcel of land, widest at the northern end and tapering to the south. It is designated as being within Open Countryside in the adopted local plan (CELPS). Basford Footpath 4 runs along the eastern boundary and Basford Footpath 3 runs along the northern boundary of the site.

On the western boundary there is the West Coast Main Line, with Casey Lane Bridge over the railway line on its northwest corner. To the north it is bounded by Casey Lane, to the east it is bounded by agricultural land and to the south, where the land tapers off is Basford Old Creamery, an industrial estate accessed from Newcastle Road.

On the northern part of the site there is an office and a 'C' shaped stable block.

The site was originally a sand quarry and subsequently railway sidings were constructed over it from the West Coast Main Line. Following the end of the sand extraction works it was used for the deposit of boiler ash from steam locomotives up until the late 1960's.

Significant areas of land within the application site now lie within the revised HS2 Safeguarding Directions issued on 27th September 2017.

PROPOSAL

The application proposes a scheme of land improvement through the removal of previously deposited ash and clinker, and the restoration of the void created with imported inert soil making materials to bring the land back into agricultural and equestrian use.

In order to achieve this the application proposes the following operations:

- Partial demolition of the existing stables and associated infrastructure including diversion of overhead power lines/utilities
- Retention of the northern flank of the stables for bat mitigation measures and temporary use as a site office, welfare and mess facilities
- Extraction (with on-site processing where required) of approximately 200,000m³ (360,000 tonnes) of ash and clinker
- Importation and consolidated infilling of the resultant void to restore the site to existing levels, using approximately 200,000m³ of inert, soil forming materials and soils
- Installation and temporary use of site offices, weighbridge, wheel was facilities and ancillary infrastructure (including access improvements) as required
- Subsequent restoration with a five year aftercare period to an agricultural/equestrian use, including removal of infrastructure installed for the operational period and provision of replacement livery stables.

Details of the proposed works

Site investigations and testing have identified that the ash/clinker deposits are inert and lie at an average depth of 6m across the site. The total extraction depth will be taken to 57.5m Above Ordnance Datum (AOD) (current ground levels on the site are 64m AOD).

Soils would be stripped from each phase and stored in stockpiles for re-use on completion of infilling. Additionally soils stripped from phase one would be used to form 2m high soil screening mounds which would be created along the northern boundary aligning Casey Lane and part of the eastern boundary to provide a visual screen. These

would be retained on site until the proposed periphery hedgerow vegetation has sufficiently established in the initial stages of the works; and the soil mounds would then be reworked into the phased restoration of the site.

Extracted ash/clinker that meets industry specification would be removed from site without processing. Other more variable deposits would be processed and screened within the site to remove any oversize or non-conforming material, or to remove any soils which could be retained for use in the site restoration. Any significant oversized material would be stockpiled and when there is sufficient quantity, it would be crushed on site prior to its removal. This is anticipated to be on an infrequent ad-hoc basis only.

The material would be extracted using an excavator and front load diggers. A mobile screening plant would also be permanently located on site; and a mobile crusher would be brought to site as and when required.

The site would be worked over five phases commencing in the north east with rolling restoration as extraction progresses. The restoration of the land once the ash/clinker has been extracted would be undertaken using inert soils and soil forming material from construction, demolition and excavation wastes and the restored ground levels would be similar to pre-existing levels. Soils and top soils would then be re-laid over the infilled ground.

In the north east (phase one), the site would be extracted and a void would be left at depth to accommodate the material processing, storage, vehicle loading/unloading which would help mitigate noise, dust and visual impacts whilst the remainder of that phase would be fully restored back to original levels. The northern flank of the stables would be retained to provide suitable bat roosting features, whilst the southern and western flank would be demolished as may be required to facilitate the extraction of ash/clinker. The paddock to the north of the stable block will be retained for vehicle reception (with weighbridge, office and wheel wash facilities).

The extraction and subsequent infilling would then move progressively northwards from the southern boundary, before completing the final phases in the centre of the site.

The restored land would provide:

- A suitably compacted ground with sufficient stability and drainage infiltration;
- Better soil conditions and improved drainage to support plant growth and improve grazing land
- Improved habitats with rich pasture meadows suitable for grazing and habitat benefit, a new pond with marginal habitat in the south of the site, and scrub and hedgerow planting to provide habitat connectivity around the periphery of the site.

