

**STRATEGIC PLANNING BOARD –16th June 2021**  
**UPDATE TO AGENDA**

**APPLICATION NO:** 21/1065C

**LOCATION:** LAND SOUTH OF, CLEDFORD LANE, MIDDLEWICH

**PROPOSAL:** Outline planning application with all matters reserved for future determination except for means of access for an employment development (Use Classes B8, B2 and ancillary E(g)) with associated landscaping, drainage and infrastructure including an energy centre.

**CONSULTATIONS**

LLFA Flood Risk – No major objections to this proposed development are raised. The currently layout does offer limited availability to ensure open watercourses are retained within the site boundary, this will need to be picked up with the reserved matters application and a more sustainable approach is expected.

They did however comment that the Flood Risk Assessment mentions some micro drainage calculations and asked for them to be provided. This will inform any potential condition.

These calculations have been provided to the Flood Risk Team and any observations will be incorporated into the suggested condition no.18.

Natural England – No comments received at the time of writing this update report.

Brine Compensation Board – No further comments received at the time of writing this report.

**KEY ISSUES**

**Ecology**

The Council's Ecologist has confirmed the following by way of an update:

“Lesser Silver Diving Beetle

Further surveys for this protected/priority species have been completed in May 2021. No evidence of the species was recorded at the ponds on site. Whilst some ponds in this locality have deteriorated recently the suitability of ponds for this can change over time depending upon land management practices. I therefore recommend that if outline consent is granted a condition be attached which requires the submission of updated surveys with any future reserved matters application.

### Ponds

The applicant has provided confirmation of the location of the 4 ponds proposed off-site. A legal agreement will be required to ensure the delivery of these along with the other Biodiversity net gain measures discussed below.

### Biodiversity Net Gain

In accordance with Local Plan Policy SE3 all development proposals must aim to deliver an overall net gain for biodiversity.

In order to quantify the overall losses and gains of biodiversity resulting from the proposed development the applicant has submitted a Biodiversity Metric calculation. The submitted metric has been revised in the light of my earlier consultation comments and comments provided by Cheshire Wildlife Trust.

The on-site works would result in a loss of biodiversity for General Habitats amounting to -23.46 units (30.43%). In order to address this loss the applicant has submitted outline proposals for the creation of additional habitat at an off-site location which delivers an overall minor gain for general habitats.

The proposed development will result in the loss habitat associated with the diversion of the existing tributary on site. The metric assesses the loss of habitat associated with running water separately to habitats in general. The metric shows that the proposed development would result in the loss of biodiversity associated with running water of -2.84 units, even if the diverted stream is designed to deliver habitats of a high standard. It is unlikely to be feasible to deliver any further habitats on-site associated with running water and securing a suitable off-site location for the enhancement of running water habitats may be difficult. I therefore advise that the proposed development is likely to result in a residual loss of biodiversity in respect of this habitat type.

Losses and gains for biodiversity are summarised below:

<b>Habitat type</b>	<b>Units and Percentage loss/gain</b>
General Habitats	+ 1.07 units (1.07%)
Hedgerows	+ 1.17 units (7.21%)
Watercourses	-2.84 units (56.44%)

There is therefore a minor gain for General Habitats and a gain for Hedgerows, but a loss of biodiversity for Watercourses at this site.

If planning consent is granted a habitat creation method statement, 30 habitat management plan and ecological monitoring strategy will be required for both on and off-site habitat creation proposals. **This must be secured by condition/section 106 agreement.**

If the development is anticipated to come forward in phases the wording of the condition for the on-site habitat creation must ensure that each phase delivers its proportionate contribution to the proposed on site habitat creation works. I therefore suggest that a condition be attached to ensure that each reserved

matters application includes habitat creation proposals to reflect the Biodiversity Net Gain report and Biodiversity summary plan submitted with the application.”

The Council’s Ecologist is finalising the details of the off-site provision with the applicant’s agent, on a site close by and this will be confirmed to Members at the meeting, and will need to be subject to the Section 106 Agreement.

**Other issues:**

Timescales – The applicant writes:

“The timeframes for completion of the MEV (subject to DfT) funding approval are for the main works aware in 2021 and completion in 2023 (22-month construction period). End users are very unlikely to commit to units proposed as part of the Phase 3 development until the MEB is close to opening. As a result, Reserved Matters applications are not likely to be prepared and submitted until this time. Based upon the above timescales for the construction of the MEB, a conventional 3 year timeframe for the submission of Reserved Matters is highly likely going to result in the outline planning permission lapsing. A longer period of 10 years for the submission of Reserved Matters applications is therefore required.”

In view of need for the MEB to be in place before any development can commence, the size of this site, and the likelihood it will come forward in phases, it is agreed an extension of time for submission of reserved matters is appropriate. Ten years is considered acceptable in this context.

**CONCLUSION:**

There are no proposed changes to the recommendation, however for clarity with regards to the Section 106 agreement there are two components, as highlighted in the report.

1. Highways – Requirement to contribute to the MEB at a rate of £53 per sq m – subject to a review mechanism. The triggers for payments will need to be on the occupation of each unit which are likely to be delivered on a phased basis.
2. Ecological mitigation to be secured: habitat creation method statement, 30 habitat management plan and ecological monitoring strategy will be required for both on and off-site habitat creation proposals

With regards to conditions the following changes are proposed:

A new condition to require submission of a phasing plan as this large site is likely to be delivered in phases.

Condition no. 1 should be amended to allow 10 years for submission of reserved matters.

Finally condition 19. (updated reports for ecology) needs to include reference to Lesser Silver Diving Beetles.