Application No: 21/1575C

Location: BRITISH SALT LTD, CLEDFORD LANE, MIDDLEWICH, CW10 0JP

Proposal: Construction of new salt manufacturing facility comprising: the removal of tanks and associated equipment; the construction of new tanks and associated equipment; external alterations to existing Evaporation Building; erection of pipe bridge; construction of new Drying / Packing Building; and associated ancillary development.

Applicant: Richard Diggle

Expiry Date: 21-Jun-2021

**SUMMARY**

**The proposal is for the development of a pharmaceutical grade salt manufacturing facility which would be situated within part of the British Salt factory site. It lies within the settlement zone line of Middlewich, which is identified as a Key Service Centre in CELPS where employment development is supported in principle. The proposal would enable British Salt to grow and expand their operations and reach new markets and would enable the provision of additional employment. This accords with CELPS policy SD1 which supports development which contributes to a strong, responsive and competitive economy, prioritises investment and growth in key service centres and provides access to local jobs. It also accords with the approach of CELPS SE2, PG2, EG1 and CBLPFR policy PS4.**

**No objections have been received from consultees or members of the public. The proposal has been revised in order to limit the scale and potential dominance of the proposed building. Whilst this would still be of significant scale and height, it would be congruous in this location given the existing infrastructure and would be in keeping with its immediate and wider industrial and commercial context, as such no unduly detrimental effects on amenity from visual intrusion or adverse impacts on landscape character are anticipated. As such it is considered to accord with CELPS policy SE1, SE4, CBLPFR policy GR6 and the approach of the NPPF.**

**Whilst the proposal would be visible from the conservation area and listed buildings, it is unlikely to materially alter the setting of these built heritage assets or the ability to appreciate their historical significance and would cause less than substantial harm to the setting of these assets. As such the proposal is considered to accord with CELPS policy SE7 and CBLPFR policies BH5 and BH9, and the NPPF. No significant adverse impacts anticipated on highway safety or capacity given the proposed increase in vehicle numbers and the proposal is considered to accord with CELPS policies CO1, CO2 and CO4, and CBLPFR policies GR9 and GR18. Likewise no significant adverse impacts are anticipated associated with air quality or noise given the design of the proposal, proposed mitigation and level of vehicle movements. This would accord with CELPS policy SE12, CBLPFR policies GR6 and GR7, and the approach of the NPPF.**

**Sufficient mitigation can be secured in order to ensure that there would be no potential for land or water pollution and drainage arrangements are acceptable, and there are no anticipated risks of flooding on or off site. Equally no unacceptable impacts on biodiversity or ecological designated sites are anticipated and some biodiversity enhancements could be secured by planning condition. All other environmental impacts have been demonstrated to be acceptable and adequately mitigated.**

**Given all of the above factors, it is considered that the proposals accord with the relevant policies of the Development Plan and all other material considerations.**

**RECOMMENDATION: Approve subject to conditions**
**DESCRIPTION OF SITE**

The application site is a 1.73ha parcel of land located within the British Salt factory in Middlewich. The factory is located on the southern side of Middlewich between the A533/Trent and Mersey Canal to the south and the railway line to the north.

The factory is accessed from Faulkner Drive off Cledford Lane which provides access to Booth Lane (A533) and Middlewich.

The British Salt site consists of several large industrial buildings, tanks, pipes, other structures, storage areas and handstanding. The application site is situated within the south eastern part of the factory site on land currently taken up by a garage, hardstanding, tanks and other infrastructure and the evaporation building.

The factory site boarders onto other industrial development to the north. To the east is a railway line, beyond which is farmland. to the south is vacant hardstanding and vegetation. The Trent and Mersey Canal forms the western factory site boundary with the A553 Booth Lane located on the opposite side of the canal. Residential areas of Middlewich are located to the west of Booth Lane. The closest properties are located approximately 75m from the nearest part of the proposal. Rump Lock House on the eastern side of the canal is approximately 90m from the neatest part of the proposal.

Land opposite the factory site beyond the A533 Booth Lane is allocated in CELPS LPS 42 'Glebe Farm Middlewich' for residential development and has outline permission for 450 dwellings (13/3449C) and is subject to further applications for approval of reserved matters awaiting determination. This allocation is adjacent to the southern extent of the built up area of Middlewich. Two parcels of land to the north of the application site are allocated in the Congleton Borough Local Plan as owner specific employment sites, whilst further north beyond the railway lie and to the south east lie areas of undeveloped land which form part of strategic allocation LPS44 'Midpoint 18' in the Cheshire East Local Plan Strategy. The land to the north is also part of the route of the proposed Middlewich Eastern Bypass. An area of land situated directly adjacent to the northern boundary of the railway is allocated for waste management uses (WM5) in the Cheshire Replacement Waste Local Plan.

The section of the Trent and Mersey Canal running past the factory site lies within the Kent Green Conservation Area. A listed lock approximately 100m lies to the west. A public right of

way (Middlewich FP20) lies beyond the railway line approximately 300m to the north west. Part of the application site also lies within the inner and middle consultation zone of a hazardous installation. There is one public right of way to the north of the site (east of the railway), and the canal towpath forms part of the Cheshire Ring Canal walk long distance route.

**DESCRIPTION OF PROPOSAL**

The factory currently imports raw brine by pipeline from the Warmingham brinefield, which is used to create salt for use in the manufacturer of a variety of different products. This proposal would enable the company to create a new pharmaceutical grade salt and would utilise existing infrastructure within the purification plant and evaporation plant, and include the development of new tanks, and construction of a new drying and packing building with associated pipe bridge.

The process to turn brine into salt consists of five main stages: brine production, purification, evaporation, drying and packing. The proposal would require changes to three of those stages as follows:

Purification stage – four tanks would be removed from the site and eleven additional tanks would be erected, along with new pumps and pipework. There would also be new raised walkways, steps and ladders. The tanks are of varying widths and heights of between 4.5m up to 20m and would be constructed of steel or reinforced plastic and coloured blue to match existing tanks on site.

Evaporation – External changes would be minor and comprise modifications to the pipework to link the new pipe bridge. Some internal modifications would also take place inside the evaporator building including the addition of a degasser and modification of existing pipework to allow one of the evaporators to produce pharmaceutical grade salt.

Drying and packing – development of a new drying/packing building. This would be located to the north west of the purification plant and evaporator building on an area currently partly used for lorry parking, storage and a garage building which already benefits from permission to be demolished.