The works would be undertaken between 0800 to 1800 Monday to Friday and 0800 to 1300 Saturday with no operations on Sundays or Bank Holidays. Lighting would only be used within the proposed operational hours during the winter when conditions require it and would be designed to minimise light spill.

The timescales for completion of the whole project would be likely to be influenced by market demands, however the applicant anticipates extraction rates would be around 30,000 tonnes per annum. The extraction of ash/clinker would take approximately 12 years. Infilling with inert material would be at a rate of around 50,000 tonnes per annum and would be undertaken as part of a rolling plan of restoring as each phase progresses. In total including for the infilling, restoration and initial aftercare activities (soil cultivation etc) of the final phase, the project would take up to 14 years, with five years of aftercare undertaken on each phase of the development on completion of the restoration works.

Bat house

The proposal includes for retention of the existing stables. There would be an overall reduction in built footprint at the site with the partial demolition of the existing stables block. The retained element would be used for bat roosting potential, and the building would be retrofitted with bat roosting features, the design of which would be informed by the detailed bat mitigation strategy.

Vehicle movements and access

- HGV movements associated with the exportation of material will be up to 4300 movements per annum (average of 16 movements per day)
- HGV movements associated with the importation of material will be up to 7150 movements per annum (average of 28 movements per day) which may be less where the same vehicles can be used for import and export.
- Where export and infilling is occurring concurrently, total HGV movements would be an average of 44 movements per day. This equates to 4 to 6 movements an hour on average.

The only current means of access is via Casey Lane. The application proposes the following improvements:

- Highway junction improvements at the junction of Casey Lane, Back Lane and Newcastle Road
- Provision of 3 formal passing bays along Casey Lane;
- Maintenance of suitable visibility splays at the site access.

RELEVANT HISTORY

P92/0606 Livery stables, indoor riding yard and ancillary building incl. temporary mobile home (Reserved Matters) – Approved 24th September 1992

P92/0012 Livery stables and covered exercise yard – Approved 16th April 1992

NATIONAL & LOCAL POLICY

Local Plan Policy

Cheshire East Local Plan Strategy (CELPS)

MP 1: Presumption in Favour of Sustainable Development

PG 6: Open Countryside

SD 1: Sustainable Development in Cheshire East
SD 2: Sustainable Development Principles
IN 1: Infrastructure
IN 2: Developer Contributions
EG 1: Economic Prosperity
EG 2: Rural Economy
SE 2: Efficient Use of Land
SE 3: Biodiversity and Geodiversity
SE 4: The Landscape
SE 5: Trees, Hedgerows and Woodland
SE 10: Sustainable Provision of Minerals
SE 11: Sustainable Management of Waste
SE 12: Pollution, Land Contamination and Land Instability
SE 13: Flood Risk and Water Management
CO 1: Sustainable Travel and Transport
CO 4: Travel Plans and Transport Assessments

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Cheshire Replacement Minerals Local Plan 1999 (CRMLP)

Policy 2: Need
Policy 6: Prior Extraction
Policy 9: Planning Applications
Policy 10: Geological Content of Planning Applications
Policy 11: Pre-Application Discussions
Policy 12: Conditions
Policy 13: Planning Obligations/Legal Agreements
Policy 15: Landscape
Policy 16: Plant and Buildings
Policy 17: Visual Amenity
Policy 20: Archaeology
Policy 21: Archaeology
Policy 25: Groundwater/Surface Water/Flood Protection
Policy 26: Noise
Policy 27: Noise
Policy 28: Dust
Policy 31: Cumulative Impact
Policy 32: Advance Planting
Policy 33: Public Rights of Way
Policy 34: Highways
Policy 36: Secondary Operations
Policy 37: Hours of Operation
Policy 41: Restoration
Policy 42: Aftercare
Policy 43: Liaison Committees

Cheshire Replacement Waste Local Plan (CRWLP)

