

## **Economy and Growth Committee**

**14th November 2023**

### **Notice of Motion: Commission an Independent Hydrogeology Report for the South Macclesfield Development Area**

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**Report of: Peter Skates, Acting Executive Director of Place**

**Report Reference No: EG/16/23-24**

**Ward(s) Affected: Macclesfield South; Sutton.**

#### **Purpose of Report**

- 1 A Notice of Motion – Commission an Independent Hydrogeology Report for the South Macclesfield Development Area was received by Full Council on 19<sup>th</sup> July 2023. Council deferred the matter to the Economy and Growth Committee.
- 2 This report is presented to Committee for consideration.

#### **Executive Summary**

- 3 This report sets out a considered response to the Notice of Motion Commission an Independent Hydrogeology Report for the South Macclesfield Development Area (SMDA).

#### **RECOMMENDATIONS**

The Economy and Growth Committee is recommended to note:

1. that full consideration of the Notice of Motion be given.
2. that the Council as a responsible developer will address the works that are required to provide robust information to enable the Strategic Planning Board to make informed decisions.

## Background

- 4 A Notice of Motion – Commission an Independent Hydrogeology Report for the South Macclesfield Development Area, was presented at Full Council on the 19 July 2023 2 and deferred to the Economy and Growth Committee for consideration.
- 5 The Notice of Motion, proposed by Cllr Chris O’Leary and seconded by Cllr Janet Clowes, reads as follows:

“We request that: Council notes:

- that Cheshire East Council is the lead organisation and majority landowner for the South Macclesfield Development Area (SMDA), as identified in the 2017 Local development Plan;
- that as lead organisation and majority landowner, Cheshire East Council may prepare or commission additional information to provide assurance that proposals to develop the SMDA are sound;
- that Cheshire East Council, in its role as proposed developer of the South Macclesfield Development Area (SMDA) must submit appropriate, detailed ecological, environmental and groundworks data to support development of this extensive site and should include a full, hydrogeological assessment that investigates the impacts of any proposed development on below-surface water flows through the peat deposits of the SMDA, together with the effect this might have on synergistic water flows into or out of the adjacent Site of Special Scientific Interest (SSSI).
- That such detailed evidence should be submitted at the appropriate time for consideration by the Local Planning Authority (LPA) to enable the LPA to make fully informed planning decisions.

Cheshire East Council therefore resolves to:

- That this Council, as landowner and developer, commissions an independent hydrogeology Report to provide a hydrogeological assessment that investigates the impacts of any proposed development on below-surface water flows through the peat deposits of the SMDA, together with the effect this might have on synergistic water flows into or out of the adjacent Danes Moss Site of Special Scientific Interest (SSSI) and;
- That this report is published in the public interest and used to review and inform past and future development decisions on this site.”

- 6 Most of the land within SMDA is owned either by the Council or a commercial house builder, Barratt David Wilson Homes (BDW). Over the past nine-months the Council through the economic development service has been working closely with BDW on the SMDA development proposals. A key aspect of developing this relationship with BDW has been to safeguard the SSSI.
- 7 The Notice of Motion for SMDA is associated with ten live reserved matters planning applications which have been submitted pursuant to an outline planning permission that was granted in 2019 (17/1874M). The reserved matters applications are currently with the Council for determination by the LPA. It is important for committee to note that Natural England, as a statutory consultee on these planning applications, has identified that development at SMDA could have potential significant effects on the adjacent Danes Moss Site of Special Scientific Interest (SSSI). Natural England has therefore requested a detailed assessment of the hydrological impacts be submitted so that it can properly assess the impact of development on the SSSI.
- 8 Following receipt of comments from Natural England, the Council sought to engage with the agency to fully understand its concerns and take advice about how best to address them. Subsequently, BDW joined in this consultative process. This joint engagement helped ensure that the further information called for by Natural England included all of the development land comprising SMDA and not just the part owned by the Council.
- 9 A key objective of the engagement with Natural England was to establish a full scope for the additional site investigation work that would be necessary to enable the agency to properly assess any potential impact of development on the SSSI. At this juncture, officers agreed with BDW that BDW would take the lead in commissioning and supervising the further site investigation work and reporting, on the basis that they had the resources and expertise to fulfil these tasks.
- 10 The final brief for the scope of work, which covers the whole of the SMDA site, including Council owned land, was submitted to, and agreed by Natural England. Following Natural England's agreement of the scope, specialist consultants were commissioned by BDW and officers have since been kept informed of the progress of the work and understand that it is nearing completion. It is intended that final reports will be submitted by BDW to the planning portal in due course as part of the current planning applications and will then be subject to, and available for scrutiny and comment by Natural England, and the general public, as part of the normal planning consultation process. Thus, ensuring that the LPA can make an informed decision on the reserved matters with all the

appropriate studies including a hydrogeological assessment on the SSSI of the proposed development on the SMDA sites.