The proposed rectangular building would measure 64m by 31m (excluding the loading area) at its longest point and have a footprint of 1880sqm. The height of the building would vary. The northern projection would be part one and two storeys with a maximum height of 7.5m. The main part of the building would be at a height of 12.5, whilst the north eastern section of the building would extend to a height of 23.5m with a flue that extends approximately 3m above that.

The building would house a range of specific plant and machinery required for the drying and packing process. The main drying and packing areas (along with storage/circulation areas) would be at ground floor level. A metal roller shutter would be installed on the north east elevation and another on the south eastern elevation which would open up onto a covered HGV product loading area measuring 30m by 12m. Also at ground floor level the projection to the north would contain a reception, and welfare facilities.

The floorspace at first floor level would be limited to circulation space and staff canteen in the northern projection. There would be a void to the space below across the remainder of the footprint. The floorspace at second level is made up of a large mezzanine which would operate

as a conveyor room, with other associated rooms. A relatively small third floor level on the north western side of the building would contain other rooms and the fourth floor would be smaller again and contain another room.

The building would have a brick plinth around its base and would be clad in an insulated smooth faced wall cladding made of pre-finished steel. The building would incorporate a number of aluminium small windows, access doors and metal staircase.

The proposal also includes the construction of a 51m pipe bridge from the north west elevation of the evaporator building to the north eastern elevation of the proposed drying/packing building. A metal walkway would run in parallel for approximately 26m of its length, accessed by a metal staircase and ladder.

The pharma grade salt would either be stored on site or alternatively taken off-site to an appropriate storage facility. Prior to export the salt would be packed and loaded onto HGVs. The HGVs would utilise the existing access into the site from Faulkner Drive and follow the existing internal access road to access the building.

As per the existing facility the plant would operate on a continuous basis, 24 hours a day and 7 days a week. Product dispatch would take place Monday to Friday 0600 to 1800 hours.

A temporary construction compound would be created within the British Salt site for the duration of the construction works which would include cabins, welfare buildings, storage of equipment, plant and vehicles. The construction programme is anticipated to be approximately 19 months.

**PLANNING HISTORY**
The wider British Salt site has an extensive planning history dating back to 1972. Relevant permissions include:

- 21/1436C – prior approval for demolition of garage building
- 19/1133C – permission for a new boiler plant, pipebridge and flue stack.
- 7/2007/CCC/13 – permission for brine extraction and underground gas storage, gas processing plant, pipelines and associated infrastructure with connections to British Salt factory.
- 13/1052W and 13/011344/FUL - Pipeline corridor and associated development between Warmingham and Lostock via the British Salt factory.

**POLICIES**
The Development Plan comprises the Cheshire East Local Plan Strategy, and the Congleton Borough Local Plan First Review.

**Cheshire East Local Plan Strategy (CELPS)**
MP1: Presumption in favour of Sustainable Development
SD1: Sustainable Development in Cheshire East
SD2: Sustainable Development Principles
SC3: Health and Wellbeing
SE1: Design
SE2: Efficient Use of Land
SE12: Pollution, Land Contamination and Land Instability

PG2: Settlement Hierarchy
EG1: Economic Prosperity
SE3: Biodiversity and Geodiversity
SE4: Landscape
SE7: Historic Environment
SE9: Energy Efficient Development
SE12: Pollution, Land Contamination and Instability
SE13: Flood Risk and Water Management
CO1: Sustainable Travel
CO2: Enabling Business Growth through Transport Infrastructure
CO4: Travel Plans and Transport Assessments

**Congleton Borough Local Plan First Review (CBLPFR)**
PS4: Towns
GR6: Amenity and Health
GR7: Amenity and Health
GR9: Accessibility and parking provision
GR18: Traffic Generation
BH5: Heritage
BH9: Conservation Areas
NR2: Statutory Sites

**National Policy:**
National Planning Policy Framework

**Other Considerations:**
National Planning Practice Guidance (NPPG)

**CONSULTEES**

**Landscape -** no objections

**Forestry –** no comments received

**Heritage -** no objections

**Environmental Health -** no objections. Note that due to the history of industrial use in the site and surrounding area, there is potential for contamination.

Planning conditions recommended in respect of acoustic mitigation being implemented in full and the agreed mitigation scheme being maintained for the purpose originally intended throughout the use of the development, submission of updated ground investigation, risk assessment and if necessary, remediation strategy, along with verification report and measures to deal with unexpected contamination.

**Highways** – No objection. Parking provisions are considered acceptable. The proposed level of additional traffic would not result in any capacity problems on the network.

**Flood Risk Management –** no objections providing all surface water is contained on site and re-used within the site boundary, all finished floor levels set at least 0.15m above adjacent ground, a condition survey of the existing surface water drainage system is carried out prior to development, and all works being carried out in strict accordance with the plans and drainage strategy

**Ecology -** No objection. Condition recommended in respect of nesting birds

**Public rights of way -** No comments received

**Environment Agency -** no objection subject to planning condition requiring a remediation strategy, verification report and restrictions on infiltration of surface water to the ground.

**Cheshire Wildlife Trust** – no comments received

**Natural England -** no objection subject to securing the mitigation identified in the CEMP.

**Jodrell Bank** – no comments received

**Canal and Rivers Trust**
Works on site have the potential to result in the exposure of pollution to the canal, notably through dust migration from disturbed soil. Recommend phase II geo-environmental report secured by planning condition and advice is provided on the scope of the investigations.

**United Utilities -** No objection, conditions recommended in respect of drainage arrangements.

**Health and Safety Executive** – do not advise, on safety grounds, against the grant of planning permission

**National Grid** – no comments received

**Scottish Power** – no comments received

**Middlewich Town Council**
The Council supports the proposals in principle but considers that before any approval should be granted an up to date Air Quality Assessment and Travel Plan should be provided. It is also noted that there is no Emergency Response plan contained as part of the application. The Council also requires that a condition is added to any permission granted for s106 monies to be provided to enable the rewilding of the lime beds and provide interpretation boards detailing the species to be found there.

**OTHER REPRESENTATIONS**
None received

**OFFICER APPRAISAL**

**Principle of Development**
CELPS policy MP1 and the NPPF have a presumption in favour of sustainable development. Proposals that accord with the development plan and which support sustainable development

principles will be approved. Policy SD1 supports development which contributes to a strong, responsive and competitive economy, prioritises investment and growth in key service centres and provides access to local jobs. Middlewich is identified as a key service centre in which development which is of a scale, location and nature that recognises and reinforces the distinctiveness of the town will be supported (CELPS policy PG2). CELPS policy EG1 also supports in principle employment development within key service centres. Proposals for employment development on non-allocated employment sites are also supported where they are in the right location and support the strategy, role and function of the town.