Policy 1: Sustainable Waste Management

Policy 2: The Need for Waste Management Facilities
Policy 12: Impact of Development Proposals
Policy 17: Natural Environment
Policy 18: Water Resource Protection and Flood Risk
Policy 20: Public Rights of Way
Policy 23: Noise
Policy 24: Air Pollution; Air Emissions Including Dust
Policy 25: Litter
Policy 27: Sustainable Transportation of Waste and Waste Derived Materials
Policy 28: Highways
Policy 29: Hours of Operation
Policy 32: Reclamation
Policy 33: Liaison Committees
Policy 36: Design

Borough of Crewe and Nantwich Replacement Local Plan 2011 (CNRLP)

NE.5: Nature Conservation and Habitats
NE.8: Sites of Local Importance for Nature Conservation
NE.9: Protected Species
NE.10: New Woodland Planting and Landscaping
NE.17: Pollution Control
BE.1: Amenity
BE.3: Access and Parking
BE.4: Drainage, Utilities and Resources
BE.6: Development on Potentially Contaminated Land
BE.16: Development and Archaeology
RT.9: Footpaths and Bridleways

The Weston and Basford Neighbourhood Plan (WBNP)

Weston and Basford Neighbourhood Plan

LC1 Local Open Space within the Neighbourhood Plan Area
LC2 Landscape Quality, Countryside and Open Views
LC3 Woodland, Trees, Hedgerows and Walls
LC4 Historic Environment
LC5 Footpaths
LC6 Weston and Basford's Wildlife Corridors
LC8 Biodiversity
E1 New Business
C3 Contributions to Community Infrastructure
D3 Employment Development
D5 Adapting to Climate Change
T1 Footpaths, Cycleways and Bridleways
T2 Traffic Congestion
T3 Improving Air Quality
T7 Identification of Underground Utility Assets
T8 Creation of New Accesses

National Policy

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development.

The National Planning Policy for Waste (NPPW) seeks sustainable management of waste.

CONSULTATIONS:

Highways:

No objection subject to conditions.

HS2:

Submitted a formal holding objection to planning permission being granted due to significant areas of land within the application site being safeguarded for the delivery of HS2 (Phase 2a).

Environmental Protection:

No objection subject to conditions relating to land contamination, working hours, noise and dust.

Public Health:

No objection subject to industry standard mitigation to safeguard public health.

Environment Agency:

No objection subject to a condition relating to the disposal of foul and surface water.

Natural England:

No objection.

Public Rights of Way:

The property is adjacent to public footpath Basford No. 4 as recorded on the Definitive Map held with the Council. It appears unlikely that the proposal would affect the public right of way, although the PROW Unit would expect an informative to ensure that developers are aware of their obligations in relation to the footpaths to be added to any approval.

Network Rail:

No objection subject to technical issues relating to the railway that fall outside the planning process.

National Planning Casework Unit:

No objection.

Archaeology Planning Advisory Service:

No objection.

Weston & Basford Parish Council:

Raise objections relating to the following:

- Disruption and danger from HGV vehicle movements
- Length of time that the operations would last

- Proper analysis of the material to be removed should be done
- The site is in the HS2 safeguarding corridor
- Proximity to a site for 90 houses and a primary school
- Cumulative impact of all developments in the area
- Contrary to open countryside policy
- Weston and Basford Neighbourhood Plan policies relating to ecology

Hough & Chorlton Parish Council:

Raise objections relating to the following:

- Contravention of open-countryside policies
- Highways – Disruption and danger to the community
- Casey Lane and its current agricultural and recreational use
- Ground Contamination
- Pollution caused by the operation
- Drainage and flooding risk
- Duration of the proposal

Shavington Parish Council:

- The principal concern is air pollution as a consequence of the excavation of the ash, clinker and unidentified contaminants.
- The application demonstrates insufficient reassurance that there is only ash on the site.
- The proposal is likely to pollute the waterways and drains.
- The Parish Council would ask –
 - How is pollution to be monitored?
 - What will be the frequency of monitoring?
 - Will monitoring be undertaken by an independent body?
- There is a potential for numerous HGVS to use the village and surrounding villages and this will cause disruption to residents' quiet enjoyment of their homes and the village in general.
- The Council would wish to know plans when the bridge is being demolished.
- The junction requires improvement prior to the start of the proposal to encourage traffic to use the bridge at Basford and then Meremoss Roundabout. There are fewer dwellings in this location and the impact will be less than that proposed.
- The Council would also ask for sufficient notice of the demolition of the bridge.

