

Application No: 22/3158N

Location: LAND WEST OF DAVID WHITBY WAY, CREWE

Proposal: Construction of road, required to enable alternative access to Arriva Traincare site

Applicant: Network Rail Infrastructure Ltd

Expiry Date: 17-Nov-2022

SUMMARY

The application proposes the provision of an access road (850m) running off the western end of the existing spine road from David Whitby Way, through the employment site subject to application 23/0539N (submitted by Muse Developments Limited) and terminates at the Arriva Train Care depot to the northwest.

The access road provides access to a significant part of strategic allocation LPS2 - Basford East, Crewe of the CELPS for the delivery of employment use from David Whitby Way via the western end of the existing spine road. Its provision is therefore considered acceptable in principle.

It specifically provides an alternative, safe and improved access to the Arriva rail depot via David Whitby Way in accordance with the requirements of Policy LPS 2. The existing vehicular access serving the depot is via a "high risk" level crossing, and its removal will constitute a significant safety benefit.

The design and alignment of the access road is acceptable and consistent with that approved to serve the MUSE employment scheme under 23/0539N, incorporating pedestrian/cycle/infrastructure to ensure good connectivity within the employment site and beyond. No objections are raised by the CEC Highway Officer subject to a condition being attached requiring the closure of the existing access serving the rail depot prior to the commencement in use of the new access road, and a commuted sum being secured for the adoption of the road and maintenance of Suds.

Issues relating to trees, drainage/flood risk, amenity and landscaping have been addressed and are subject to conditions where necessary.

Ecological issues have been satisfactorily addressed particularly in respect to safeguarding habitat (including Basford Brook) and protected species subject to a series of planning conditions being imposed. The delivery of biodiversity net gain is achieved through the creation of off-site habitat secured through a S106 Agreement.

The scheme is therefore considered to be in accordance with development plan policies and economically, socially and environmentally sustainable.

RECOMMENDATION:

APPROVE, Subject to conditions and the prior completion of a S106 Agreement

DESCRIPTION OF SITE AND CONTEXT

The proposals relate to a large tract of greenfield land which forms part of the Basford East Strategic Allocation defined under CELPS Policy LPS 2. The Council (SPB - May 29th, 2024) resolved to grant planning approval (23/0539N – submitted by Muse Developments Ltd) for the siting of a significant employment development this part of allocation LPS 2 subject to the completion of a S106 Agreement.

The western boundary of the site adjoins the West Coast main railway line and the Arriva Train Care depot.

Mere Gutter and Basford Brook Local Wildlife Site (LWS) is located immediately to the north of the application site. This watercourse supports one of only a few remaining populations of White Clawed Crayfish in Cheshire. Basford Brook is also identified under Policy LC6 of the Weston and Basford Neighbourhood Plan as a Wildlife Corridor.

The adjoining area to the east has detailed approval (21/4434N) for a residential scheme of 325 dwellings which is now being implemented by Taylor Wimpey and forms part of the wider Basford East Strategic Site. A recently constructed spine road runs westward from the roundabout on David Whitby Way and serves the Taylor Wimpey residential scheme as well as enabling access to the future MUSE employment development (23/0539N).

A public right of way (Basford FP1) runs north/south through the application site.

DETAILS OF PROPOSAL

The application proposed to the provision of an access road (850m) running off the western end of the existing spine road from David Whitby Way, through the MUSE employment site and terminating at the Arriva Train Care depot to the northwest. The new access road will provide an alternative vehicular access to the rail depot and thereby replace the use of the Crewe Carriage Sidings Level Crossing which is identified by Network Rail as one of the highest risk crossings and proposed for closure.

The eastern section of the access road will be of the same design and alignment as that already approved to serve the Muse employment development (23/0539N).

Revised plans and additional information have been received during the application process in response to issues raised by the Council, including drainage and ecology. In particular, the drainage scheme has been revised to include the provision of a three treatment SuDS scheme which would discharge surface water via a detention basin to Basford Brook in the north western corner of the site.

RELEVANT HISTORY

With respect to the site itself

23/0539N - Full planning permission for Units 1-3 comprising a mix of Class B2 / E(g)(iii) light industrial / manufacturing and B8 warehousing & distribution uses and

ancillary areas, together with access, car parking provision, landscaping (including buffers, habitat parks, nature trails), sustainable drainage features (ponds, swales and raingardens), ecological enhancements (wet meadows, woodland planting, wildflower grassland), and other associated works and infrastructure proposed within the northern part of the site, within the curtilage of Units 1 - 3. Outline planning permission for the southern part of the site comprising a mix of Class E(g)(i) offices, B2 / E(g)(iii) light industrial / manufacturing and B8 warehousing & distribution uses, with all matters reserved including (access, appearance, landscaping, layout and scale) together with works and infrastructure associated with the southern part of the site - Resolved to Approve subject to completion S106 Agreement

With respect to sites within the LPS 2 Basford East, Crewe allocation

21/4434N - Reserved matters application proposing details of layout, appearance, scale and landscaping for the residential element (C3 use) of the outline development
15/1537N - Outline planning application (with all matters reserved) for a mixed-use development comprising residential use (Use Class C3) (up to 325 residential dwellings); employment use (Use Class B1), local centre comprising health centre and community facility (Use Class D1), food/non food retail (Use Class A1), public house/restaurant (Use Class A4/A3) and associated works including construction of a new access road with access from the Crewe Green Link Road South, creation of footpaths and provision of public open space and landscaping. Approved 7-Oct-2022