Similarly Congleton Borough Local Plan First Review (CBLPFR) saved policy PS4 contains a general presumption in favour of development within the settlement zone line of Middlewich provided it is in keeping with the town's scale and character. Development which is not otherwise allocated for a particular use must also be appropriate to the character of its locality in terms of use, intensity, scale and appearance.

The proposal would provide additional floorspace and infrastructure to support the growth and expansion of an existing industrial facility which currently provides employment for 105 people and would provide a further 19 full time positions. The development would be congruous with the industrial nature of the wider area and would form a part of a wider cluster of employment uses in this part of Middlewich. As such it would accord with CELPS policy SD1 and reflects the spatial approach of the development plan in focusing development within Key Service Centres. It also reflects the provisions of CELPS policy SE2 which seeks to encourage the redevelopment and re-use of previously developed land and buildings. As such it is considered that the principle of the development is acceptable and the proposal would accord with CELPS policies SD1, PG2, and EG1 and CBLPFR policy PS4.

**Landscape and visual impacts**

CELPS policy SE4 requires all new development to conserve landscape character and quality and, where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness. Development will be expected to (amongst others) incorporate appropriate landscaping, preserve local distinctiveness and protect and/or conserve the historical and ecological qualities of an area. CBLPFR policy GR6 does not permit development which would have an unduly detrimental effect on amenity due to visual intrusion.

With respect to effects on landscape character, during construction any impacts are assessed as being temporary and localised, would not appear out of place given the industrial context of the wider site and therefore not significant. On its completion the proposed building would be of a significant size and scale and would be apparent from the undeveloped areas to the east and from the canal and Booth Lane. The development would however be situated within the existing collection of structures on the factory site, and the proposed building would not project beyond the height of the existing evaporator building on the site. The existing facility already exerts a marked influence in this area and this would only increase incrementally as a result of the proposal. It would not introduce any characteristics that are not already present and the wider landscape character would remain very similar, therefore the change would be limited in scale and geographic extent, and the overall landscape character effects are assessed as being minor.

In relation to visual impacts, whilst the proposal includes a building of significant size and scale, this would be within an area already dominated by existing industrial structures. The overall amount of visible development would increase, however the nature of the views would be similar to that already experienced and the extent of visibility would not increase as the new built development would not be as tall or physically extensive as the existing structures.

It is also noted that the proposal would not be widely visible due to screening provided by the vegetation cover and existing built development at the factory site.

There would be clear views of the proposal from a stretch of A533 Booth Lane and the canal corridor, and from the footpath to the north east, however from both directions any change in view would be experienced in the context of the existing structures at the factory which would be more prominent than the proposed new building. The dense tree cover along Booth Lane would limit views of the site from the A553 and properties on the edge of Middlewich. To the south east, views would be largely screened by the existing factory buildings/structures and any visible elements would be viewed against that backdrop. Some long distance views would be experienced to the north and north east across agricultural fields however there are limited publicly accessible locations in this area. It is considered that there is sufficient separation distance to residential receptors to ensure that the intensification of the use would not impact significantly on the visual amenity of residents. The Landscape Officer also raises no objection to the proposals. Given the above considerations, the proposal is not considered to have any unduly detrimental effect on amenity due to visual intrusion or have any adverse impact on landscape character. As such it is considered to accord with CELPS policy SE4, CBLPFR policy GR6 and the approach of the NPPF.

**Design**

CELPS policy SE1 requires developments proposals to make a positive contribution to their surroundings in terms of (amongst others) protecting and enhancing the quality, distinctiveness and character of settlements. Sensitive design should also respond to local heritage assets and their setting. The Cheshire East Council Design Guide is a Supplementary Planning Document and identifies Middlewich as being in a character area of salt and engineering towns with the general landscape being predominantly flat and highly influenced by the urban centres.

The proposed development has been designed to undertake its functional requirements and its layout and scale is influenced by the operational requirements of Pharma Grade salt production, and the site constraints including the electricity pylons and existing factory infrastructure and access roads. The proposal has been designed to be as compact as possible and is located within the footprint of the existing factory infrastructure to maximise efficiency.

The design and scale of the proposed building reflects the equipment required to dry and pack the salt, and the footprint is the minimum necessary to operate effectively and safely. The design of the proposal has been modified following pre-application advice in order to limit the scale and potential dominance of the proposed building. The building has been reduced in height from 31.2m to 23.5m at its highest point and is now below the height of the Evaporator building. It is also below the height of the large storage building to the south east and is of a much lesser scale. The building has also been reorientated such that the highest part is situated away from the heritage assets and receptors on the canal and Booth Lane. The proposed pipe bridge is positioned to be as short and direct as possible, and the scale of the

tanks broadly match those that they would replace. Whilst some would be taller, given the existing cluster of tanks and the industrial context they would not appear out of scale and from the most prominent viewpoint on the canal and Booth Lane, they would be seen as part of the existing facility with large buildings behind them.

The proposed materials would reflect the wider British salt factory and the chosen colour scheme utilises blocks of grey and blue in order to reduce the perceived mass and prominence of the building and to link visually with the existing structures at British Salt.

Overall the proposed built development would be appropriate and congruous with the existing infrastructure and would be in keeping with its immediate and wider industrial and commercial context. As such the design of the proposal is considered to accord with CELPS SE1 and the approach of the NPPF.

**Sustainability**
CELPS policy SE9 states that the Council will look favourably on development that follows the principles of the Energy Hierarchy and that seeks to achieve a high rating under schemes such as BREEAM. Non-residential development over 1000 sqm of floorspace are expected to secure at least 10 per cent of predicted energy requirements from decentralised and renewable or low carbon sources unless it can be demonstrated that this is not feasible or viable.

The proposal has been designed to maximise energy efficiency by using high quality technology with low energy uses. The applicant notes that renewable options are not available or viable in this instance, in part because the plant will be powered through energy generated on site. The existing site includes a combined heat and power (CHP) facility which provides heat and electricity for the site. There is no import or export of steam heat on site and there no electricity is exported to third parties. The high pressure steam is used to create electricity whilst the low pressure steam generated by that process is used as the principle source of heat energy in the salt manufacturing process. The electrical power and thermal heat requirements from this proposal would be provided by the existing CHP facility on site which has sufficient capacity to accommodate the additional heat and power requirements. As such the site is net self-sufficient which complies with the Energy Hierarchy. Given the requirements of CELPS policy SE9 to achieve at least 10 percent of energy requirements from decentralised and renewable or low carbon sources, the proposal achieved well in excess of this.