REPRESENTATIONS:

Neighbour notification letters were sent to neighbouring properties and site notices posted.

At the time of report writing 215 representations have been received which can be viewed in full on the Council website. The representations express several concerns including the following:

Principle of Development

- There is no need for the development as the fields have been farmed and horses stabled on the land for years
- Creation of an industrial site in a rural area
- Does not constitute land improvement
- Excessive level of development of all types in this area
- Creating an open cast mine

Scale of Development & Timescales

- Length of time the development will take
- Physical changes to the area such as topography and land use
- Adverse visual impact

Amenity/Pollution

- Excessive noise
- Air pollution
- Light pollution
- Dust generation
- Risk of ground contamination
- Pollution from harmful substances such as asbestos
- Adverse impact of pollution on children in the nearby primary school
- Wheel wash facilities and dust spraying could lead to the pollution of local water courses
- Particulates from HGV vehicles

Highways

- Highway safety
- Casey Lane is a narrow single track road
- Large numbers of HGV movements
- General increase in vehicle movements
- Danger to walkers, horse riders and cyclists
- Dangerous access
- Poor visibility on Casey Lane Bridge
- Weight limit on Casey Lane Bridge
- Tractors and HGVs will not be able to pass each other
- HGVs are too large to use Casey Lane
- Access alterations are unacceptable
- Should be accessed off Newcastle Road through Basford Creamery
- Back Lane/Newcastle Road is a pick up/drop off point for school children
- Casey Lane is part of the Cheshire Cycle Route
- Materials should be transported on the railway

Infrastructure

- Impact on already fragile drainage systems caused by HGVs using Casey Lane
- Possible impact on the railway line

- Impact from future HS2 development

Ecology

- Impact on local wildlife
- Impact on the Meres and Mosses Nature Improvement Area

Heritage

- Impact on nearby Listed Building (Basford Cottage)

Other Matters

- Should be a longer consultation period
- Concerns about housing development on the site in the future
- Casey Lane bridge is a landmark in the world of trainspotting
- Do not want to live next to a quarry
- Property values
- No economic benefit to the area, just to the developer
- Residents should be given compensation
- Loss of protected tree
- Creation of roundabout

One representation expressing support for the proposal has been submitted by a Middlewich block manufacturing company. They explain that they use ash in their production process and it provides an eco-friendly material for construction and will create local jobs.

APPRAISAL

The key issues to be considered in the determination of this application are set out below.

Principle of Development

The proposal would enable the extraction of a significant volume of material which could be used as a secondary aggregate in the construction industry. In terms of national planning policy, the NPPF states that mineral planning authorities should give great weight to the benefits of mineral extraction including to the economy. Specifically with regards to the recovery of secondary aggregates it states that mineral planning authorities should *“so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously”*.

Need for the Extraction of Ash and Ballast

The proposed extraction of ash and ballast from the site would result in the production of a material from a recycled source, which could be used for manufacturing purposes. In this instance the submitted documentation cites the production of materials for construction and

manufacturing or as a secondary aggregate, and which would as a consequence reduce the requirement to use primary minerals. This accords with the approach of national and local planning policy in that it provides for a sustainable use of resources.

On this basis, it is considered that the proposal is in accordance with the overall objectives of CELPS, CRMLP, CRWLP and supports the approach of NPPW and NPPF.

Sustainability

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

an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well being; and

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

These objectives should be delivered through the preparation of plans and application policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

ENVIRONMENTAL OBJECTIVE

Landscape/Restoration

The application site is located on relatively flat land and is mostly semi improved grassland that has been divided into a number of paddocks and also a stable block towards the north-western part of the site. The site is bound by timber rail and wire fencing, with some boundary vegetation and several groups of trees, the west coast rail line follows the western boundary. Casey Lane forms the northern boundary. Footpath 3 Basford follows the northern boundary of the site and Footpath 4 Basford follows part of the eastern boundary.