- 11 The Council, as a responsible land-owner and developer, has fully addressed the two objectives raised under this Notice of Motion.
- (a) This is evidenced by the fact the Council has been working with Natural England and the private sector to ensure a hydrological assessment is commissioned for the full SMDA site that is sufficient to enable Natural England and other specialist experts to fully and properly assess any potential impact of development at SMDA on the SSSI.
  - (b) Once these studies have been concluded, the document(s) will be submitted for publication on the Council's planning portal and therefore enable these assessments of proposed development on the SMDA site to be made by the relevant agencies. The LPA will then be able to consider the responses of the statutory consultees as part of any future examination of the reserve matters that have been submitted.

## **Consultation and Engagement**

13. No consultation has been required with regard to this Notice of Motion

## **Reasons for Recommendations**

- 14 The Council is a responsible landowner and developer and always seek to respond to concerns raised by statutory consultees of any planning application it is bringing forward.

## **Other Options Considered**

- 15 The other option was for the council to deliver this work directly. This would have resulted in significant costs to the council.
- 16 No option appraisal is required to address this notice of motion.

## **Implications and Comments**

### *Monitoring Officer/Legal*

- 17 No legal implications have been sort as this report is a response to a notice of motion where there are no legal implications for the Council

### *Section 151 Officer/Finance*

- 18 There are no financial implications associated with this notice of motion, as the work the notice of motion has requested the Council to undertake has been carried out by the private sector and the Council benefits by this

work by being the adjacent landowner. Therefore, there is no impact on the Council's approved budget/ Medium Term Financial Strategy (MTFS).

### *Policy*

- 19 This notice of motion and the response is associated with the land known as SMDA. This land is identified in the Council's Local Plan as Site LPS 13, with the expectation to deliver 1050 dwellings and other developments on this site. To achieve this objective an outline planning permission (17/1874M) was granted by the Strategic Planning Board in 2019
- 20 Please refer to the priorities in the [Corporate Plan](#) that the report supports (this will be used for performance management purposes) and refer to any of the Council's key strategies that relate to the recommendations/ decisions.>

<b>An open and enabling organisation</b>	<b>A thriving and sustainable place</b>
<ul style="list-style-type: none"><li>• Ensure that there is transparency in all aspects of council decision making</li><li>• Listen, learn and respond to our residents, promoting opportunities for a two-way conversation</li></ul>	<ul style="list-style-type: none"><li>• A great place for people to live, work and visit</li><li>• Welcoming, safe and clean neighbourhoods</li><li>• Reduce impact on the environment</li><li>• Thriving urban and rural economies with opportunities for all</li><li>• Be a carbon neutral council by 2025</li></ul>

### *Equality, Diversity and Inclusion*

- 21 To respond to the notice of motion there is no equality, diversity and inclusions impacts, therefore these assessments have not been undertaken.

### *Human Resources*

- 22 There are no human resource issues associated with this notice of motion.

### *Risk Management*

- 23 There are no new risk management issues associated with this notice of motion over for the SMDA project that have not already been identified in the projects risk register. A key project risk within the risk register is that any development on the SMDA site may have a significant impact on a SSSI site located within the broader locality. The primary mitigation for

this risk is to undertake appropriate site investigation including Hydrogeology study, which is what this notice of motion is requesting.

### *Rural Communities*

24 There are no implications to rural communities arising from this report.

### *Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

25 There are no implications to children and young people, and cared for children arising from this report

### *Public Health*

26 There are no public health implications arising from this report

### *Climate Change*

There are no implications for this report as it addresses a response to a notice of motion request for a hydrogeology report to be produced by the Council and then submitted to the LPA. The report is being produced by the private sector landowner for the site. Once such a report is complete it will help inform an assessment of the impact of any development on the site on climate change.

<b>Access to Information</b>	
Contact Officer:	Dr Charles Jarvis, Head of Economic Development Charles.Jarvis@CheshireEast.gov.uk
Appendices:	N/A
Background Papers:	Cheshire East Local Plan pp 227 – 231, outlines the SMDA site and the expectations of development on this site <a href="http://local-plan-strategy-web-version-1.cheshireeast.gov.uk">local-plan-strategy-web-version-1 (cheshireeast.gov.uk)</a>  Various documents associated with the planning consent and application for the SMDA site Ref 17/1874M <a href="http://planning.cheshireeast.gov.uk/applicationdetails.aspx?pr=17/1874M">planning.cheshireeast.gov.uk/applicationdetails.aspx?pr=17/1874M</a>