**Cultural Heritage**
CELPS policy SE7 requires the character, quality and diversity of the historic environment to be conserved and enhanced. All new developments should seek to avoid harm to heritage assets and make a positive contribution to the character of the historic and built environment including the setting of assets and wide historic environment where appropriate. Proposals that do not cause harm to, or which better reveal the significance of the heritage asset will be supported. In all proposals a high quality of design should be achieved which fosters innovation and creativity that is sensitive and enhances the significance of heritage assets in terms of architectural design, detailing, scale, massing and use of materials. Equally CBLPFR policies BH5 and BH9 do not support proposals that would have a detrimental impact upon a listed building or a conservation area.

The NPPF states that when considering the impact of a proposal on the significance of a heritage asset, great weight should be given to the asset's conservation, and the more

important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to the significance of a heritage asset should require clear and convincing justification and substantial harm to or loss of grade II listed buildings should be exceptional. Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The extent and importance of setting should be considered in reference not only to the visual relationship between the asset and the proposed development and views of or from an asset, but also other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity. When assessing any application which may affect the setting of a heritage asset, local planning authorities may also need to consider the implications of cumulative change (NPPG).

Built heritage

The application site is adjacent to the Trent and Mersey Canal, Middlewich – Kent Green Conservation Area. The canal conservation area in this location is relatively open with some sparse modern development and 19th century houses on the southwest side of Booth Lane, along with the factory buildings on the northeast side of the canal. The area to the northwest is increasingly developed with early 20th century terraces lining the southwest side of Booth Lane.

There are nine listed buildings within 1km of the site, including a Grade II listed bridge, Kings Lock and Rumps Lock, and two Grade II listed canal mileposts. The closest of which are the 1777 Grade II Trent and Mersey Canal Rumps Lock and its associated 19th century lock cottage (approximately 90m to the west of the application site) together with the 1819 Grade II canal milepost further north of the lock. These form a coherent group of structures with a historical association with the canal. The submitted heritage assessment therefore identifies that these assets are particularly sensitive to changes in their settings but will have very limited intervisibility with the proposed development. Views towards the proposal from the lock and cottage are prevented by the tree belt to the rear and southeast of the lock cottages. The proposal would also be largely screened from the towpath adjacent to the northern lock landing by dense vegetation along the bank of the canal. On this basis the heritage assessment concludes that the proposal is not likely to materially alter the setting of these assets or the ability to appreciate their historical significance and would cause considerably less than substantial harm to the setting of these assets.

The dense vegetation would prevent views from sections of the conservation area to the northwest of the proposed development and from the 19th Century Kinderton Arms which also makes a positive contribution to the historic setting of the Conservation Area. The proposal would be clearly visible from the south east of Rumps Lock however this would be against the backdrop of the industrial buildings and structures on the factory site. As such, overall any harm to the setting of the conservation area as a whole is assessed in the Heritage Assessment as being less than substantial. The Built Heritage officer advises that the proposed development would be visible from the conservation area however there is already development within the area of a similar character, mass, form and nature and whilst there would be a change in form and mass, it would not further undermine the existing character and

appearance of the conservation area or its setting. Therefore, on that basis the proposal is considered acceptable.

Buried Heritage Assets

The heritage assessment identifies a moderate potential for Roman remains given the proximity of the proposal to the route of King Street Roman Road. The road is however thought to have been largely truncated by canal works and industrial development around the area, and the development of the factory site is likely to have truncated or removed any remains which may have been present on or around the site. The potential for remains from other periods is low as they are likely to have been removed during development of the factory site. Overall therefore it is concluded that the setting of the heritage assets would not be materially altered. The Archaeological Officer advises that the proposed development is unlikely to impact significant below ground remains and therefore there is no archaeological mitigation required for this proposal.

Given the scale and design of the development when viewed in the context of the wider British Salt factory, the conclusions of the Built Heritage Officer and the Heritage Assessment are accepted, and it is considered that the harm to the setting of the Listed Buildings and Conservation Area as a whole would be less than substantial and the proposal would not further undermine the existing character and appearance of the Conservation Area or its setting. Equally no adverse impacts on buried heritage assets are anticipated. As such the proposal is considered to accord with CELPS policy SE7 and CBLPFR policies BH5 and BH9, and the NPPF.

**Highway Impact**

CELPS policy CO1 requires new development to be guided to sustainable and accessible locations with priority given to walking, cycling and public transport; likewise Policy CO2 supports developments which minimise the need to travel by being located where there is a good range of jobs, shops and services accessible by sustainable transport options. Policy CO4 requires development to demonstrate that the capacity and efficiency of the highway network will not be severely affected by the proposal and will link into existing sustainable transport infrastructure. Likewise CBLPFR policy GR18 does not permit proposals where the scale of traffic generation would worsen existing traffic problems to an unacceptable level. Policy GR9 also sets out a range of access, servicing and parking requirements for new development which include requirements for adequate and safe access for vehicles, pedestrians and other road users, and making adequate provision for unloading/loading, and parking.

The site is reasonably well located to allow journeys by sustainable transport modes with pedestrian and cycling infrastructure and is within walking distance of bus services and Middlewich Town Centre. The proposed car and cycle parking provision will remain as existing comprising 80 parking spaces, 2 disabled spaces and 30 cycle spaces. The Strategic Infrastructure Manager considers this provision acceptable. A Travel Plan has also been submitted setting out the measures to be adopted by the operator to encourage users of the site to utilise sustainable modes of transport.

Access to the site is from Faulkner Drive which is an unadopted road serving several operators. Faulkner Drive is accessed off Cledford Lane which connects to Booth Lane via a signalised junction with Cross Lane/A533 Booth Lane. HGVs would enter the factory site via Faulkner

Drive, and follow the existing one-way internal road layout to the application site. The Transport Assessment identifies that the Cledford Lane/Faulkner Drive junction and internal access arrangements could adequately serve the proposal and no concerns are raised regarding the access arrangements by the Strategic Infrastructure Manager.

The Transport Assessment identifies that on average an additional 143 two way HGV movements would be generated per week, many of which could be regulated to avoid peak hour traffic. As such, it is forecast that the proposal would generate 2 two-way additional vehicle movements in the AM peak hours and 2 in the PM peak. There would also be 19 additional staff, the majority of which (15) would operate over 3 shifts a day, with the remainder working daytime hours of 0800 to 1600. In total over an average weekday, there would be 55 two-way movements which equates to one two-way vehicle movement approximately every 30 minutes in the AM and PM peak hours. This is assessed as being imperceptible and is not anticipated to have any material impact on local highway safety or capacity. In addition, the transport assessment identifies that the construction of the Middlewich Eastern Bypass would provide a route towards wider strategic connections including M6 motorway whilst avoiding Middlewich town centre which would provide benefits for all HGV movements generated by the British Salt factory and it is anticipated that all site related HGV movements would be via this route once this is available.