As part of the application a Landscape and Visual Impact Study has been submitted, this identifies the National, Regional and baseline landscape character as well as the visual baseline, and a Zone of Primary Visibility along with 6 viewpoints. The landscape assessment identifies that the landscape sensitivity of the site is low, but medium for the

wider landscape and that the magnitude of change will be large for the site, reducing to very small-small for the site post restoration and medium, and reducing to very small for the wider character area. The assessment identifies that the significance of effect on the application site will be moderate adverse on the site level during the operational phase, reducing to negligible to minor beneficial post restoration and moderate adverse, reducing to negligible beneficial on the wider landscape scale. The assessment indicates that the existing boundary vegetation will be retained and enhanced with infill planting, as shown on the Restoration Plan, Drawing No 2.3. The visual assessment identifies that the visual impact at the operational and post restoration phases will have a medium to very minor impact. Whilst the Council broadly agrees with the landscape assessment, it is considered that a number of the receptor locations are more sensitive than the assessment has identified, nevertheless the Council largely agrees with the post restoration impacts as identified.

The proposal is therefore considered to be acceptable in landscape terms and would accord with CELPS policy SE4, CMLP policy 15 and WBNP policy LC2.

Trees

There are trees and lengths of hedgerow on and adjoining the development site. Most of the vegetation is around the site boundaries although there are some trees close to the existing buildings. There are also trees and hedges bordering the length of Casey Lane.

The submission includes a tree protection plan which includes a tree survey schedule and details of proposed protective fencing. The plan indicates that subject to appropriate protection measures, it should be possible to retain trees around the periphery of the extraction area. It appears that most trees can be protected on Casey Lane although one Grade C tree (T36), may be impacted. The hedgerows around the site will be retained.

In order to ensure the protection of existing trees, conditions could be imposed requiring tree protection measures, submission of an arboricultural method statement, and service/drainage layout. In addition the detailed landscaping scheme could include replacement planting to mitigate for any losses.

Subject to the above mentioned conditions, the proposal is considered to be acceptable in terms of the impact on trees and hedgerows and would accord with CELP policy SE5, CNBLP policy NE10 and WBNP policy LC3.

Ecology

The application was registered in March 2017 and due to the lengthy negotiations with third parties required in the course of determining this application, many of the ecological surveys and reports are now out of date. This is addressed below:

Statutory Designated Sites

The proposed development is located within 3 kilometres of Wybunbury Moss SSSI which forms part of the Midland Meres and Mosses Phase 1 Ramsar and the West Midlands Mosses Special Area of Conservation. Natural England advise that the proposed development is not likely to have an adverse impact upon statutory designated sites.

Under Regulation 61 of the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant effects'.

Cheshire East Council has considered the project under Regulation 61(1)(a) of the Conservation of Habitats and Species Regulations 2017 and has concluded that it is not likely to have a significant effect, either alone or in combination with other plans or projects, on the Midland Meres and Mosses (phase one) Ramsar or West Midlands Mosses Special Area of Conservation (SAC). Consequently as the project is unlikely to have significant effects (either alone or in combination with other plans or projects) no further assessment is considered necessary.

This is considered to still be the case.

Badgers

The submitted information relating to Badgers is now considered to be out of date and cannot be relied upon to support this proposal.

Habitats

The original Habitat Survey submitted with the application did not contain a botanical survey of the grassland habitats. An updated habitat survey was undertaken. This survey focused on the triangle of grassland in the southern extent of the application site. Whilst this grassland habitat is of some nature conservation value it does not amount to a priority habitat nor is it sufficiently diverse enough to be selected as a local wildlife site. This habitat therefore does not present a constraint on the proposed development.

This is considered to still be the case.

Small Heath

This priority butterfly species occurs within 2 kilometres of the site and may potentially be associated with the grassland habitats present on the application site.

This information is now considered to be out of date and cannot be relied upon to support this proposal.

Bats

The submitted information relating to bats is now considered to be out of date and cannot be relied upon to support this proposal.

Barn Owls

The submitted information relating to Barn Owls is now considered to be out of date and cannot be relied upon to support this proposal.

Restoration

The restoration of the site aims to deliver 'floristically enhanced' grassland restoration. This would be difficult to achieve for a site with an intended after use of agriculture and equestrian use as horse grazing pressure is likely to be too intense to allow a diverse grassland to develop.

If planning consent is granted it is recommended that a condition be attached which requires the submission of a detailed restoration scheme, including proposals for the creation of species rich grassland, and 10 a year habitat management plan to be submitted.