20/0615N - Deed of variation in connection with outline planning permission 15/1537N. Approved to Modify S106 27-Mar-2020

19/5934N - Approval of Reserved Matters following Outline Approval 14/4025N - Outline application for the erection of upto 490 residential dwellings and a primary school - 2000m2 (D1) a pumping station, substation, recreational open space, ecological mitigation area, internal access routes, ground modeling and drainage works, parking provision, footpaths, cycle routes, landscaping and associated works including details of access at the Basford East site Crewe
Approved 26- Nov-2020

19/2545N - Approval of all reserved matters following outline approval 15/1537N for the infrastructure works at Basford East. Approved 05-Nov-2019

19/3649N - Hybrid planning application for mixed use and residential development comprising; a) in full: the conversion, alteration and extension of the former mill and two farm buildings to business / professional services (Classes A2 and B1) and/or food and drink (Class A3) and/or non-residential community uses (Class D1) and/or leisure uses (Class D2), under Class V of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) with initial vehicular and pedestrian access from Mill Lane and permanent vehicular and pedestrian access from the future highway network serving the Basford East Strategic Site, and associated car parking and landscaping, and; b) in outline: residential development with vehicular access from the future highway network serving the Basford East Strategic Site and associated car parking and landscaping, and with all other matters reserved. (Crotia Mill) - NOT DETERMINED

19/2545N - Approval of all reserved matters following outline approval 15/1537N for the infrastructure works at Basford East. Approved 05-Nov-2019

19/0704N - Non-material amendment to approved application 15/1537N - Outline planning application (with all matters reserved) for a mixed-use development comprising residential use (Use Class C3) (up to 325 residential dwellings); employment use (Use Class B1), local centre comprising health centre and community facility (Use Class D1), food/non-food retail (Use Class A1), public house/restaurant (Use Class A4/A3) and associated works including construction of a new access road with access from the Crewe Green Link Road South, creation of footpaths and provision of public open space and landscaping. Approved 10-March-2019

16/2465N - Variation of Conditions 4, 5 and 6 on application 14/1366N - to fell additional trees as part of the Crewe Green Link Road Scheme. Approved 03-Nov-2016

15/3550N – Non-material amendment to 14/1366N - Dual carriageway road, known as the Crewe Green link Road (south) linking A500 with the A5020 and associated works. Approved 25-Aug-2015

15/1537N - Outline planning application (with all matters reserved) for a mixed-use development comprising residential use (Use Class C3) (up to 325 residential dwellings); employment use (Use Class B1), local centre comprising health centre and community facility (Use Class D1), food/non-food retail (Use Class A1), public house/restaurant (Use Class A4/A3) and associated works including construction of a new access road with access from the Crewe Green Link Road South. Approved 23-Dec-2016

14/4025N - Outline application for the erection of upto 490 residential dwellings and a primary school - 2000m2 (D1) a pumping station, substation, recreational open space, ecological mitigation area, internal access routes, ground modeling and drainage works, parking provision, footpaths, cycle routes, landscaping and associated works including details of access at the Basford East site Crewe. Approved 09-Feb-2016

14/1366N - Variation of condition 2 (plans) attached to planning application 12/4115N. Dual carriageway road, known as the Crewe Green Link Road (South) linking the A500 with the A5020 and associated works. Approved 06-Jun-2014

12/4115N - Dual carriageway road, known as the Crewe Green Link Road (South) linking the A500 with the A5020 and associated works. Approved 18-Jan-2013

POLICIES

Cheshire East Local Plan Strategy (CELPS)

LPS 2 - Basford East

MP1 - Presumption in Favour of Sustainable Development

PG 1 - Overall Development Strategy

PG 2 - Settlement Hierarchy

PG 7 - Spatial Distribution of Development

SD 1 - Sustainable Development in Cheshire East
SD 2 - Sustainable Development Principles
SE 1 - Design
SE 2 - Efficient Use of Land
SE 3 - Biodiversity and Geodiversity
SE 4 - The Landscape
SE 5 - Trees, Hedgerows and Woodland
SE 6 - Green Infrastructure
SE 7 - The Historic Environment
SE 8 - Renewable and Low Carbon Energy
SE 9 - Energy Efficient Development
SE 12 - Pollution, Land contamination and Land instability
SE 13 - Flood Risk and Water Management
CO 1 - Sustainable Travel and Transport
CO 2 - Enabling Business Growth Through Transport Infrastructure
CO 4 - Travel Plans and Transport Assessments
EG 1 - Economic Prosperity
EG 3 - Existing and Allocated Employment Sites
IN 1 - Infrastructure
IN 2 - Developer Contributions

Site Allocations and Development Policies Document (SADPD)

PG9 Settlement Boundaries
GEN1 Design principles
ENV1 Ecological network
ENV2 Ecological implementation
ENV3 Landscape character
ENV5 Landscaping
ENV6 Trees, hedgerows and woodland implementation
ENV7 Climate Change
ENV12 Air quality
ENV14 Light pollution
ENV15 New development and existing uses
ENV16 Surface water management and flood risk
ENV17 Protecting water resources
HER 1 Heritage assets
HER 4 Listed Buildings
HER 5 Registered parks and gardens
HER 8 Archaeology
HOU12 Amenity
INF 1 Cycleways, Bridleways and footpaths
INF3 Highways safety and access
INF9 Utilities

Weston and Basford Neighbourhood Plan 2015 - 2030

- Modified plan made on 20th February 2024

However, the Modified Neighbourhood Plan states that, "For the avoidance of doubt, the policies in the Plan do not cover the land at the major allocations at Basford West, Basford East and South Cheshire Growth Village."