The Strategic Infrastructure Manager identifies that the predicted additional HGV movements would not result in any capacity problems on the network and the staff movements would not raise any highway concerns. The officer also advises that, whilst there would be an increase in traffic generation resulting from this new operation, it is considered to be a minor increase in vehicle movements overall that does not require any mitigation measures to be provided or contributions towards the Middlewich Eastern Bypass. As such on the basis of these conclusions, the proposal is considered to accord with CELPS policies CO1, CO2 and CO4, and CBLPFR policies GR9 and GR18.

**Pollution Control**

NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) mitigate and reduce to a minimum potential adverse impacts resulting from noise and avoid noise giving rise to significant adverse impacts on health and the quality of life.

CELPS Policy SE12 requires development to ensure there is no harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm. The effects of pollution arising from or as a result of the development should be minimised and mitigated, and where mitigation cannot be provided, the development will not normally be permitted. 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.

Equally CBLPFR Policy GR6 does not support development within close proximity of sensitive receptors which would have an unduly detrimental effect on amenity due to environmental disturbance/pollution, whilst policy GR7 does not permit development which would (amongst

others) lead or contribute to significantly increased air, land, water, light or noise pollution to environmentally unacceptable levels; involve significantly greater risk to the lives and health of the public, or expose more members of the public to unacceptable risk.

The nearest residential receptors are located on the opposite side of Booth Lane to the application site approximately 42m from the site boundary. A number of receptors are located to the north west of the site on Booth Lane and surrounding residential roads, with further properties located to the south east. There are also further receptors who would utilise the canal towpath.

Noise and Vibration

The noise assessment identifies that predicted noise levels from the proposed development including HGV movements, operation of plant/machinery and loading bay operations would not exceed representative background noise levels. The cumulative effects of the proposal alongside the existing site operations are assessed as being negligible. The construction noise is also assessed as remaining within thresholds identified in relevant technical guidance. In view of the location and connection to the industrial estate and baseline traffic flows on the local road network, the proposed increase in traffic movements are not expected to generate any significant increase in road traffic noise.

Overall therefore the noise assessment identifies that predicted noise levels from operation of the development would not exceed background noise levels and would fall within relevant guidance for internal rooms of residential dwellings, and during construction works the noise levels would not exceed thresholds for short term noise levels

The noise assessment identifies that mitigation measures would include:

- New building fitted with acoustic cladding and roller shutter doors
- Control over construction hours of operation;
- Control over vehicle idling, use of horns etc
- Broadband reverse alarms for plant and on-way systems and/or use of banksmen to minimise reverse alarms;
- Regular maintenance of plant/machinery and use of effective silencers;
- Use of non-percussive vibration techniques;
- Maximise distance between any significant noise source and residential receptor locations;
- Liaison with local community over planned construction works.

With respect to vibration impacts, the assessment identifies that the highest levels are likely to be generated by construction plant however the application of mitigation and best practicable should effectively control vibration impacts and ensure that vibration remains below the threshold of perceptibility.

The Environmental Health Officer agrees with the conclusions of the noise assessment and recommends planning conditions in respect of implementing the mitigation identified in the noise assessment throughout the operation of the development. Given these conclusions, it is considered that noise and vibration and impacts would be acceptable subject to the imposition of the recommended conditions and the proposal would accord with the provisions of the NPPF, CELPS policy SE12, and CBLPFR policies GR6 and GR7.

Air Quality

There are air quality management areas (AQMA) located in Middlewich, the closest of which is approximately 1.9km to the north west. An air quality impact statement has been submitted which considers the potential for dust and particulate matter from construction activities and potential impacts of the proposed traffic on local air quality and nearby receptors with regards to the Middlewich AQMAs.

With respect to the potential for construction activities giving rise to fugitive dust and PM10, It is noted that the residential properties are located upwind of the site with the prevailing wind direction being southwesterly, There is very limited potential for dust to be generated during the operation of the proposal given the nature of raw material (brine) and the processes taking place on site. As such there is a low risk for dust emissions to impact the local air quality without mitigation. The most likely potential sources of dust would be from the construction works, material storage, internal haulage and materials handling. Such impacts are temporary and can be mitigated by standard site management practices. A draft construction environmental management plan (CEMP) has been submitted which outlines mitigation measures to help minimise the environmental impacts of the proposed works. Mitigation includes:

- Inspection of vehicles prior to utilising the public highway and hosing of vehicles where necessary;
- Internal haulage routes located away from sensitive receptors;
- Use of closed tankers and sheeted vehicles where relevant;
- Dust suppression by regular spraying in dry conditions;
- Storage of materials in enclosed or bunded areas of the site;
- Sheeting of stockpiles where necessary
- Inspection and complaints procedure

With respect to potential vehicle exhaust emissions, the proposed increase in vehicles as a result of the proposal is low and below the threshold identified in relevant guidance where an air quality assessment would be required. It is anticipated that 80% of the additional HGV traffic proposed would travel via Middlewich, resulting in an average additional 17 two way daily HGV movements through the Lewin Street AQMA and 4 through the former Sandbach AQMA; and these volumes are less than the levels identified in relevant guidance where an air quality assessment is required. Likewise for staff and other commercial vehicles, the additional movements to be generated would be substantially below the relevant thresholds in guidance where an air quality assessment is required and would be distributed across the local road network. The air quality statement therefore concludes that the proposal would not result in significant adverse impacts on local air quality, particularly within the exiting AQMAs. The Environmental Health Officer also raises no concerns with respect to air quality.

Given the conclusion of the air quality statement, and the views of the Environmental Health Officer it is considered that subject to the implementation of mitigation measures being secured by planning condition, the proposal would not present any unacceptable impacts in respect of air quality and would accord with CELPS policy SE12, CBLPFR policies GR6 and GR7, and the approach of the NPPF.

Contamination and water quality

The site investigations identify that with regards to risks to human health, all potentially toxic metals, and inorganic/organic compounds are within appropriate levels, the potential risks to future occupiers is low and the risk to site workers could be adequately controlled through use of appropriate PPE and application of dust suppression. The site is not located within a groundwater source protection zone and levels of potential contaminants are low, therefore the risks to water resources are low. Equally risks to vegetation on site is low due to low concentrations of phytotoxic metals. With respect to risks to buildings and services on site, elevated pH levels were encountered on the site which has the potential to degrade certain types of pipe and therefore recommendations are made with respect to the use of alkali resistant pipework on site.