A new pond is proposed as part of the restoration scheme for the site. This proposal is welcomed by the Council's Nature Conservation Officer. If planning permission is granted a condition should be attached which requires the submission of a detailed design for the proposed pond.

Nesting Birds

If planning consent is granted standard conditions (protection and features for enhancements) would be required to safeguard nesting birds.

Nesting birds are protected by law and as such the conditions would be in accordance with Policy SE3 (Biodiversity & Geodiversity) of the CELPS and Policies NE.5 (Nature Conservation & Habitats) and NE.9 (Protected Species) of the CNRLP.

Ecology Conclusion

No further information is required in terms of the Conservation of Habitats and Species Regulations 2017 As such the proposal is in compliance with Policies NE.6 (Sites of International Importance for Nature Conservation), NE.7 (Sites of National Importance for Nature Conservation) and NE.8 (Sites of Local Importance for Nature Conservation).

Subject to conditions, nesting birds can be protected in accordance with Policy SE3 (Biodiversity & Geodiversity) of the CELPS and Policies NE.5 (Nature Conservation & Habitats) and NE.9 (Protected Species) of the CNRLP.

Subject to conditions relating to the restoration scheme and a 10 year management plan, it is considered that satisfactory restoration of the site can be secured. This is in accordance with Policy SE3 (Biodiversity & Geodiversity) of the CELPS.

The information relating to Badgers, Bats, Barn Owls and Small Heath is now to be out of date and therefore insufficient information is available to assess any impacts on these species and this should therefore form a reason for refusal of the application.

Highways

Site Access

The existing site access is approximately 80m east of the railway bridge on Casey Lane. The importing/exporting of materials would be carried out using rigid HGVs of around 10 metres in length. To accommodate these HGV movements the proposal would amend the existing access by making it wider and increasing the radii. A swept path of an HGV exiting the amended access is shown on the site access plan, demonstrating that it would take place safely.

Immediately west of the access, before reaching the bridge, an existing layby would be upgraded to a formal passing bay. At this point 2 articulated or rigid HGVs would be able to pass each other. This is also shown demonstrated on the submitted plans. The access

visibility splays would allow drivers to see westwards to the bridge and eastwards towards to the bend in the road.

Casey Lane

With regards to HGV routing, the most suited route is onto Casey Lane and over the bridge to Back Lane and then onto Newcastle Road.

It is noted that the bridge is narrow and also limits forward visibility. As is currently the case, drivers would have to approach the bridge at slow speeds and give-way to each other. Casey Lane is not a busy road and these types of bridges do exist on other roads within Cheshire East which are busier and which operate safely.

Casey Lane is narrow and consists of around 6 formal/informal passing bays that allow 2 cars to pass each other. They are too small for 2 HGVs to pass and an additional 3 large passing bays have also been proposed. These new passing bays would increase the road width to 7m for 20m lengths (60m in total). This is considered to be acceptable to allow two HGVs to pass each other. The provision of these passing bays should ensure that there is very limited impact on the verges and roadside trees and hedges.

In addition to these proposed passing bays, Casey Lane would be widened at its junction with Back Lane to allow for 2 HGVs to pass.

Casey Lane/Back Lane Junction

In addition to the carriageway widening of Casey Lane, Back Lane would also be widened to allow for the safe turning of HGVs onto Back Lane. This was a recommendation of the Road Safety Audit. From here HGVs would turn onto Newcastle Road which has an acceptable level of visibility. Speed surveys have been carried out on Back Lane, in the vicinity of the bend on approach to Casey Lane, and have indicated a design speed of just over 25mph. The existing visibility splay on exiting Casey Lane onto Back Lane is therefore acceptable. There have also been no recorded personal injury accidents at this junction over the last 5 years.

Some comments submitted in response to the proposal have suggested that a roundabout will replace the junction arrangement at this location. This is not the case. The only local highway improvements are those put forward with this application.

Traffic Volumes

The proposal is expected to require 16 HGV movements associated with the extraction of material and 28 movements per day associated with importation, totalling 44 two-way movements for 48 weeks per year over a 12 year period. This assumes that a HGV that imports material leaves empty (rather than also filling up and removing material from site) and it is therefore considered to be robust, and on occasion the daily flows are likely to be lower.