Other Material Considerations

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)
Adopted SPDs

CONSULTATIONS

Environmental Protection: No objection. Recommend standard informatives are attached relating to hours of construction, dust management and unforeseen contamination.

Natural England: No objection

Historic England: No comments.

Network Rail: No objection.

HS2 Ltd: No objection. The High-Speed Rail link between Birmingham and Manchester (HS2 Phase 2) is cancelled.

CEC Strategic Highways Manager: No objection. Subject to;

- a condition requiring that on first use of the new access road serving the depot, the existing access is closed,
- a commuted sum of £110,000 for the adoption of the road and maintenance of the Suds by CEC secured by S106 Agreement

Public Rights of Way: No objection. Recommended that informatives are attached in respect of the unauthorised obstruction/diversion of the public footpath and variation to the Public Right of Way is approved in consultation with the Public Rights of Way team and the Highway Authority.

Cadent: No objection

Flood Risk Manager: No objection subject to a condition being attached requiring the submission and approval of the finalised drainage strategy.

Environment Agency: Object. Insufficient information provided in relation to the impact on White-clawed Crayfish and its habitat, water quality treatment or outfalls to Mere Gutter / Basford Brook.

Weston and Crewe Green Parish Council: Object, raising the following concerns;

Supplementary comments received in relation to amended proposals;

- This application is intertwined with 23/0539N. The complication arises around the fact that Network Rail are providing an essential part of the highway infrastructure which will allow 23/0539N to be implemented. This constitutes part of the access road off the central roundabout on David Whitby Way leading towards the West Coast Main Line beyond the Taylor Wimpey development.

- The Transport Assessment gives an assessment of the volume and type of vehicle which will use this central access road from David Whitby Way and states;

" Estimated daily usage for 137 personal vehicles. Estimated daily usage of 40 commercial vehicles. These include Fuel Tankers, Environmental Tankers, Flat beds and Containers including Refuse Lorries, Delivery Vans and Low Loader flatbeds for carrying wheelsets and bogies".

- The applicant adds that, *"the current usage for personal vehicles may increase, however given the improved access that will be available for pedestrians and cyclists and the delivery of new homes within the LPS 2 Development this usage could decrease."* The Parish Council has difficulty in quantifying and reconciling this statement to assess the volume of traffic which might ultimately end up entering and leaving this site.

- Proposed increase of traffic, particularly heavy vehicles, the problems created by the MUSE development will only be exacerbated to the extreme detriment of the amenities of the residents on this part of the new Wimpey estate.

- This proposal can only be made acceptable by a reduction in the scale of the MUSE proposal (23/0539N). Requested that the two applications (23/0539N and 22/3158N) are considered at the same time, given the impact that one has on the other.

Previous Comments:

Comments of the former Weston & Basford Parish Council were submitted on 31st August 2022

- This application is on land immediately to the west of the Taylor Wimpey housing site on Basford East which has only relatively recently received a detailed planning approval. The proposed road feeds out onto the central roundabout off David Whitby Way. The land over which this proposed road crosses is allocated for industrial use as part of the Basford East Strategic Development Area identified in the Local Plan.

- No proposal has yet been formally submitted for the development of this industrial site and in consequence neither the density nor layout of this site is currently known. The Parish Council is extremely concerned in relation to this application and in the absence of further clarification raises a strong objection. The location of the new road runs east/west across the site and then north alongside the main Basford rail sidings complex. The question must be asked as to the extent to which this will compromise the detailed layout of the industrial site along with proposed uses, but even more important no indication is given as to the volume, type or size of vehicles which will use this road.

- There are also amenity considerations here relating the Wimpey housing development and on the opposite side of David Whitby Way is the proposed Primary School with considerable pedestrian activity in the vicinity of David Whitby Way at this point.

- Further clarification is required of the intensity and type of traffic likely to use this proposed road along with information as to how this proposal will fit into the overall layout of the Basford East Development at this point. This seems to be yet another

example of the piecemeal and un co-ordinated way in which this Strategic Development Area is being developed.

OTHER REPRESENTATIONS

Representations have been received from Taylor Wimpey.

It is requested that consideration is given the following items;

- The drainage strategy with regards to discharge into Basford Brook. The proposals submitted are not reflective of the designs approved under the TW reserved matters scheme.
- Achievement of safe interface between the residential scheme and the highway work proposed through a Construction Management Plan.

OFFICER APPRAISAL

Key Issues

- Principle of development
- Highways
- Ecology
- Trees
- Landscape
- Amenity
- Flood Risk/Drainage

Principle of Development

The access road proposed by this application is essentially to provide an alternative and safe access to the Arriva rail depot via David Whitby Way. The existing vehicular access serving the depot is via a “ high risk” level crossing , and its removal will constitute a significantly safety benefit. .