The Contaminated Land officer raises no objections to the proposal but identifies some further aspects to investigate including potential risks from ground gas, asbestos in soil and the presence of a potential buried fuel tank and fuel pump. As such, planning conditions are recommended for an updated phase II ground investigation and risk assessment, and where necessary a remediation strategy prior to the commencement of development, along with a verification report submitted prior to the development being brought into use. A condition is also recommended for dealing with unexpected contamination.

It is noted that the Trent and Mersey Canal (a controlled water) is located 15 metres to the south west and is 0.5m below the level of the factory site. The Environment Agency identify that the close proximity of the canal could present a potential risk to surface water quality but note that the ground investigation considers that it will be possible to manage the risks. As such no objections are raised subject to planning conditions mirroring those requested by the Contaminated Land officer. It is also noted that there would be no runoff from the proposed development and the site is enclosed by a large bund which would assist in controlling any potential for pollution to surface water. The Environment Agency advise that based on the geological characteristics of the site, the risks to wider groundwater resources from contamination at the site are low. With respect to the proposed drainage, they advise that as this does not include infiltration, the proposal will not increase the risk of contaminant mobilisation in the subsurface, and they are satisfied that this will not pose a risk to water quality of controlled waters. A planning condition is recommended to restrict any infiltration of surface water to the ground.

A range of pollution control measures are also identified in the CEMP as being implemented on site which would assist in controlling any potential for water pollution. This includes:

- Training on precautions to prevent sediment-laden runoff from entering watercourses, methods to dispose of water from excavations and procedures for waste storage and segregation.
- Plant and machinery kept in good working order
- Bunding for any oils stored on site
- All direct drains covered during construction works to prevent leakages
- No refuelling within 30m of a watercourse and fuel storage areas located away from sensitive areas of the site
- hardstanding and access roads kept clean and prompt action taken to address any spillages;
- sediment control implemented through the introduction of catchpits and road gullies.

The Canal and Rivers Trust welcome the measures identified in the CEMP and raise no objection. They mirror the recommendations of the Environment Agency and Contaminated Land officer in respect of imposing conditions for further ground investigations and have provided further advice in respect of the scope of works necessary. Subject to implementation of the recommended conditions it is considered that the proposal would not result in a harmful or cumulative impacts with respect to land or water contamination and would therefore accord with CELPS policy SE12, CBLPFR GR7, and the approach of the NPPF.

Light pollution

The proposal would have a limited number of windows and rooflights to the potential for light spill would be limited. Any lighting would be low level and for security and health and safety purposes only. No additional impacts are anticipated over that already generated by the existing site. As such the proposal would accord with CELPS policy SE12, CBLPFR policy GR7, and the approach of the NPPF.

**Drainage and flood risk**

CELPS policy SE13 requires new development to integrate measures for sustainable waste manage to reduce flood risk and avoid an adverse impact on water quantity. All development should demonstrate that proposals would not increase flood risk on site or elsewhere and that opportunities to reduce flood risk are sought taking into account the impacts of climate change. All development should seek improvements to the current surface water drainage network, be deigned to manage surface water and should enhance and protect surface and ground water quality.

Sandersons Brook (which is a main river) lies 90m to the north of the site, and an unnamed watercourse is culverted beneath the site which flows northwards towards the brook. The site is located within flood zone 1 which is identified as having a 1 in 1000 probability of flooding.

The flood risk assessment identifies that any surface water flooding relates predominantly to localised depressions within the site, and there is a low flood risk along the western boundary of the site although this risk only impacts on the woodland in the western corner of the site. Flooding from the Trent and Mersey Canal is not considered to be a risk given that the site is approximately 0.5m higher than the canal. Likewise there is no risk of flooding associated with the brine pool on the site (used to collect surface water) as it is enclosed by a raised embankment. The site is also not considered to be at risk from any other artificial sources and is assessed as being of negligible risk of groundwater flooding.

In order to mitigate any remaining risk of flooding from surface and groundwater, the flood risk assessment recommends setting finished floor levels above adjacent ground levels to enable any potential overland flows to be conveyed across the site without impacting property. This could be secured by planning condition.

*Surface water drainage*

There would be no changes to the existing drainage arrangements whereby all on-site surface water is collected and recycled as part of the brinefield solution mining process or alternatively stored on a temporary basis in the storage lagoon on site. Given that all surface water would be fully utilised, there would be no requirement for on-site soakaways or attenuation tanks to discharge or store run-off. Equally no significant changes are proposed to the area of

impermeable surfaces, therefore no increase in surface water runoff rates are anticipated; as such no further surface water management is required and the proposals are not anticipated to increase flood risk elsewhere.

*Foul drainage*
The foul water flows from the development would connect to the existing on-site foul sewage network. At present a combination of existing foul and combined sewers collect onsite wastewater which is believed to flow offsite to the public sewer. There is an existing combined drain flowing across the footprint of the proposed building towards the south west of the site which will either be avoided or diverted as appropriate following further assessment. No contaminated water would enter the public sewer.

The flood risk engineer raises no objection subject to all surface water being contained on site and re-used within the site boundary, all works being carried out in accordance with the submitted plans, finished floor levels set above adjacent ground levels and a condition survey of the existing surface water drainage system to ensure its present and future capability; all of which could be secured by planning condition. United Utilities consider the proposals acceptable subject to it being carried out in accordance with the submitted drainage statement and no surface water or reused contaminated water draining to the public sewer which could be secured by planning condition.

Subject to the imposition of the recommended conditions it is considered that the proposal would not increase flood risk on site or elsewhere and proposes acceptable measures to sustainably manage drainage which accords with CELPS policy SE13 and the approach of the NPPF.

**Ecology**
CELPS policy SE3 seeks to ensure that proposals which would adversely affect the integrity of SSSI are not normally permitted and requires all development to aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity where relevant. Likewise CBLPFR policy NR2 does not support development which would result in the loss of damage of sites of nature conservation importance.

The application site lies within the impact risk zone of the Sandbach Flashes Site of Special Scientific Interest (SSSI) and is located approximately 645m from this designated site. There are also four Local Wildlife Sites within 2km of the application site, including the Cledford Lane Lime Beds approximately 570m to the north west. The site is separated from Sandbach Flashes SSSI by the A533/Trent and Mersey Canal, properties and agricultural fields, as such the proposal would not directly affect the SSSI habitats nor directly affect any qualifying bird interests within the SSSI. Any potential for indirect effects on habitats associated with the SSSI and other designated sites from air quality is low and limited to the construction phase given that there would be no emissions from the operation of the facility and only a limited increase in vehicle emissions. The standard pollution control measures identified in the CEMP would assist in controlling any impacts and Natural England advise that there would be no significant effects on the SSSI subject to that mitigation being secured by planning condition. Given the separation distances to the nearest local wildlife site, there are no predicted direct or indirect impacts, and the Nature Conservation Officer also raises no concerns with respect to impacts on the local wildlife sites.