In addition there would be 6 to 8 light vehicle movements per day relating to staff movements. In total the proposal would generate, on average, 4 to 6 two-way movements per hour. Over a 24 hour period Casey Lane has a two-way flow of around 380 vehicles a few of which are HGVs. Proportionally this is an increase of around 15% but there will be sufficient proposed highway works to mitigate the impact.

Road Safety Audit

A Road Safety Audit (RSA) has been carried out which covers areas such as widening of the carriageway on Back Lane and Casey Lane, drainage impact on the highway once works are carried out and visibility onto Back Lane. These off-site works should be complete prior to first extraction/importation of materials.

Highways Conclusion

The traffic flows associated with the development would be low and would route along Casey Lane for which the flows are also low. Carriageway widening and junction improvements are proposed to mitigate the impact of the development.

No objection is raised by the Head of Strategic Infrastructure subject to conditions and a legal agreement relating to visibility splays, passing bays and routing of vehicles.

Given the issues set out above, it is considered that the development would be acceptable in highway safety terms and a refusal on these grounds could not be sustained. The proposal would accord with CMLP policy 34, CRWLP policy 28, CNRLP policy BE3 and WBNP policy T2.

ECONOMIC OBJECTIVE

The Framework includes supporting a prosperous rural economy.

Paragraph 83 states that:

‘Planning policies and decisions should enable:

- a) The sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings;
- b) The development and diversification of agricultural and other land-based rural businesses;
- c) Sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) The retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

The proposal would allow the development of a land based rural business and is therefore acceptable in principle.

HS2

HS2 Ltd did not originally object to the proposal, due to the site not falling within the initial designated safeguarding zone.

As a result of design changes to the HS2 proposed scheme, additional land has been now been safeguarded as the land is required in order to construct and/or operate the railway. As a result HS2 Ltd have confirmed that significant areas of land within the application site now lies within the limits of land subject to the revised Safeguarding Directions issued to Local Planning Authorities on 27 September 2017 under articles 18(4), 31(1) and 34(8) of the Town and Country Planning (Development Management

Procedure)(England) Order 20154. Safeguarding Directions have been issued in order to protect the preferred Phase 2a route of HS2 from conflicting development. HS2 explain that safeguarding is an established tool of the planning system designed for this purpose and aims to ensure that new developments along the route do not impact on the ability to build or operate HS2 or lead to excessive additional costs.

The overlaps and potential conflicts between the HS2 works and the proposed scheme are identified by HS2 as follows:

- Casey Lane Diversion – construction traffic route between Newcastle Road and Casey Lane crosses directly through the application site.
- Basford Footpath 4 Temporary Diversion – runs directly through the site between Casey Lane and Newcastle Road.
- Casey Lane East Satellite Compound and adjoining land potentially required for construction– overlaps with area shown by developer as potential utilities diversion corridor, Phases 1 and 4a of proposed extraction, areas for temporary soil storage and the site and vehicle reception area.
- Newcastle Road Overbridge and associated landscape and engineering earthworks – directly clashes with Phase 2 of proposed extraction area.
- Landscape mitigation planting (scrub / woodland) – northern and southern areas of the proposed development clash with proposed HS2 planting to mitigate for local losses of hedgerow and woodland.
- Balancing pond – feature south of Casey Lane clashes with the developer’s proposed Phase 1 extraction area and potential utilities diversion corridor.

Lengthy negotiations have taken place over a long period with HS2 and the applicant to try to address these issues however it is apparent that no solution is possible at the current time.

The guidance accompanying the HS2 Direction advises that where HS2 Ltd has responded and provided a recommendation, the LPA will not be bound by that recommendation. However, if the LPA does not accept the recommendation, it will be required to notify the Secretary of State for Transport under paragraph 6 of the Safeguarding Directions.

In respect of this application, it is considered that the proposed development in its current form would prejudice the ability to build and operate the HS2 Proposed Scheme and this would conflict with CELPS Strategic Priority 1 which seeks to maximise opportunities that may be offered by HS2; and Policy SD1 ‘Sustainable Development’ which requires development to contribute to creating a strong, responsive and competitive economy’ and Policy CO1 ‘Sustainable Travel and Transport’ which seeks to improve public transport including rail infrastructure.