However, the access road also passes through, and would provide access to, a significant part of an allocation LPS2 - Basford East, Crewe of the CELPS for the delivery of employment use from David Whitby Way via western end of the existing spine road.

The justification of Policy LPS 2 importantly adds that, “The provision of employment development is the principal and overriding objective of the Basford East Site”. It is further recognised that Basford East is a gateway site into Crewe and presents the opportunity to create a high-quality employment led, vibrant and sustainable, mixed-use development with excellent links to Crewe and the M6 Motorway. Key to the site's delivery is the provision of Crewe Green Link Road South (David Whitby Way).

Site Allocation LPS 2 Basford East sets out the development plan policy for the site. This includes, that its development over the Local Plan Strategy period 2010 -2030 will be achieved through:

1. The delivery of up to 19 hectares of B1 Office Space, up to 5 hectares of B2 floor

space; to include the creation of a fourth-generation business park, with generous green infrastructure provision. The site is not considered to be suitable for B8 uses, due to highway constraints;

However, in consideration of planning application 23/0539N (MUSE) the Council's Highway Officer advised that the inclusion of B8 use within the employment site, is not unsuitable in transport terms as the nature and extent of anticipated vehicular movements generated by the employment development would not have an adverse impact on the local highway network either in terms of highway safety, traffic management issues or capacity. The design and alignment of the proposed access road is the same as that already approved to serve the MUSE employment scheme.

Policy LPS 2 also includes a series of Site-Specific Principles relating to the overall Basford East site. The following Issues which are considered relevant to the provision of the new access road and are addressed in following sections of the report;

- Necessary contributions to road infrastructure improvements
- Provide improved access from David Whitby Way through to the existing Rail Depot
- Provision of pedestrian and cycleway links with connections through to South Cheshire Growth Village LPS 8
- Achieve a quality of place and green setting for the employment park with the integration of safe and secure pedestrian and cycle routes
- Provision of appropriate noise mitigation measures

Highways and Accessibility

A new access road is proposed to serve the Arriva Train Care Depot connecting to the western end of the adopted Homes England spine road which links to the roundabout on David Whitby Way.

Traffic Impact

The current access to the maintenance depot is from a narrow access leading from Weston Road which includes a level crossing identified as one to be closed. The applicant has submitted information of traffic movements, the number of existing trips that access the site via the level crossing (which is to be closed) is 177 vehicles per day that would switch to using the new access road upon completion. This figure is split between 137 light vehicles and 40 HGV vehicles. It is not anticipated by the applicant that there would be a material increase in traffic generation by the Arriva depot site in the future and there is now no impact on the route associated with HS2.

The new access road usage will be shared between the existing Taylor Wimpey development the Arriva Depot site and also the Muse employment development (23/0539N), and the effects of all three developments are therefore considered.

An assessment of all three sites using the access road has been undertaken. The Highway Officer points out that the traffic generation of 177 daily trips of the depot is very small when compared to the predicted daily traffic generation of the Muse

development which has approximately 460 peak hour trips alone using the access road.

In capacity terms, the level of traffic generated by the depot rail application can easily be accommodated by a 7.3 industrial standard access road and traffic impact arising from these proposals is therefore considered acceptable.

The cumulative traffic impact of all the developments has been assessed at various junctions in the consideration of 23/0539N for the Muse development. This determined that given the significant scale of the Muse employment scheme and its predicted vehicle movements, off-site improvements at various junctions, including the David Whitby Way/A500 roundabout and the Meremoor Moss roundabout would be required to mitigate its impact.

However, given the modest level of traffic generation from the depot there is no requirement for off-site junction improvements to be secured through this application.

Accessibility

The Highway Officer advises that the design of the road is the same as the existing spine road which is a 7.3m industrial standard road. It has a 3m wide shared pedestrian/cycle path on the northern side and a 2m footpath on the southern side enabling connection to internal footways/cycleways the Muse scheme, and this then connects with a similar facility on the western side of David Whitby Way. There is a network of existing footways north of the Basford East Strategic Site towards Crewe and the shared footway/cycleway extends to Crewe Green roundabout.

It is important that developments are able to be accessed via pedestrian footways and that cycle facilities are provided, preferably on segregated paths.

There are a number of side-road access points along the road to serve the future Muse employment development (23/0539N). The Highway Officer advises that the submitted road design has also been subject to a stage 1 safety audit that has not raised any significant safety concerns to be addressed.

The submitted highway design is acceptable and there are no objections to the alignment and road construction. Significant surface water drainage/maintenance issues have been resolved during the course of the application to allow CEC to adopt the full extent of the road from the depot to the existing end of the adopted spine road.

A commuted sum of £110,000 to be secured via a S106 Agreement for the adoption of the road by CEC is required as part of this application.

Summary

The proposed main access road is of an acceptable industrial standard to serve the Arriva Train Care depot and is intended to be adopted by the Council.

The capacity of this 7.3m wide road is more than adequate to serve the predicted traffic generation by the depot and also these additional trips do not affect capacity at any of the junctions on David Whitby Way.

The new access road usage will ultimately be shared between the Muse employment development, Taylor Wimpey residential scheme and also the Rail Depot. The Highway officer has advised that an assessment of all three sites using the access road has been undertaken. The traffic generation equates to 460 peak hour trips for the MUSE scheme using the access road and a comparatively modest number of 177 daily trips would be generated by the Network Rail Depot.