The existing site consists of hardstanding which has limited value for ecology and the proposal will not result in any loss of vegetation or habitats. Adjacent habitats to the west and north comprise areas of semi-improved grassland and in the wider area lies areas of broadleaved semi-natural woodland and scrub vegetation. Standard pollution control measures would control any potential runoff to ensure no adverse impacts on these habitats.

With respect to birds, the former garage building and other plant have the potential to support nesting birds and the Nature Conservation Officer recommends a planning condition to require a survey for nesting birds prior to the removal of vegetation or building works.

The site is assessed as having low suitability for foraging and commuting bats and the proposal is highly unlikely to adversely affect local bat populations. Prior to the demolition of the garage building (permitted under 21/1436C) bat surveys will be undertaken and if any roosts are identified, any potentially disturbing works would be carried out under licence from Natural England. This proposal includes provision of a minimum of one bat box within the British Salt site regardless of the results of any survey, and any new temporary or permanent lighting will be directed to avoid light spill. The Nature Conservation Officer raises no concerns with respect to impact on bats and this mitigation could be secured by planning condition.

The Canal provides potentially suitable habitat for otters and watervoles however this species is unlikely to be present within the application site. Equally badgers are not likely to be present on the site given the extent of hardstanding and industrial activities taking place.

No permanent waterbodies are located within the site and the lagoon within the factory site is likely to be unsuitable as breeding habitat for great crested newts. The ecological assessment identifies that the site lacks vegetation and provides only sub-optimal habitat for amphibians, and it is unlikely great crested newts could be present on the site given the distance between the site and nearby ponds, lack of favourable habitat on site and presence of more suitable terrestrial habitat to the east and south closer to ponds. The Ecological Assessment identifies that common and more widespread amphibian species may be present on the site and a range of reasonable avoidance measures (RAMs) are identified to mitigate the impacts. The implementation of these measures could be secured by planning condition. With respect to reptiles, the hardstanding and lack of vegetative cover and high levels of disturbance site does not provide favourable habitat and it is highly unlikely that reptiles would be present. The adoption of RAMs would protect any reptiles identified during construction.

The Nature Conservation Officer raises no concerns with the proposal and advises that Badgers, Water Voles, Otters, Amphibians and Reptiles are not reasonably likely to be present or affected by the proposal.

Given the conclusions of the ecological assessment, and the views of the Nature Conservation Officer and Natural England, it is considered that subject to securing the mitigation identified above by planning condition, the proposal would not adversely affect any designated sites or harm protected species and their habitat. The proposal would also potentially provide some limited enhancement to biodiversity. This would accord with CELPS policy SE3, CBLPFR policy NR2 and the approach of the NPPF.

With respect to the request of Middlewich Town Council to require s106 funding to secure the rewilding of the lime beds and provision of interpretation boards, National Planning Practice

Guidance clarifies that planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. They may only constitute a reason for granting planning permission if they meet the tests that they are:

- necessary to make the development acceptable in planning terms;
- directly related to the development;
- fairly and reasonably related in scale and kind to the development.

In this case, the development has been demonstrated to accord with the provisions of the development plan and is considered acceptable in planning terms. The proposal is located on existing hardstanding within the British Salt site approximately 570m from the lime beds and given the separation distance, no direct or indirect impacts are anticipated on this designated site. As such the request for these measures to be secured by a s106 obligation are not considered to be fairly and reasonably related in scale and kind to the development. Additionally it is noted that ecological mitigation has been identified based on the specifics of the site and the development, and all mitigation can be provided on the site itself and secured by planning condition which would address any ecological impacts, therefore a s106 obligation is not considered justified in this instance.

**Other matters**

Given that the proposed application boundary lies entirely within existing hardstanding, no adverse forestry impacts are anticipated. A planning condition could be imposed requiring tree protection measures for any trees in close proximity of the application boundary.

The proposal would be a significant distance from neighbouring properties, the distance of the front elevation to the closest receptor on Booth Lane being approximately 30m. As such there is not considered to be any adverse impacts with respect to daylight, sunlight or overshadowing. There is also no potential for overlooking given this distance and the lack of window in the drying/packing building.

The proposed building has been positioned to avoid the electricity pylon and associated buffers, although the pipe bridge would pass underneath the cables. Scottish Power and National Grid have been consulted on the application and their comments are awaited and will be report at committee.

The proposal is located within the consultation distance of a Major Hazard Site. The Health and Safety Executive have been consulted on the application and do not advise on safety grounds against the grant of planning permission. with respect to land instability there are no unacceptable impacts anticipated.

Middlewich Town Council note that an emergency response plan has not been provided. The British Salt site is heavily regulated to ensure it complies with relevant legislation and guidance. There are procedures and protocols in place to ensure that an emergency is responded to appropriately. It is noted that the site operates under a Permit which requires appropriate procedures to be adopted on the site in the event that abnormal emissions are generated which are likely to have an effect on the local community. As such it is considered that sufficient provisions exist in other legislation to address such requirements and it not considered

necessary to would not be appropriate to impose a planning condition requiring the submission of this detail.

**Conclusion**

The proposal would enable British Salt to grow and expand their operations and reach new markets and would enable the provision of additional employment. This accords with CELPS policy SD1 which supports development which contributes to a strong, responsive and competitive economy, prioritises investment and growth in key service centres and provides access to local jobs. It also accords with the approach of CELPS SE2, PG2, EG1 and CBLPFR policy PS4. The proposal has also been demonstrated to accord with the sustainable energy requirements of CELPS policy SE9.

The proposal has been revised following receipt of pre-application advice in order to limit the scale and potential dominance of the proposed building. Whilst the building would still be of significant scale and height, it would be appropriate and congruous with the existing infrastructure, and would be in keeping with its immediate and wider industrial and commercial context, and it is considered that it would not have any unduly detrimental effects on amenity due to visual intrusion or have any adverse impact on landscape character. As such it is considered to accord with CELPS policy SE1, SE4, CBLPFR policy GR6 and the approach of the NPPF.

The development is unlikely to materially alter the setting of the built heritage assets or the ability to appreciate their historical significance and would cause less than substantial harm to the setting of these assets. Whilst it would be visible from the conservation area and potentially from listed buildings, there is already development within the area of a similar character, mass, form and nature, and whilst there would be a change in form and mass, it would not further undermine the existing character and appearance of the conservation area or its setting. Equally no adverse impacts on buried heritage assets are anticipated. As such the proposal is considered to accord with CELPS policy SE7 and CBLPFR policies BH5 and BH9, and the NPPF.