The operations on the site, including restoration, would provide employment for a period of time. This would be a positive benefit of the scheme.

SOCIAL OBJECTIVE

Residential Amenity

Policies 12, 23, 24 of the CRWLP require that the impacts of noise and dust emissions are suitably assessed and controlled in accordance with Government guidelines. Policy S12 of the CELPS requires that *“In most cases, development will only be deemed acceptable where it can be demonstrated that any contamination or land instability issues can be appropriately mitigated against and remediated if necessary.”*

The application has been assessed by Environmental Protection and Public Health Officers, who are satisfied that the development would be acceptable and that any adverse impacts could be mitigated. Such mitigation measures could include the use of dust suppression equipment, screening mounds to limit noise impacts, restrictions on the use of reversing alarms, controls over hours of operation; all of which could be secured by planning condition.

It is considered that the scheme will not generate any significant detrimental noise or dust impacts that would impact on human health or the natural environment. There would be additional HGV movements past residential properties, however this is not considered to be so significant as to warrant refusal of the application on these grounds. As such, it accords with Policies 12, 23 and 24 of the CRWLP.

Public Health

The Public Health Department has been consulted on this application and has no objection in principle.

They consider that as a general statement coal ash does typically contain heavy metals including arsenic, lead, mercury or cadmium. These toxicants can cause cancer and nervous system impacts such as cognitive deficits, developmental delays and behavioural problems if they are consumed (inhaled, eaten or drunk). They can also cause heart damage, lung disease, respiratory distress, kidney disease, reproductive problems, gastrointestinal illness, birth defects, and impaired bone growth in children.

It is also the case that coal ash recycling can constitute a risk to public health, this is particularly the case when the ash is exposed to water (e.g. leaching). The need to safeguard against leaching and protect against the pollution of controlled water has already been noted by the Environment Agency.

Given both of these issues it is necessary to ensure industry standard mitigation is in place on the site and throughout the development period to safeguard public health. This will minimise any potential contamination and pollution risk and impact. The activities would be regulated by an Environmental Permit which is controlled by the Environment Agency who are the pollution regulator in this instance and necessary controls would be imposed on the permit to ensure these issues are mitigated to an acceptable level.

Other Matters

Several objectors have referred to the removal of the ‘triangle’ and tree at the junction of Casey Lane, Back Lane and Newcastle Road. This is not proposed as part of the application.

Conclusion

Significant areas of land within the application site lie within the limits of the Phase 2a HS2 Safeguarding Zone. The proposed development in its current form would therefore prejudice the ability to build and operate the HS2 Proposed Scheme

Reports relating to ecology are now considered to be out of date and therefore cannot be relied upon to support the application.

The proposals are considered to be acceptable in terms of noise and vibration, air quality and contaminated land subject to conditions.

Having regard to highway safety, the traffic flows associated with the development will be low and will route along Casey Lane for which the flows are also low. Carriageway widening and junction improvements are proposed to mitigate the impact of the development. As such the proposal is considered to be acceptable in highway safety terms.

The impact of the proposal on landscape character is considered to be acceptable.

RECOMMENDATION

That the application be REFUSED for the following reasons:

- 1. Significant areas of land within the application site lie within the limits of land subject to HS2 Safeguarding Directions. The proposed development would therefore prejudice the ability to deliver and operate HS2 Phase 2a and is therefore contrary to the requirements of Policy CO 2 (Enabling Business Growth through Transport and Infrastructure) of the Cheshire East Local Plan Strategy.**
- 2. Several of the ecological reports submitted with the application are now out of date and cannot be relied upon to support the application. Insufficient information is therefore available relating to protected species and habitats in order to assess adequately the impact of the proposed development. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies, in particular Policy SE 3 (Biodiversity & Geodiversity) of the Cheshire East Local Plan Strategy, Policies 12 (Impact of Development Proposals) and 17 (Natural Environment) of the Cheshire Replacement Waste Local Plan and Policies NE.5 (Nature Conservation & Habitats) and NE.9 (Protected Species) of the Crewe and Nantwich Replacement Local Plan and other material considerations.**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chair (or in their absence the Vice Chair) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Head of Planning in consultation with the Chair (or in their absence Vice Chair) of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