In consideration of planning application 23/0539N, it was determined that the impact on the wider highway network from the Muse development (23/0539N) would be required to be mitigated through the implementation of a scheme for signalisation of the David Whitby Way/A500 roundabout, and also an A500/ A5020 access improvement contribution of £2.45M to be secured through a S106 Agreement.

However, in terms of this application, the highway impact solely arising from the use of the access road serving the depot is not considered material and therefore off-site improvements are not necessary and cannot be justified.

The Highway Officer raises no objection, subject to a condition being attached requiring that the closure of the excising access serving the depot prior to the commencement in use of the new access road. In addition, a commuted sum of £110,000 for the adoption of the road and maintenance of the SuDS by CEC Highways is required to be secured by S106 Agreement.

Ecology

There are various ecology matters to consider and these are broken down into the following subsections and assessed accordingly. Revised comments have been received from the Council's Ecologist in respect of updated information which has been submitted in respect of the Biodiversity Net Gain (BNG) assessment, surveys and mitigation reports.

Statutory Designated Sites

The application site falls within Natural England's SSSI impact risk zones associated with road schemes. I note that Natural England have been consulted on this application and raised no objection.

Non-statutory Designated Sites

The Mere Gutter and Basford Brook Local Wildlife Site (LWS) is located immediately to the north of the application site. Sites such as this receive protection through Local Plan Core Strategy Policy SE3. The LWS supports one of only a two surviving native white clawed crayfish populations in Cheshire. This species is sensitive to changes in water quality.

The Council's Nature Conservation Officer and the EA (Ecology) raised concerns that insufficient information had been provided to demonstrate that the drainage scheme would not prevent water quality deterioration of Basford Brook.

However, a revised drainage strategy has been submitted to minimise contamination of the Local Wildlife with surface water from the road being discharged into Basford

Brook via SuDS features. The scheme proposes a minimum three-treatment SuDS scheme including an attenuation pond which removes pollutants and contaminants prior to surface water being discharged to the brook. The Council's Ecologist advises that the proposed SuDS would be sufficient in addressing the potential risk of the LWS being affected by contamination arising from the proposed development.

In addition, the submitted drainage strategy specifies that headwalls for the surface water outfall will be set back from the brook with surface water discharging via new swales following natural flow paths to the brook. This ensures that disturbance to the brook is minimised.

The Council's Ecologist further advises that risks related to construction phase disturbance and contamination can be addressed through the implementation of a Construction Environmental Management Plan (CEMP). This should include fencing off 'no go' areas during the construction process and emergency spill response plan and dust control to minimise contamination. A condition is recommended requiring the submission and approval of a CEMP.

A further condition is recommended requiring that the drainage scheme including the SUDS components as detailed in the submitted Surface Water Technical Note and also the appointment of ecological clerk of works to supervise the installation of the outfalls and swales in the vicinity of Basford Brook.

Priority Woodland

There is an area of woodland that appears on the national inventory of Priority Woodland Habitat located north of the application site. Habitats of this type receive local plan protection and are a material consideration for planning.

However, the Council Ecologist advises that this woodland does not appear to meet the definition of this habitat type, so whilst still being of biodiversity value, is not likely to meet the definition of a priority habitat type. Nevertheless, the loss of this woodland would still be accounted for in the Biodiversity Net gain calculations.

Terrestrial invertebrates

A number of Priority Butterfly and Moth species have previously been recorded on site. No specific invertebrate survey has however been undertaken in support of the application. Priority Species of this type are a material consideration for planning.

Based on the information currently available much of the application site is of limited value for invertebrates being arable in nature. No suitable food plants were recorded during the submitted surveys for the three priority butterfly species listed as recorded on site. Consequently, the Council's Ecologist considers that habitats on the application site may not be suitable to support these species.

The species of the priority moths previously recorded is site is however unknown, so it is impossible to assess the impacts of the development upon these species, but

they may potentially be adversely affected by the loss of woodland and scrub habitats resulting from the development.

Hedgerows

The submitted Ecological Assessment advises that the proposed development would result in the loss of a section of hedgerow H1, which is Important under the Hedgerow Regulations. Hedgerow removal has been limited to that required for the introduction of the new access road, and subsequent removal of the level crossing to improve safe access to the Arriva depot site.

The submitted Biodiversity Net Gain report refers to the creation of 210m of new hedgerows to ensure that the proposed development delivers a net gain in respect of hedgerows. The Council's Ecologist advises that the biodiversity metric calculation addressed below can be used to determine whether sufficient hedgerow planting is being provided to compensate for that lost.

Ponds and Aquatic Invertebrates

The proposed development would result in the loss of one pond (Pond 3). A second pond (Pond 9) is located immediately adjacent to the proposed road is proposed to be retained and protected by a retaining wall. A condition requiring the implementation of a CEMP will safeguard this pond.

The survey of pond 3 for aquatic invertebrate was undertaken when the pond was dry, The Council's Ecologist advises that the potential of pond 3 to support priority aquatic invertebrate species cannot therefore be fully discounted, and it can only be concluded that none were likely to be present at the time of the survey. No replacement ponds are currently proposed on site but are however proposed to be delivered at an offsite location.

Great Crested Newts

This protected species is known to utilise ponds within the broad locality of the application site. Updated surveys have identified a population of this species at a single pond on site.