There are no significant adverse impacts anticipated on highway safety or capacity given the proposed increase in vehicle numbers and the proposal is considered to accord with CELPS policies CO1, CO2 and CO4, and CBLPFR policies GR9 and GR18. The predicted noise levels from operation of the development would not exceed background noise levels and would remain within relevant levels identified in technical, and during construction works would not exceed relevant thresholds; likewise for air quality impacts, it is considered that subject to the implementation of mitigation measures, the proposal would not present any unacceptable impacts and would accord with CELPS policy SE12, CBLPFR policies GR6 and GR7, and the approach of the NPPF.

Sufficient mitigation can be secured in order to ensure that there would be no potential for land or water pollution and drainage arrangements are acceptable, and there are no anticipated risks of flooding on or off site. Equally no unacceptable impacts on biodiversity or ecological designated sites are anticipated and some biodiversity enhancements could be secured by planning condition. All other environmental impacts have been demonstrated to be acceptable and adequately mitigated.

Given all of the above factors, it is considered that the proposals accord with the relevant policies of the Development Plan and all other material considerations.

**RECOMMENDATION:**

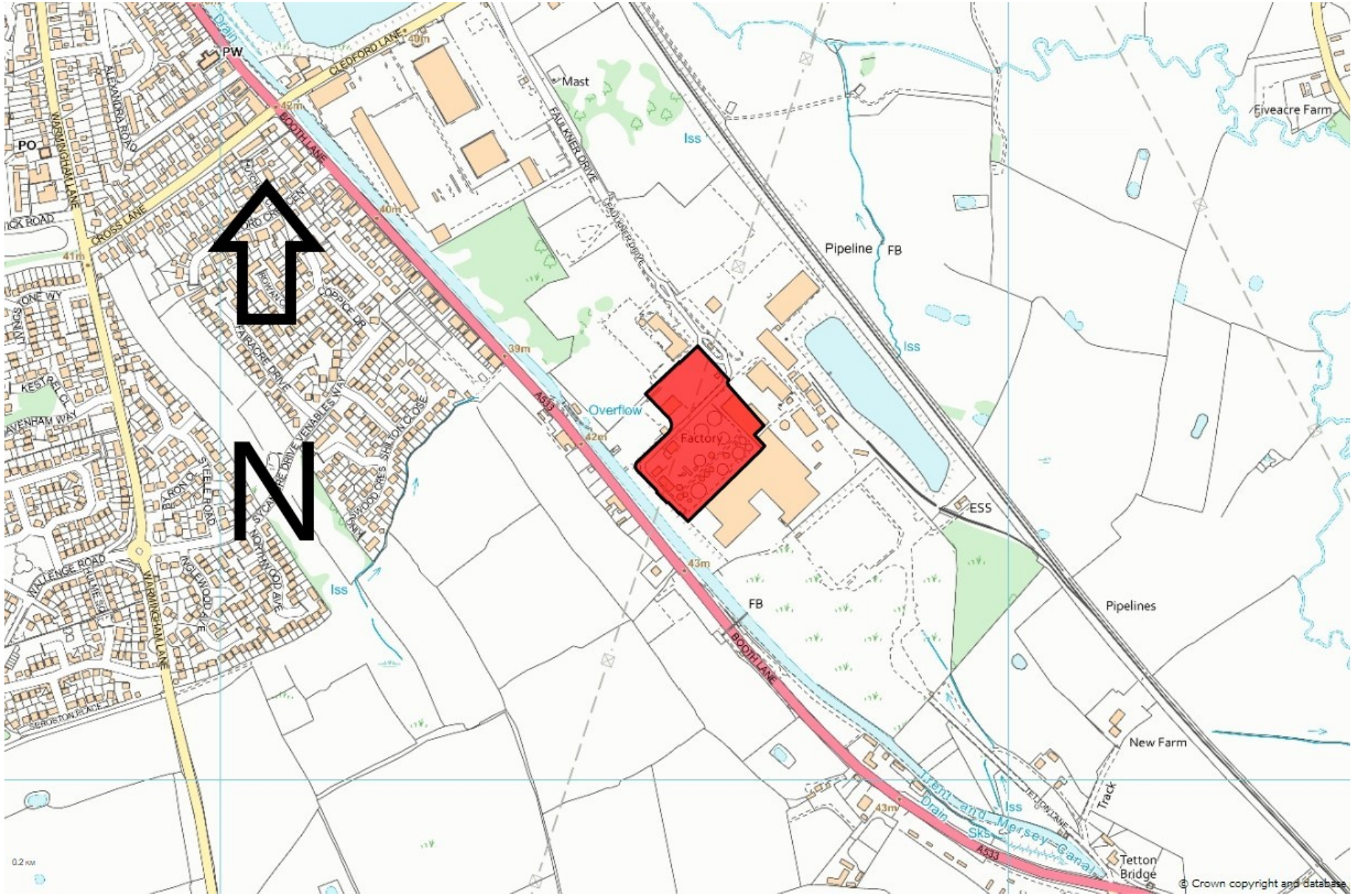
Approve subject to the following conditions:

1. timescales for implementation
2. approved plans
3. notification of commencement of development
4. implementation of the travel plan
5. implementation of the noise mitigation
6. implementation of construction and environmental management plan
7. prior to the commencement of development submission of an updated phase II ground investigation and risk assessment, and where necessary, remediation strategy
8. verification report prior to the development being brought into use
9. measures to deal with unexpected contamination
10. restrictions of any infiltration of surface water to the ground
11. set finished floor levels
12. all surface water contained on site and reused within the site boundary, with no surface water or reused contaminated water draining to public sewer
13. condition survey of the existing surface water drainage system
14. nesting birds survey
15. bat box provision
16. all new lighting to be diverted to avoid light spill
17. implementation of reasonable avoidance measures for protected species
18. tree protection measures

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Full Planning

RECOMMENDATION: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Drain
PW
CLEDFORD LANE
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FAULKNER DRIVE
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Fiveacre Farm
PO
ALEXANDRA ROAD
WARMINGHAM LANE
BOOTH LANE
CROSS LANE
41m
40m
Pipeline
FB
39m
Iss
Overflow
A533
42m
Factory
ESS
43m
FB
Pipelines
BOOTH LANE
New Farm
Trent and Mersey Canal
Drain
Iss
Track
43m
A533
Tetton Bridge
0.2 KM
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