In the absence of mitigation, the proposed development would result in an adverse impact upon this species as a result of the loss of terrestrial habitat, habitat fragmentation and the risk of newts being killed during the construction phase.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places:

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is;

- (b) no satisfactory alternative and
- (c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Policy SE 3 of the CELPS states that development which is likely to have a significant impact on a site with legally protected species will not be permitted except where the reasons for or the benefits of the development outweigh the impact of the development. Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to protect and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In terms of the Habitat Directive tests;

- The proposed development is of overriding public interest. The proposed access road would provide improved alternative vehicular access to the Arriva rail depot and enable the closure of its existing narrow access over an identified "high risk" level crossing. In addition, the site forms part of the Basford East Strategic Allocation and the access road would also enable the delivery of significant employment opportunities and economic benefits for Crewe - supporting the overall aims of the local plan strategy and the important contribution made by this strategic site.
- There are no suitable alternatives in providing improved access to the rail depot from the Crewe Green Link road (David Whitby Way) as required under Clause (a) Site Specific Principle of development of CELPS allocation LPS 2 Basford East, Crewe. In addition, the road will provide suitable access for this large Strategic Site and for which there is no satisfactory alternative.
- In order to address the potential, impacts of the proposed development upon this species, the applicant intends to enter the development in Natural England's District Level Licencing scheme and has provided confirmation that the development has been accepted onto the scheme in principle.

The Council's Ecologist advises that entry into the district licencing scheme would be sufficient to maintain the favourable conservation status of the species. A condition

is therefore recommended requiring entry of the proposed development into Natural England's District Level licencing scheme prior to the commencement of development,

As a result, the proposed development would comply with the relevant policies of the Development Plan in terms of the impact upon protected species.

Common Toad

This priority species is known to be present on site. The Council's Ecologist advises that the development is likely to result in an adverse impact upon this species as a result of the loss of low-quality terrestrial habitat, habitat fragmentation and mortality occurring as a result of the operation of the road.

Badgers

A badger survey has been submitted in support of the application. Whilst badgers are active on site no active setts were recorded within suitable habitat affected by the proposals. Based upon the current status of badgers on site the proposed development will not have a direct impact upon a sett but would have a minor impact as a result of the loss of an area of suitable foraging habitat.

As the status of badgers on a site can change in a short timescale it is recommended that condition is attached requiring an updated badger survey to be undertaken with a report and mitigation strategy submitted prior to the commencement of development.

Bats

No evidence of roosting bats was recorded in associated with trees on site that would require removal to facilitate the proposed development. The proposed development is therefore unlikely to directly affect roosting bats.

The submitted Ecological Assessment identifies the loss of broad-leaved woodland, Pond P3 and the section of hedgerow H1 as resulting in a loss of moderate suitability bat foraging habitat. As discussed above it must be ensured that these losses are either avoided or as a last resort adequately compensated for. Whether adequate compensation is provided can be assessed through the Biodiversity Metric discussed below.

A lighting scheme has been submitted in support of the application. The Councils Ecologist advises that no lighting is proposed where the road enters the retained priority woodland in the north. Much of the proposed replacement hedgerow planting would however be affected by lighting and potentially deter foraging and commuting bats, although it is accepted that CEC Highway require the road to be lit.

Water Vole and Otter

Otters are likely to be present on the brook on at least a transitory basis. No suitable features for shelter were however recorded.

Whilst water voles have previously been present on Basford Brook this population appears to have been lost some time ago. This species is not reasonably likely to be affected by the proposed development.

Brown Hare and Hedgehog

Both of these priority species have been previously recorded within the broad vicinity of the application site. Whilst no evidence of these species was recorded on site, there remains a possibility that they may be present. The Councils Ecologist advises that the proposed development would result in an adverse impact upon this species, if present, due to the loss of suitable habitat and the risk of animals being harmed during the construction phase and road traffic collisions.

The potential impact on hedgehogs could be reduced through the retention of the existing woodland.

Reptiles

Slow worm is rare in Cheshire East and its presence is sufficient for a site to be selected as a Local Wildlife site. Slow worms are known to be present on site. The species was recorded during surveys undertaken in respect of application 23/0539N (Muse Developments).

The Councils Ecologist advises that considering the rarity of this species in Cheshire, the scheme should avoid impacts upon this species. The revised Slow Worm mitigation strategy includes a methodology for removal and exclusion of slow worm from the development footprint. A condition is therefore recommended that the development is undertaken in accordance with the submitted Reptile Mitigation Strategy.

Breeding Birds

A standard condition is recommended to safeguard nesting birds.

Biodiversity Net Gain

In accordance with Local Plan policy SE3(5) all development proposals must seek to lead to an overall enhancement for biodiversity. In order to assess the overall loss/gains of biodiversity an assessment undertaken in accordance with the Defra Biodiversity 'Metric' has been submitted in support of this application.

The metric calculation as submitted shows the proposed development, and associated habitat enhancement works outside the red line of the application, would deliver a biodiversity net gain as required by Local Plan policy. This meets the requirements of SADPD Policy ENV2, as opposed to the mandatory BNG requirements that came into effect in February 2024 and to which this application is exempt as it was submitted in August 2022.

The BNG metric shows that the proposed development would achieve a net gain for both area-based habitats and hedgerows. The submitted BNG report proposes that

BNG can be achieved through additional habitat creation either on other Network Rail land or on land located between the employment park and the A500.

A section 106 agreement would be required to secure the offsite biodiversity measures including the submission of a habitat creation method statement and 30-year monitoring and management plan.

A planning condition is required to secure the submission and implementation of a habitat creation method statement and a 30-year habitat management plan and monitoring plan for the on-site works.

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the development in accordance with Local Plan Policy SE 3. A further condition is recommended of proposals for ecological enhancement including features for nesting birds and brash/deadwood piles.

Summary

In summary, subject to the completion of a S106 Agreement to secure off-site habitat to deliver Biodiversity net gain, and a series of planning conditions to protect species and safeguard/enhance habitat (including Basford Brook) the Council's Ecologist raises no objections to the development.

Trees

The application is supported by an Arboricultural Report & Impact Assessment. The survey confirms the presence of 7 individual and 1 group of moderate quality B Category trees, 19 individual and 9 groups of low-quality C Category trees and 1 poor quality U Category tree. Of these, 1 individual and 2 groups of moderate quality trees and 8 individual and 2 groups of low-quality trees have been identified as requiring removal to accommodate the project.

The Forestry Officer advises that the extent of tree cover required to be removed essentially comprises of young to early mature trees and although is considered quite significant, it is not afforded any statutory protection, nor is it widely visible from any public vantage points. As advised by the Council's Ecologist the area of tree cover affected does not appear to meet the definition of the Priority Woodland Classification, and it is considered that sufficient information has been provided to classify the woodland as non-priority due to the woodland containing low species diversity.

The Arboricultural report has quantified the losses that would be necessary to accommodate the road and drainage scheme (SUDS). The overall impact of the proposal is considered to result in a slightly adverse, but not significant impact on the wider amenity of the area. While any tree loss is regrettable, it is accepted that provision could be made to secure the necessary levels of replacement planting in accordance with CELPS Policy SE5. As set out below landscaping is proposed inside the site boundary to compensate for the tree loss which is proposed, although the Forestry Officer considers that ideally further replacement planting off-site should be provided as well as meeting BNG requirements.

The arboricultural report confirms the position of all other retained trees and vegetation, and a tree protection scheme and method statement to be adhered to throughout any approved construction period will be required. The Forestry Officer raises no objection to the road scheme, subject to conditions being attached requiring the submission of a scheme of tree protection measures and Arboricultural Method Statement to ensure the long-term retention of the trees.

Landscape

A key landscape requirement of LPS 2 is the provision of green infrastructure including new planting, the creation of tree lined boulevards, provision of green spaces and retention of existing trees and hedgerows.

Although the development will involve some loss of trees and also the removal of hedgerow to enable the new access road to link to the western end of the existing spine road, this will be largely compensated by the proposed planting scheme. The landscape master plan indicates the provision of a “green corridor” alongside the access road, comprising of a significant number of street trees lining the route combined with native hedgerow planting. In addition, naturalistic tree groups and native planting, including wetland meadow, are shown to enhance the proposed SUDs area.

The Landscape Officer advises that overall, the landscape proposals are acceptable at this stage. However, a condition is recommended to be imposed requiring finalised details of the landscape scheme and planting specifications be submitted for approval.

Amenity

SADPD Policy HOU 12 (Amenity) states that new development should not be permitted if it is deemed to cause unacceptable harm upon neighbouring amenity such as from visual intrusion or noise and disturbance.

Residential properties of the approved Taylor Wimpey (TW) development (21/4434N) will front onto the spine road leading from the roundabout on David Whitby Way. The approved TW layout ensures that proposed dwellings are well set back behind buffer planting along the central spine road, given this would also serve as the main access to the adjoining employment site to the west (and the rail depot). In addition, roadside tree planting the landscape buffer areas, will provide a green corridor into the development of depths of between around 7m to 11m in depth.

The numbers of vehicle movements which would access the rail depot via the new road from David Whitby Way, would however be low, and not therefore result in levels of noise or disturbance harmful to the amenities of dwellings of the TW development. The Council’s Environmental Health Officer has raised no objections and noise mitigation measures are not required to be secured through this application.

However, in support of the Muse employment scheme (23/0539N) , a noise impact assessment was submitted and assessed by the EHO. In terms of traffic noise associated with vehicular movements generated by the employment development the report recommended the provision of mitigation in terms of an upgraded specification of double glazing and trickle vents for specified dwellings of the TW scheme adjacent to the access road, as well as additional 1.8 m high screen fencing to several plots to provide necessary acoustic screening from the road.

The EHO and TW considered the noise assessment and its recommended mitigation measures acceptable. Importantly, TW confirmed in its representations to application 23/0539N that, "Muse have confirmed that they will cover the reasonable costs for Taylor Wimpey in relation to the mitigation required".

Construction activities associated with the road scheme have the potential to result in noise and disturbance to neighbouring properties. To mitigate these impacts on future occupiers of the neighbouring TW scheme, a condition is recommended requiring the submission and approval of a Construction Environment Management Plan (CEMP) prior to the commencement of development.

Flood Risk/Drainage

A revised drainage scheme (SUDS) has been submitted, given the need to safeguard White Clawed Crayfish within Basford Brook.

As set out in the Ecology section of the report above, and notwithstanding the concerns raised by the EA, the Council's Ecologist advises that the proposed Suds scheme would be sufficient in addressing the potential risk of the LWS being affected by contamination arising from the proposed development and ensures that disturbance of the brook is minimised. A further condition is recommended requiring the provision of Construction Environmental Management Plan (CEMP) to be submitted to safeguard the Mere Gutter and Basford Brook LWS throughout the construction phase.

Basford Brook is designated as a 'main river' by the Environment Agency. Most of the site is located in Flood Zone 1 (lowest area of flood risk). An area in the north of the site, adjacent to Basford Brook, lies in Flood Zone 2 and 3.

Surface water would be dealt with by appropriate SuDs techniques as set out the Sustainable Drainage Systems Supplementary Planning Document (SuDS SPD). In particular, the proposed drainage strategy includes a range of SuDS features such as surface water passing through a filler trench, vortex separators swales and an attenuation pond prior to discharging to Basford Brook.

As Basford Brook is considered a 'sensitive watercourse' due to the presence White Clawed Crayfish, a "three-tiered" SuDS system is importantly proposed in accordance with the SuDS SPD. This ensures that enhanced water quality improvement is achieved by surface water passing through the suds systems before discharge into Basford Brook.

The Council's Flood Risk Manager has raised no objections in principle to the proposed Drainage Strategy. Although detailed issues are required to be addressed in respect of the final design of elements of the drainage system, and condition is therefore recommended to be imposed.

The application proposals are therefore deemed to adhere with Policy SE13 of the CELPS and Policy ENV 16 of the SADPD.

SECTION 106

A Section 106 Agreement is required to secure the following:

- A commuted sum of £110,000 for the adoption of the new road and maintenance of the SuDS by CEC Highways
- To secure the offsite habitat creation measures, including the submission of a habitat creation method statement and 30-year monitoring and management plan, to ensure the development deliver the required Biodiversity Net Gain (BNG)

CIL REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- a) Necessary to make the development acceptable in planning terms;
- a) Directly related to the development; and
- c) Fair and reasonably related in scale and kind to the development.

It is considered that the contributions required as part of the application are justified meet the Council's requirement for policy compliance. As set out above, all elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. On this basis the scheme is compliant with the CIL Regulations 2010.

CONCLUSIONS

The access road also passes through and would provide access to a significant part of allocation LPS2 - Basford East, Crewe of the CELPS for the delivery of employment use from David Whitby Way via the western end of the existing spine road. Its provision is therefore considered acceptable in principle.

In addition, the access road will specifically provide an alternative, safe and improved access to the Arriva rail depot via David Whitby Way in accordance with the requirements of Policy LPS 2 . The existing vehicular access serving the depot is via a "high risk" level crossing, and its removal will constitute a significant safety benefit.

The design and alignment of the access road is acceptable and consistent with that approved to serve the Muse employment scheme under 23/0539N, incorporating pedestrian/cycle/infrastructure to ensure good connectivity within the employment site and within Basford East beyond. No objections are raised by the Highways Officer subject to a condition being attached requiring the closure of the existing access

serving the rail depot prior to the commencement in use of the new access road and a commuted sum being secured for the adoption of the road and maintenance of Suds.

Issues relating to trees, drainage/flood risk, amenity and landscaping have been addressed and are subject to conditions where necessary.

Ecological issues have been satisfactorily addressed particularly in respect to safeguarding habitat (including Basford Brook) and protected species subject to a series of planning conditions being imposed. The delivery of biodiversity net gain is achieved through the creation of off-site habitat secured through a S106 Agreement.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the Development Plan, and advice contained within the NPPF.

RECOMMENDATION: APPROVE, Subject to conditions and the prior completion of a S106 Agreement to secure the following:

S106	AMOUNT/REQUIREMENT	TRIGGER
Commuted Sum for adoption of the new road and maintenance of SuDS by CEC Highways	£110,000	Prior to commencement in use of road
<u>BNG</u> Details of offsite biodiversity measures including the submission of a habitat creation method statement and 30-year monitoring and management plan, and biodiversity metric	Submission of BNG measures, habitat creation method statement and 30-year monitoring and management plan, and biodiversity metric.	<ul style="list-style-type: none">- Submit details for approval prior to commencement.- Delivery of habitat creation in the next appropriate season following commencement

AND subject to the following conditions;

1. Commencement of development (3 years)
2. Development in accordance with approved plans
3. Submission of details of landscaping scheme
4. Implementation of landscaping scheme
5. Submission of Arboricultural Method Statement prior to commencement of development

6. Submission of a scheme for the protection of trees prior to commencement of development
7. Details of Levels
8. Prior to commencement of development submission and approval of the finalised surface water drainage strategy (SUDS)
9. Closure of existing access using the Arriva Train depot on commencement in use of new road access.
10. Submission of a CEMP to include measures to safeguard the Mere Gutter and Basford Brook LWS and to safeguard residential amenity.
11. Drainage scheme to include specified SUDS treatments and appointment of ecological clerk
12. Entry of the proposed development into Natural England's District Level licencing scheme prior to commencement of works on site.
13. Updated badger survey prior to commencement of development
14. Safeguarding of nesting birds.
15. Submission and implementation of habitat creation method statement, and 30-year habitat management and monitoring plan for on-site habitat works.
16. Submission and Incorporation of features for ecological enhancement.
17. Implementation of Reptile Mitigation Measures.

